

MAY 26 2015

RESOLUTION NO. 15-

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE CITY OF OAKBROOK TERRACE AND THE DUPAGE CONVENTION AND VISITOR'S BUREAU FOR PROFESSIONAL SERVICES TO PROMOTE TOURISM AND PROVIDE MARKETING AND ADMINISTRATIVE SERVICES RELATED THERETO FOR THE CITY FOR FISCAL YEAR 15-16

WHEREAS, the Hotel, Convention And Visitor's Commission (the "Commission") of the City of Oakbrook Terrace (the "City") has recommended to the City Council that an agreement be entered between the City and the DuPage Convention and Visitor's Bureau (the "DCVB"), in order to provide for certain professional services to promote tourism and provide marketing and administrative services related thereto for the City (the "Services"); and

WHEREAS, the City Council has determined that it is desirable and in the best interest of the residents and businesses in the City to enter such an agreement with the DCVB to provide the Services for Fiscal Year 15-16,

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Oakbrook Terrace, DuPage County, Illinois, as follows:

SECTION 1. An "Agreement Between The City Of Oakbrook Terrace And The DuPage Convention & Visitors Bureau" is hereby approved in substantially the form attached hereto and made part hereof as Exhibit "A", to provide for the furnishing of the Services by the DCVB and payment for the same by the City, pursuant to the terms of such Agreement.

SECTION 2. This Resolution shall be in full force and effect after its passage and approval as provided by law.

PASSED AND APPROVED This 9th Day Of June, 2015.

Tony Ragucci, Mayor

ATTEST:

Cheryl Downer, Deputy City Clerk

**AGREEMENT BETWEEN THE CITY OF OAKBROOK TERRACE AND
DUPAGE CONVENTION & VISITORS BUREAU**

THIS AGREEMENT, is made and entered into at DuPage County, Illinois on July 1, 2015, by and among the City of Oakbrook Terrace, an Illinois municipal corporation (hereinafter the "City"), and the DuPage Convention and Visitors Bureau, a not for profit corporation operating under Section 501(c)(6) of the United States Internal Revenue Code (hereinafter "DCVB"):

RECITALS:

WHEREAS, the City has created and received recommendations from its Hotel Commission (the "Commission") related to promoting tourism benefiting the City of Oakbrook Terrace; and

WHEREAS, the DCVB wishes to provide marketing and administrative services to the Commission; and

WHEREAS, the City finds that the efforts of the DCVB will benefit the hotels in the City by increasing tourism through the responsible expenditure of funds from the hotel and motel taxes paid the City.

NOW, THEREFORE, for lawful and valuable consideration, the legality, mutuality and sufficiency of which is hereby acknowledged, the City and the DCVB hereby agree:

Section One. DCVB Services to the Commission and City. The DCVB will provide marketing and administrative services to the Commission for the sole purposes of promoting tourism within the City. The Commission shall be the initial contact and provide recommendations upon City action respecting the DCVB's marketing and administrative services. DCVB will perform the following services in a manner sufficient to permit the City to meet local need and comply with applicable laws and regulations, including approvals of expenditures and purchasing:

- (A) DCVB will coordinate and implement a comprehensive advertising and marketing program, on a project-by-project basis through June 30, 2016, created by the Commission's Oakbrook Terrace Hotels, and under direction of majority vote of such representatives of the seven hotels. The "Program" is set forth in general detail in the attached Exhibit "A".
- (B) DCVB will conduct market research and assist in making recommendations to the Commission for advertising, marketing and promotional activities.

- (C) DCVB will coordinate its services and the City's efforts with vendors for design and production of ad materials, brochures, direct mail, and other communications promoting or explaining the offerings in the City.
- (D) DCVB will direct all media buys and advertising placement.
- (E) DCVB will provide financial administrative services by project and submit detailed reports on revenues and expenditures to the Assistant Finance Director, on a quarterly basis.
- (F) DCVB will assist the Commission and the hotels in an effort to establish a substantially uniform format for gauging and reporting the success of advertising and marketing efforts within this program in drawing hotel users into the City.

Section Two. Limitation Upon and Equality of Efforts. DCVB understands the many issues that may arise in managing a budget in a marketing program for a collection of hotels and motels, and recognizes this is a complex task. Nevertheless, DCVB acknowledges the DCVB, the City and the Commission must be guided by fairness and reasonableness in the expenditure of these funds. The DCVB will operate the Program at the direction of the seven Oakbrook Terrace hotels in a manner intended to benefit all hotels through this Agreement.

Section Three. City Compensation. DCVB will place media buys, report, and pay bills net terms per vendor from approved hotels' budget. The City will issue hotel occupancy tax funds in the amount of \$100,000 for promotion of the seven hotels in Oakbrook Terrace to DCVB, acting as agency, in two equal installments. The first payment will be made within thirty (30) days following approval of this Agreement. The second payment will be made by January 1, 2016. The conditions of the payment of these funds are:

- (A) DCVB shall allocate a marketing grant from its budget in an amount up to \$5,000.00 on State of Illinois approved projects with DuPage CVB for the benefit of improving tourism and supporting the hotels and motels within the City, in accord with the recommendations of the Commission. This sum may be adjusted proportionally (according to the percentage of City funds expended versus funds budgeted) downward in the event the DCVB does not expend the full \$100,000.
- (B) In the event the DCVB does not expend the full \$100,000, then, at the City's option, the unspent funds will either be returned to the City or used as a credit towards the following year's allocation. The DCVB will report to the City on the amount of unspent funds during the first quarter of the following year, such quarter beginning July 1, 2015.

- (C) DCVB will work with the Commission to prepare a project based marketing budget for the expenditure of the hotel occupancy tax funds and the DCVB's marketing grant funds.
- (D) DCVB will communicate purchases and expenditures to the Commission and the Assistant Finance Director, and the City agrees that DCVB's compliance with State of Illinois purchasing requirements shall be sufficient to meet local ordinances, because the services and goods purchased require technical expertise and are already subject to a level of state protections.
- (E) DCVB shall provide the Commission and the Assistant Finance Director with copies of invoices, proof of payment, proof of performance and a summary sheet of the transactions for each portion of the Program, All reports shall be submitted on a quarterly basis, and they shall include copies of contracts, invoices, checks, proof of performance, and other documentation of the promotional program. The DCVB will report all of the transactions on a project-by-project basis as part of the quarterly reports.
- (F) DCVB shall provide the Commission and the Assistant Finance Director with copies and any meeting minutes of the DCVB Board or any of its internal commissions as it pertains to the City.

Section Four. Administration of Funds.

- (A) DCVB hereby agrees to administer the funds as voted and approved by hotel majority, and as provided under the Agreement and the grant funds from the DCVB for the purposes set forth herein from the beginning date of July 1, 2015 through June 30, 2016. DCVB shall place all City Hotel Tax funds issued to the Commission under this Agreement or to DCVB through the Commission under this Agreement, in a separate expenditure line item from the regular DuPage countywide advertising campaign to which the City already contributes. DCVB agrees to do all administrative tasks and oversee payment of all invoices.
- (B) Under no circumstances is the DCVB, the Hotel Commission or any other entity involved in the execution of this contract have the authority to agree to or authorize any expenditures above and beyond the said contract amount.

Section Five. Promotional Program. The Commission and DCVB will work together to develop and implement a promotional program to promote the City of Oakbrook Terrace for the promotions of overnight stays.

- (A) **INTELLECTUAL PROPERTY.** All promotional materials prepared by the DCVB for the Commission will be the property of the Commission and City. All copyrights in publications, recordings and other works shall be in the City's name, and DCVB and any contractors shall execute all documents necessary to effect this ownership whether work-made-for-hire agreements or assignments. The logos, trademark and trade dress of the hotels participating in the program shall remain their property, and the City has no ownership or right of use other than as licensed by the hotels. Should a hotel or motel refuse to allow the use of its name and/or logo, the City, Commission and DCVB shall cease utilizing any fund within this Agreement to promote the hotel(s) or motel(s). The City hereby licenses the use of its logos, and any trademarks or service marks owned by the City, to the DCVB and those hotels and motels participating in the programs funded by this Agreement and solely in accordance with the program. No other license exists between the DCVB and any other hotel or motel unless in another writing.
- (B) **NON-INFRINGEMENT.** The City, Commission and DCVB shall not infringe any intellectual property rights, rights of privacy, rights of publicity or other personal or trade rights of any person or corporation. The use of any works, of identities, of sources of goods or services, and of affiliations shall be reviewed and approved by the City Attorney or an individual with the DCVB who is knowledgeable of the laws governing infringement. All permissions and licenses necessary shall be obtained before any publication or use of any works, of identities, of sources of goods or services, and of affiliations.
- (C) **MINIMUM CONTENT GUIDELINES.** To the extent permitted by Illinois and local laws and ordinances, program materials shall contain the following: (1) branding and recognition of the hospitality product in Oakbrook Terrace; (2) the City's logo; (3) the State of Illinois logo; and (4) the DCVB logo.

Section Six. *Coordination Through Commission.* All aspects of the program shall receive the recommendation of the Commission, including but not limited to the content, date and volume of brochures and direct mail pieces.

Section Seven. *Auditing of the DCVB.* The City of Oakbrook Terrace has the right to conduct an audit of the DCVB and its operations that they perform on behalf of the City on a quarterly basis, or as the Assistant Finance Director deems necessary.

Section Eight. *Relationship of Commission, City and DCVB.*

- (A) The Commission and City shall work with DCVB only to accomplish authorized objectives of insuring the proper expenditure of City Hotel Tax funds. Under no circumstances shall the DCVB be an agent of the City, and no employee of the DCVB shall be deemed an employee of the City. Further, no employee or official of the City shall be deemed an employee of the DCVB. The DCVB is and will remain a distinct entity retained by the City to perform a service. DCVB shall perform services under this agreement to the Commission and City.

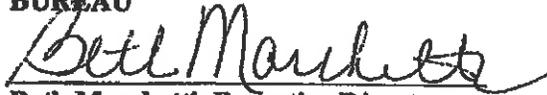
- (B) A Representative of the DCVB will give a presentation to the City Council at a public meeting no less than semiannually.

IN WITNESS WHEREOF, this agreement has been duly executed by the respective parties, hereto, through their duly authorized officers.

CITY OF OAKBROOK TERRACE

DUPAGE CONVENTION & VISITORS BUREAU

Tony R. Ragucci, Mayor


Beth Marchetti, Executive Director
DuPage Convention & Visitors Bureau
FEIN #36-3667324

Attest:

Attest:

Cheryl Downer, Deputy City Clerk


Suzanne Coch-Beres
Board Member



AGENDA ACTION
MAY 26 2015

Interdepartmental Memo

To: Mayor Ragucci and City Council
Amy Marrero, City Administrator

From: Mihaela Dragan

Re: Letter of Recommendation
1S325 Ardmore Avenue / Oakbrook Terrace Community Park
District / Case #15-12
Zoning Amendment, Special Use, And Variances For The Property
To Be Annexed To The City Of Oakbrook Terrace
City Council Meeting: April 28, 2015

Date: March 23, 2015

REQUEST:

Mayor and City Council to ask the City Attorney to prepare an ordinance.

BACKGROUND:

A Public Hearing before the Planning and Zoning Commission of the City of Oakbrook Terrace was held March 17, 2015, to consider a request by the Oakbrook Terrace Community Park District for a zoning amendment, special use, and variances for property to be annexed to the City of Oakbrook Terrace as follows:

- Pursuant to Section 156.075 (B) (3) of the Zoning Ordinance to allow a special use for a Park District facility.
- A variation from Section 156.075 (E) (1) (b) of the Zoning Ordinance reducing the minimum required front yard of not less than ten (10) feet in depth for paved area to zero (0) feet.
- A variation from Section 156.075 (E) (2) (b) of the Zoning Ordinance reducing the minimum required side yard of not less than ten (10) feet in depth on each side of the lot for paved area to five (5) feet for the north side yard and four (4) feet for the south side yard.
- A variation from Section 156.075 (E) (3) (b) of the Zoning Ordinance reducing the minimum required rear yard of not less than ten (10) feet in depth for paved area to zero (0) feet.

- A variation from Section 156.104 of the Zoning Ordinance to eliminate the requirement for a loading dock for each building having a gross floor area of ten thousand (10,000) square feet.
- A variation from Section 156.049 of the Zoning Ordinance to eliminate the landscaping requirements to allow landscaping on the property to remain as it exists.
- A variation from Section 156.039 (B) (4) of the Zoning Ordinance to eliminate the requirement for a fence and landscaping between the residential and nonresidential uses.
- A variation to allow the Park District Monument Sign of eighty two and a half (82.5) square feet to be located in the right of way on the east side of Ardmore, fifteen (15) feet west of the Park District property line.

The variations from the Zoning Ordinance include variations to yards, elimination of the requirement for a loading dock, elimination of the requirement for fencing and landscaping between the Park District and residential zoned property, and to permit existing landscaping to remain as is.

The Planning and Zoning Commission recommended approval of the special use and variations from the Zoning Ordinance to permit the proposed park improvements. Specifically, the Commission voted in favor of the Park District's request 4-2.

The Planning and Zoning Commission lacks authority to recommend approval of variations to sections other than the Zoning Ordinance. Based upon this, the Petitioner withdrew its request for a variance to allow its monument sign to remain in the right-of-way and the Commission did not make a recommendation on that request.

Section 95.11 of the Code of Oakbrook Terrace, Illinois, entitled, "Encroachments in the Public Right-Of-Way," allows certain encroachments in the public right-of-way - See Exhibit A attached. The existing sign is not a permitted encroachment in the public right-of-way.

CONCLUSION:

1. The City Council shall decide if the existing sign located in the right-of-way may remain in place or whether it will have to be removed. The City Council may allow the sign encroachment to remain by granting the Petitioner written permission by way of a license agreement or other agreement or permit pursuant to Section 95.11 (B) (8) of the Code of Oakbrook Terrace, Illinois.

2. **If the City Council concurs with the Planning and Zoning Commission's recommendation concerning the special use and variations from the Zoning Ordinance, the City Council shall direct the City Attorney to prepare an ordinance.**

**17W275 Butterfield Road, Oakbrook Terrace, Illinois 60181
Phone (630) 941-8300 FAX (630)-941-7254**

Chairman
Arnulfo Noble

Secretary
Janice Coglianese

Commissioners
Jan Donoval
Steve Schneider
Norene Myszkowski
Ann Ventura
Paul Smurawski



Mayor and City Council
City of Oakbrook Terrace

Letter of Recommendation

Re: 1S325 Ardmore Avenue
Case: #15-12

Date: March 17, 2015

Ladies and Gentlemen:

Your Planning and Zoning Commission transmits for your consideration its recommendation to consider Oakbrook Terrace Community Park District for a zoning amendment, special use and variances for property to be annexed to the City of Oakbrook Terrace as follows:

-Pursuant to Section 156.075 (B) (3) of the Zoning Ordinance to allow a special use for a Park District facility.

- A variation from Section 156.075 (E) (1) (b) of the Zoning Ordinance reducing the minimum required front yard of not less than ten (10) feet in depth for paved area to zero (0) feet.
- A variation from Section 156.075 (E) (2) (b) of the Zoning Ordinance reducing the minimum required side yard of not less than ten (10) feet in depth on each side of the lot for paved area to five (5) feet for the north side yard and four (4) feet for the south side yard.
- A variation from Section 156.075 (E) (3) (b) of the Zoning Ordinance reducing the minimum required rear yard of not less than ten (10) feet in depth for paved area to zero (0) feet.

- A variation from Section 156.104 of the Zoning Ordinance to eliminate the requirement for a loading dock for each building having a gross floor area of ten thousand (10,000) square feet.
- A variation from Section 156.049 of the Zoning Ordinance to eliminate the landscaping requirements to allow landscaping on the property to remain as it exists.
- A variation from Section 156.039 (B) (4) of the Zoning Ordinance to eliminate the requirement for a fence and landscaping between the residential and nonresidential uses.

The motion for the proposed request by Oakbrook Terrace Community Park District was voted on AND PASSED with the following vote:

Ayes: Schneider, Myszkowski, Ventura, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

Respectfully,

A handwritten signature in black ink that reads "Arnulfo Noble". The signature is written in a cursive style with a horizontal line at the end.

Arnulfo Noble, Chairman
Planning Zoning Commission
City of Oakbrook Terrace



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, March 17, 2015
Case #15-11

The meeting continued and called to order by Chairman Noble at 7:08 P.M.

Present: Chairman Noble, Commissioner's Schneider, Ventura, Myszkowski, Donoval, Smurawski

Absent: None

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

Chairman Noble said the fourth order of business was to consider the text amendment to the Zoning Ordinance amending Section 156.101 to change off-street parking regulations in the residential district, referred back to the Planning and Zoning Commission from the City Council.

Building and Zoning Administrator Dragan stated that a public hearing was held on February 3, 2015 to consider certain text amendments. Almost all text amendments discussed and recommended by the Planning and Zoning Commission were approved by the City Council. The City Council agreed to leave the digital signs as is with a public hearing to be required for the Planning and Zoning Commission to review from case to case; however, at this meeting a discussion came up for a proposed text amendment for off-street parking regulation in the residential district, three (3) Commissioners voted for the text amendment and three (3) Commissioners voted against the text amendment. Based on this outcome, the City Council referred the text amendment back to the Planning and Zoning Commission for a vote.

Building and Zoning Administrator said it was proposed not to prohibit parking vehicles with tools or ladders on the exterior of the vehicle on a driveway in the residential district. There had been a lengthy discussion of this text amendment as shown in the minutes. Building and Zoning Administrator asked if they would like to take another vote since Commissioner Donoval was not present at the last meeting and the recommendation would be forwarded to the City Council at the next meeting.

Chairman Noble asked the City Attorney whether or not they had to take another vote since one (1) Commissioner had resigned.

Building and Zoning Administrator Dragan mentioned that they did not know how Commissioner Donoval would vote.

Chairman Noble asked for Commissioner Donoval's consensus.

Commissioner Schneider commented that he has been keeping an eye on who actually has ladders on top of their trucks and prior to this issue coming before the Planning and Zoning Commission, the two (2) residents with the issue of trucks parked with ladders on their vehicles have moved.

Commissioner Ventura stated even though those vehicles left, if they change the ordinance others will be allowed to have ladders on top of their vehicles.

Building and Zoning Administrator Dragan summoned up what was previously said at the last meeting regarding Section 156.101 allowing one (1) boat on a trailer, a trailer, a camping trailer, or a recreational vehicle to be parked on a driveway in the residential district. Building and Zoning Administrator mentioned that Commissioner's Schneider's point was to also allow ladders on a vehicle, especially since some properties do not have a detached garage and it is hard for the owners to take the ladders down each evening and have to put them back up each morning. Building and Zoning Administrator asked the Commission to refer back to the minutes since there was such a lengthy discussion on this text amendment and that another vote should be taken.

Commissioner Donoval asked what they were actually going to be voting on.

Building and Zoning Administrator Dragan stated that the ladders can remain on a vehicle in the residential district.

Commissioner Myszkowski asked what issue they were asked to be voting on, ladders on the truck or overnight parking.

City Attorney Pacione stated it was to allow ladders on a vehicle to park on their driveway overnight.

Chairman Noble questioned if they could also be allowed to park in the driveway in the morning or during the day.

Building and Zoning Administrator stated they could park their vehicles with ladders at any time.

Commissioner Myszkowski commented that this was their livelihood and what else could they do.

Commissioner Ventura pointed out that it was an eye sore for a neighbor living next door to them to be looking at a truck with ladders piled on top; it is the esthetics of the neighborhood and not just one (1) person with their livelihood, but a whole neighborhood and the esthetics.

Commissioner Myszkowski stated she doesn't feel the same way and if a vehicle were in the front of a driveway she might think otherwise, but being in the back of the driveway was alright with her.

Commissioner Ventura and City Attorney Pacione chimed in and stated the vehicle could be anywhere on the driveway.

City Attorney Pacione indicated that some garages are actually in the front and that the vehicle would then be allowed to park in the front of the house.

Commissioner Myszkowski commented that she could see that front parking wouldn't look nice, but was in favor of a vehicle being parked in the back on a driveway.

Commissioner Ventura stated that that was not part of the deal, it is the entire driveway.

Commissioner Myszkowski said in Elmhurst they have boats and trucks in their driveways.

Chairman Noble asked for a motion on the floor.

City Attorney Pacione stated the Commissioners must first request a motion to reconsider to vote on the issue of ladders to be placed on top of vehicles then a separate motion to vote on whether or not the ladders should be allowed on top of the vehicles parked in a driveway.

MOTION

Commissioner Schneider entertained a motion to reconsider the voting on allowing ladders to be placed on a vehicle at any time on the property in the residential district.

Commissioner Myszkowski seconded the motion.

Ayes: Chairman Noble, Schneider, Myszkowski, Donoval,
Smurawski
Nays: Ventura
Absent: None

MOTION PASSED WITH A VOTE OF 5-1.

MOTION Commissioner Schneider entertained a motion to approve the text amendment Section 156.101 to allow ladders to exist on top of vehicles.

Commissioner Myszkowski seconded the motion.

Ayes: Chairman Noble, Schneider, Myszkowski, Donoval,
Smurawski
Nays: Ventura
Absent: None

MOTION PASSED WITH A VOTE OF 5-1.

Building and Zoning Administrator Dragan stated that the Letter of Recommendation will be placed on the March 24, 2015 City Council meeting agenda. The next Planning and Zoning Commission meeting is scheduled for April 7, 2015. Building and Zoning Administrator Dragan stated that Janice will contact the Commission when the next public hearing packets for Pete's Fresh Market become available.

Chairman Noble requested a motion to adjourn the meeting.

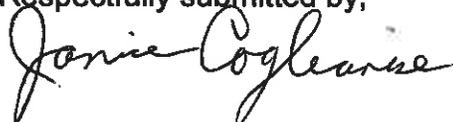
MOTION Commissioner Schneider entertained a motion to adjourn the meeting.

Commissioner Smurawski seconded the motion.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 6-0.

Chairman Noble adjourned the meeting at 7:24 P.M.

Respectfully submitted by,



Janice Coglianese
Building and Zoning / Planning and Zoning Secretary



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, March 17, 2015
Case #15-12

The meeting was called to order by Chairman Noble at 6:00 P.M.

Present: Chairman Noble, Commissioner's Schneider, Ventura, Myszkowski, Donoval, Smurawski

Absent: None

Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Peter Pacione, Building and Zoning / Planning and Zoning Secretary Janice Coglianese, Catherine Fallon, Executive Director of the Oakbrook Terrace Park District, Timothy Hoppa, Attorney for the Oakbrook Terrace Park District, Tod Stanton, ASLA, President of Design Perspectives, Inc., and Matt Adams, Landscape Designer of Design Perspectives, Inc.

Chairman Noble said the first order of business was to approve the minutes of February 3, 2015, Case #15-11, 17W275 Butterfield Road to consider certain text amendments to the Zoning Ordinance.

Chairman Noble asked for any discussion from the Commissioners. There was no discussion.

Chairman Noble asked for a motion to approve the minutes.

MOTION Commissioner Schneider entertained a motion to approve the minutes of February 3, 2015, Case #15-11.

Commissioner Myszkowski seconded the motion.

Ayes: Chairman Noble, Schneider, Ventura, Myszkowski, Donoval, Smurawski

Nays: None

Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOICE VOTE OF 6-0.

Chairman Noble said the second order of business was to consider Case #15-12, a request by the Oakbrook Terrace Community Park District, 1S325 Ardmore Avenue, for a zoning amendment, special use, and variances for property to be annexed to the City of Oakbrook Terrace as follows:

-Pursuant to Section 156.075 (B) (3) of the Zoning Ordinance to allow a special use for a Park District facility.

- A variation from Section 156.075 (E) (1) (b) of the Zoning Ordinance reducing the minimum required front yard of not less than ten (10) feet in depth for paved area to zero (0) feet.
- A variation from Section 156.075 (E) (2) (b) of the Zoning Ordinance reducing the minimum required side yard of not less than ten (10) feet in depth on each side of the lot for paved area to five (5) feet for the north side yard and four (4) feet for the south side yard.
- A variation from Section 156.075 (E) (3) (b) of the Zoning Ordinance reducing the minimum required rear yard of not less than ten (10) feet in depth for paved area to zero (0) feet.
- A variation from Section 156.104 of the Zoning Ordinance to eliminate the requirement for a loading dock for each building having a gross floor area of ten thousand (10,000) square feet.
- A variation from Section 156.049 of the Zoning Ordinance to eliminate the landscaping requirements to allow landscaping on the property to remain as it exists.
- A variation from Section 156.039 (B) (4) of the Zoning Ordinance to eliminate the requirement for a fence and landscaping between the residential and nonresidential uses.
- A variation to allow the Park District Monument Sign of eighty two and a half (82.5) square feet to be located in the right of way on the east side of Ardmore, fifteen (15) feet west of the Park District property line.

Chairman Noble asked all who would be speaking to stand and be sworn in.

Petitioners Catherine Fallon, Executive Director of the Oakbrook Terrace Park District, Timothy Hoppa, Attorney for the Oakbrook Terrace Park District, Tod Stanton, ASLA, President of Design Perspectives, Inc., and Matt Adams, Landscape Designer of Design Perspectives, Inc. were sworn in by Building and Zoning / Planning and Zoning Secretary Coglianese.

Chairman Noble asked the Petitioners to state their case.

Petitioner Adams took the floor and presented a diagram pointing out requested modifications to Heritage Park, a park within the Oakbrook Terrace Community Park District, the proposed master plan improvements for the Oakbrook Terrace Community Park District, which they hope to have completed sometime the summer of 2015, most of the project pending the AS-LAID Grants. A big portion of this design was based off of a series of public in-put sessions and board meetings based off of the Oakbrook Terrace Community Park District's master plan.

Petitioner Adams stated that a large portion of the design in the south area was to maximize the open space. They are moving many of the uses on the south and condensing them closer to the Community Center to maximize the open space requested by the public and the board.

Petitioner Adams continued to say that the area on the north will remain as a parking lot; however it will be expanded and set a little bit closer to the building. The existing splash pad will hopefully be renovated due to many mechanical problems with plumbing; they hope to expand the splash pad. They are proposing the installation of a small scale of a skate pod / park. The tennis courts and volley ball courts will be moved up from the south maximizing the open space. The detention basins are on the outskirts, which will maximize the open space.

Petitioner Adams concluded with the last major feature describing the installation of the new multi-use trail around the entire site with a couple of outdoor fitness stations with outdoor equipment to help generate a fitness trail in the park.

City Attorney Pacione asked the Petitioner to go through the list of variances for the record.

Attorney Hoppa took the floor to go through each variation; the first to allow a special use for the Park District facility and for annexation; the second variation, reduces the minimum required front yard from ten (10) feet to zero (0) feet due to the way the property is laid out; the third variation requires a side yard of not less than ten (10) feet in depth on each side of the lot for the paved area to five (5) feet on the north side, and four (4) feet for the south side; the fourth variation reduces the minimum required rear yard from ten (10) feet in depth to a paved area of zero (0) feet; the fifth variation requests the elimination of a loading dock for each building with the gross area of ten thousand (10,000) square feet not to incur the expense of a loading dock which the Park District has no

need of; the sixth variation is to eliminate the landscaping requirements and to allow the existing landscaping. Attorney Hoppa mentioned that the code requires more landscaping and features which would detract from the use of the park. The seventh variation is the elimination of fencing and landscaping between residential and non-residential uses which generally is used for a buffer between commercial and residential use. Attorney Hoppa said there is a residential area right past the parking where they plan on placing the trail. Since they want to draw people into the park, they are asking not to create too many barriers. The eighth variation is to allow the existing eighty-two and a half (82.5) square foot Park District monument sign to be located in the right-of-way on the east side of Ardmore Avenue, fifteen (15) feet west of the Park Districts property. To move the sign would cause financial hardship since the park is in the neighborhood and setting it back would defeat the purpose of the sign.

Commissioner Smurawski asked what the open space stood for and what was its purpose.

Petitioner Adams stated the open space was a term for open turf, a recreational space for any athletic function or festival or whatever the Park District would like.

Chairman Noble was concerned about the residential area on the south side and if the open area would cause any problems to the residents.

Petitioner Fallon commented, currently there are tennis courts which have not caused problems and by moving these courts away from the residential area keeps away any type of activities.

Chairman Noble commented that they still plan on having projects or parties at this location or football games, and these could cause problems.

Petitioner Fallon stated that there is only a chain link fence surrounding the tennis courts and the residents can see into the park at all times.

Chairman Noble asked if they considered putting a fence up around the open space.

Petitioner Fallon commented that they want to encourage people to come into the park and this would deter people from wanting to do this; if a fence was erected it would be a barrier to people.

Petitioner Adams commented that the general consensus at the public meetings was that people appreciated the fact that the tennis courts were to be moved farther north.

Chairman Noble asked if Versailles Apartments had any negative issues.

Petitioner Fallon said they did not.

Petitioner Stanton joined in by saying the open space is a gain of about one-third of an acre, which is giving back a small amount of green space back to the park, which is not tripling the open space, but will be a dramatic improvement, and the open space will be slightly higher, which provides visual screening. It also has a sidewalk that runs along the front face of the apartments that people use on a regular basis. Petitioner Stanton continued to say by moving the tennis courts removes some of the active use and restores passive green space and allows this space to be open; it will never be a mecca for big tournaments or festivals just for modest sized community events.

Chairman Noble asked if Petitioner Stanton had ever been at the Park District's Summer Fest, which hosts two hundred (200) children.

Petitioner Stanton replied that he has been with the Park District for five (5) years seeing different levels of activity and a couple hundred children isn't really a very large gathering.

Petitioner Fallon commented it hasn't caused any problems so far and by moving the tennis courts and opening the green space she does not envision creating any additional issues; the summer program will not necessarily be changed.

Petitioner Stanton mentioned that if the Commission was concerned with the space, they could still add some landscape buffering.

Commissioner Donoval asked what the cost of the entire project was.

Petitioner Fallon stated \$800,000.

Chairman Noble commented that he thinks the residents taxes will go up.

Petitioner Fallon said they would not.

City Attorney Pacione directed the Commission saying it was not relevant and has nothing to do with the Petitioner's project.

Chairman Noble asked how the Petitioners would support the project and asked if they had enough money.

City Attorney Pacione directed the Commission once again stating this is the Petitioners' project and they should determine whether or not they can proceed with the project, and it has nothing to do with whether or not the Commission grants variations.

Chairman Noble asked whose jurisdiction the Park District falls under, the Planning and Zoning Commission or DuPage County.

Petitioner Fallon commented DuPage County.

Chairman Noble asked the Park District's why they wanted to annex into the City.

Petitioner Fallon commented there were many reasons; she feels like they are already part of the community, two (2) of their facilities reside within the City of Oakbrook Terrace, and it is easier to work with the local government than it is to work with the county government. Petitioner Fallon said after speaking with the Mayor, looking at this park, and what they provide to the community, the Petitioners thought it would be best to add it into the City.

Commissioner Myszkowski asked who was paying the \$800,000.

City Attorney Pacione stated once again that this was not an issue for the Commission to determine.

Commissioner Donoval commented he would rather have an increase in his taxes than have to spend the \$800,000. Taxes paid to the City really affect the poor people, but this was not up to him but others to decide.

Attorney Hoppa observed that three (3) Commissioners expressed concerns about the scope of the project and the cost; however, as the City Attorney mentioned the cost of this project is not relevant to whether or not they meet the requirements for variances under the City's Code. Attorney Hoppa continued to say that five (5) members of the Park District's Board have a track record of being responsible with the taxpayers funds and they are still not 100% sure that this project is going to be funded; there are still some issues. The proposal for the project does meet what the community is asking for and the variances requested meet the requirements for the variations under the City Codes.

Commissioner Schneider asked if any landscaping would be removed because of this project.

Petitioner Adams mentioned that there would be some basic tree removal to maximize the open space, but what they are removing will also be replaced plus much more.

Petitioner Stanton took the floor and pointed out that a few old Siberian Elms would be replaced with Oaks and Maples that are suitable for longevity; there will be some selected tree removal. Petitioner Stanton said they will make a great effort to save as much tree canopy as there is on site whether the height be six inches or twenty inches.

Commissioner Schneider asked what the conditions were with children at night time in the park, if the park was under supervision in the evenings.

Petitioner Fallon said there was very little trouble, but parks statistics show there are always going to be some incidents when you have an open space; there has been nothing in the past three (3) years and those that had occurred were far and in between. Petitioner Fallon stated that they are offering kids in their teens something to do keeping them out of trouble.

Commissioner Ventura pointed out that currently the property falls under the Oakbrook Terrace Community Park District and she feels that it services mostly Brandywine residents and if that being the case, the money that the Park District is placing into this project, will this deter from other parks in Oakbrook Terrace which need attention.

Petitioner Fallon replied Oakbrook Terrace residents along with Brandywine residents and Versailles residents utilize this facility; Oakbrook Terrace residents have the summer camp, they utilize the splash pad, playground, volleyball courts, and they will use the open space for outside activities.

Petitioner Stanton took the floor and spoke how they have been working on the master plan since 2010 and have been updating to identify the needs according to public input and they would like to annex into the City to be part of the community.

Attorney Hoppa mentioned that the plans would also call for renovations.

Petitioner Fallon mentioned that Terrace View Park would be the next park to be renovated, which was based off of the master plan and community input as to prioritizing which parks would be worked on first.

Commissioner Ventura mentioned that they are currently paying taxes to the Park District so she is sure the Park District didn't come up with this plan to have taxpayers have their taxes increased.

Petitioner Stanton indicated that the Park District is very financially responsible and conservative in how they tackle projects.

Petitioner Ventura asked if the project was funded mostly by grant money that comes from the state.

Petitioner Stanton stated they secured half of the money from the state and presently the governor has frozen the grants; they are not cancelled, just on hold as they are waiting to hear something in the next two (2) to three (3) months.

Chairman Noble asked if the park was going to be lit in the evenings and if there were a certain time when they turn off the lights.

Petitioner Fallon mentioned the pathway will not be fully lit; however, the building has lights which have timers set to go off in the morning when it is light out and go on at dusk and the tennis courts will shut off when the park closes at 10:00 P.M.

Chairman Noble asked if a person had to make reservations for the tennis court.

Petitioner Fallon commented that it was first come; first serve.

Commissioner Ventura asked if Metra uses the facility.

Petitioner Fallon stated that Metra uses the facility every Thursday in the upstairs theater, the tennis camp in the summertime, and the park in the summer to run different camps for the children.

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

Chairman Noble asked if Building and Zoning Administrator Dragan had any comments.

Building and Zoning Administrator Dragan stated they advertised the park district annexation in the legal notice; however, the Planning and Zoning Commission is advised to make a recommendation concerning the special use and variations from the zoning code. The council will consider the request for annexation, the letter of recommendation from the Planning and

Zoning Commission concerning special use and variations, and also, the council will consider the request to allow the sign to remain as it exists in the right-of-way. That request specifically is not in the zoning code, it's the City's right-of-way code, so only the council can grant the variation or find some other alternatives such as to require a licensed encroachment agreement or anything else they may choose to do concerning the location of the monument sign. So, the request before them tonight is for the special use and variations from the zoning code to allow the improvements within private property within the property line.

Commissioner Ventura said that this hearing was not in relation to annexation but for the variations.

City Attorney Pacione said the annexation was not an issue for the Planning and Zoning Commission.

Commissioner Myszkowski said she was wondering the same thing.

Commissioner Schneider asked if there was a set time to close the park to skateboarders.

Petitioner Fallon said the park closes at 10:00 P.M. being monitored by the DuPage County Sheriff.

Chairman Noble asked if there were any comments from City Attorney Pacione.

City Attorney Pacione stated his only comment was in regards to the sign; the variation to allow the sign within the right-of-way is not a variation within the zoning code, so the Commission need not take a vote on this particular issue; however, he recommended taking an individual vote on each variance.

Chairman Noble opened the floor for public participation.

Chairman Noble asked if there was any positive testimony from the public. There was none.

Chairman Noble asked if there was any negative testimony from the public. There was none.

Chairman Nobel closed the public portion of the meeting.

Chairman Nobel asked for a motion for each of the cases.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.075 (E) (1) (b) of the Zoning Ordinance reducing the minimum required front yard of not less than ten (10) feet in depth for paved area to zero (0) feet.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Donoval
Abstained: Chairman Noble
Absent: None

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 5 -1.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.075 (E) (2) (b) of the Zoning Ordinance reducing the minimum required side yard of not less than ten (10) feet in depth on each side of the lot for paved area to five (5) feet for the north side yard and four (4) feet for the south side yard.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 4 -2.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.075 (E) (3) (b) of the Zoning Ordinance reducing the minimum required rear yard of not less than ten (10) feet in depth for paved area to zero (0) feet.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 4 -2.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.104 of the Zoning Ordinance to eliminate the requirement for a loading dock for each building having a gross floor area of ten thousand (10,000) square feet.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 4 -2.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.049 of the Zoning Ordinance to eliminate the landscaping requirements to allow landscaping on the property to remain as it exists.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 4 -2.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.039 (B) (4) of the Zoning Ordinance to eliminate the requirement for a fence and landscaping between the residential and nonresidential uses.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 4 -2.

City Attorney Pacione asked Attorney Hoppa if he concurred to withdraw the last variance request for the record.

Attorney Hoppa withdrew the last variance request for the record.

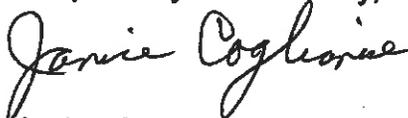
City Attorney Pacione mentioned that it was a separate section of the code.

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 April 14, 2015 City Council meeting agenda and at that meeting the City Council will discuss the annexation of the property as well as the Letter of Recommendation from the Planning and Zoning Commission, the request for the sign, and the right-of-way.

Chairman Noble closed Case #15-12 at 7:05 P.M.

Respectfully submitted by,



Janice Coglianese
Building and Zoning / Planning and Zoning Secretary



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, March 17, 2015
Case #15-13

The meeting continued and called to order by Chairman Noble at 6:40 P.M.

Present: Chairman Noble, Commissioner's Schneider, Ventura, Myszkowski, Donoval, Smurawski

Absent: None

Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Peter Pacione, Building and Zoning / Planning and Zoning Secretary Janice Coglianese, John Menze, Managing Broker of Wesland Partners, Inc., for Terrace Executive Center, and Donald B. Garvey, Attorney for Terrace Executive Center

Chairman Noble said the third order of business was to consider a request by Terrace Executive Center Office Condominium Association for a variation from Section 156.043 (B) (1) of The Zoning Ordinance of the City of Oakbrook Terrace to increase the total permitted area of all signs for the property from 166 square feet to 256 square feet.

Chairman Noble asked all who would be speaking to stand and be sworn in.

Petitioners John Menze and Attorney Donald Garvey were sworn in by Building and Zoning / Planning and Zoning Secretary Coglianese.

Chairman Noble asked the Petitioners to state their case.

Attorney Garvey took the floor and stated he was appearing here this evening not only as the attorney for Terrace Executive Center, but also has a tenant. Attorney Garvey said he was here this evening requesting additional signage on the vacant side of the existing signage. When the sign was originally built the amount of verbiage was limited to the amount of frontage that was issued in the permit. The members of the association were concerned about the blank space which is on the north side of the sign since the sign is facing the west side of Summit Avenue and the building is south of Ascension Church. People passing by on the north have no idea which businesses are actually at the association. They are asking for a variance to increase the signage on the north side by roughly 80 square feet. The ordinance states that the total area of all signs shall

not exceed two times in square feet the total building frontage expressed in linear feet and up to a maximum of 300 square feet for a building with one (1) street frontage. Attorney Garvey stated that their building is 85 linear feet and they are limited to 177 square feet as a result. If the Commission allows them to increase the signage to 256 square feet this would bring them to a 50% increase in signage.

Attorney Garvey mentioned if you are driving from Roosevelt Road to 22nd Street you will see a half a dozen or so signs with verbiage on both sides. The character of the sign when finished will not be much different than the existing sign.

Petitioner Menze stated basically the problem stems from the design of the building which entries are made through courts and even though people may have the address of the building, they usually forget the court number. Through the years the Board of Directory try to come up with an area they could erect a directory sign. The building was built in two (2) phases in 1980 and 1982 with a directory sign; however, on the functional side it was too small. Over the years they tried to look at different types of signs, even monument signs for the multiple courts, which would cause people to drive slower to look at each additional sign.

Petitioner Menze continued to say that they came up with the idea to keep incorporate the institutional sign and directional sign in to one (1) sign. They received ideas from Parvin-Clauss Sign Company, but it came to their attention that the calculations of a double-faced sign, as seen in the drawings, due to the linear frontage of the building, they would only be able to place the directory on one side, so they decided to go for a variance. They thought they could landscape the sign on the north face, but found it difficult to come up with a landscape plan.

Petitioner Menze indicated that one (1) thing hurting them with the calculation of the sign is the narrow frontage and deep lot size of 165 x 620 and the actual building is 85 for the frontage by 471 feet in depth. Even though there is over 39,000 square feet of building area, there is only 85 square feet of street frontage. Petitioner Menze concluded that they were her tonight to add verbiage to the north front of the existing sign.

Chairman Noble asked Building and Zoning Administrator Dragan if she had any comments.

Building and Zoning Administrator Dragan stated that due to the narrow building frontage of 83 feet, all signs for the property shall not exceed 166

square feet and the request presented this evening is for 256 square feet of signage. Due to the narrow building frontage and building configuration they are only allowed to have 166 square feet. If the other building frontage would face the road then it would be two times the building frontage and they would be allowed to have 300 square feet of signage. If this were a corner lot rather than an interior lot and if they had roads on both sides then they would be allowed to have 500 square feet of signage; so their hardship is actually the building configuration with a very narrow building frontage along Summit Avenue. In the past major sign variations were approved for similar buildings on the east side of Ardmore Avenue (Ardmore Plaza), and for Chipotle center also with small building frontage along 22nd Street. Building and Zoning Administrator Dragan considers this a reasonable request by the Petitioner due to the building configuration and numerous business owners.

Chairman Noble asked for any comments from the Commissioners.

Commissioner Donoval asked if they ever considered two (2) smaller signs, one (1) on the north and one (1) on the south side of the building.

Petitioner Menze specified that there were actually two (2) issues, the first there is only curve cut into the property and secondly multiple signs on the narrow lot would be confusing for a person passing by it. They considered different ideas, but left it up to Parvin-Clauss to come up with a design.

Building and Zoning Administrator Dragan stated it was a better idea to have one (1) sign rather than multiple signs from a traffic safety perspective, also they would still require a variation for more than one (1) freestanding sign for the property.

Commissioner Ventura commented that it looks like a lot of printing on both sides of the sign so when a car is southbound on Summit Avenue there could potentially be a situation where the driver will slow down to look at all the names and questions the safety for adding verbiage to the north side of the sign.

Attorney Garvey mentioned they will be slowing down to turn in, so there will be slowing of the traffic nevertheless.

Commissioner Ventura said she realizes the design of the sign isn't the issue, but the verbiage on both sides.

Building and Zoning Administrator stated it was the verbiage.

Commissioner Ventura commented that the verbiage is actually taking away from the size of the sign itself.

Petitioner Menze said once the sign was built, the writing looked great and was very functional, however on the south side of the face, it looks like a blank billboard for people driving past. It is unattractive and a nuisance for vandalism and graffiti. If they mound it up and landscape it, people will see that there is a sign there and that they are going in the right direction.

Commissioner Ventura asked if the businesses owners get many calls where people cannot find them.

Attorney Garvey replied with a firm yes and that it was very common for people to walk into the wrong office and even harder for a handicap person.

Petitioner Menze said that people might remember the address, but have difficulty with the court number.

Commissioner Ventura asked if the business names were on the court.

Petitioner Menze said all that was written on the sign is Courts A, B, C, D, & E which causes confusion to the person driving in who end up stopping for direction at one of the courts.

Commissioner Smurawski commented that he went to the location to view the sign and thought it was a very big sign. The conflict is that people want big signs then others want bigger signs and as he drove around the City he noticed sign abuses. Commissioner Smurawski says he doesn't see a problem with verbiage on the north front of the sign, but he sees the scenario as North and South Korea each erecting bigger flags.

Chairman Noble asked if there were any other comments or questions from the Commissioners. There were none.

Chairman Noble opened the floor for public participation.

Resident Dennis Greco took the floor and asked if the sign was back-lit.

Petitioner Menze stated that the sign was exterior-lit.

Chairman Noble asked for positive testimony. There was none

Chairman Noble asked for negative testimony. There was none.

Chairman Noble asked for additional comments from the Commissioners.

Commissioner Schneider said he cannot understand how businesses at these locations cannot give clear directions to their customers instructing them to come to a certain court. Commissioner Schneider commented that the only reason he will consider their request is that the sign already exists, if the Petitioners were asking for a larger sign, he would be against it. Commissioner Schneider thinks the businesses should be responsible for giving clear instructions to their customers which would get the driver off of the road faster versus slowing down to read a sign.

Commissioner Ventura pointed out that Commissioner Schneider is for the printing, but what they were asking for is a larger sign.

City Attorney Pacione stated the actual sign is not going to be larger; it is the verbiage on the reverse side that increases the square footage of the sign.

Commissioner Ventura commented that the request was to increase the total permitted signage from 166 square feet to 256 square feet.

City Attorney said currently the only sign calculated is the side with the writing on it and when verbiage is placed on the other side it will double the square footage.

Chairman Noble asked if there were any comments from the City Attorney.

City Attorney Pacione had no comments.

Chairman Noble asked for a motion.

MOTION

Commissioner Schneider entertained a motion to approve the request by Terrace Executive Center Office Condominium Association for a variation from Section 156.043 (B) (1) of The Zoning Ordinance of the City of Oakbrook Terrace to increase the total permitted area of all signs for the property from 166 square feet to 256 square feet.

Commissioner Myszkowski seconded the motion.

Ayes: Chairman Noble, Schneider, Myszkowski, Donoval,
Smurawski
Nays: Ventura
Absent: None

MOTION PASSED WITH A VOTE OF 5-1

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 April 14, 2015 City Council meeting agenda and the next meeting is scheduled for April 7, 2015 in which Janice will notify the Commissioners when the packets become available.

Chairman Noble closed Case #15-13 which ended at 7:07 P.M.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Janice Coglianese".

Janice Coglianese
Building and Zoning / Planning and Zoning Secretary

CONDENSED TRANSCRIPT

CITY OF OAKBROOK TERRACE PLANNING AND ZONING COMMISSION

Tuesday, March 17, 2015
6:00 p.m.

IN RE: Case No. 15-12
1S325 Ardmore Avenue -
Oakbrook Terrace Community Park District

RECORD OF PROCEEDINGS had before Haley Goodwin taken at 17W275 Butterfield Road, Oakbrook Terrace, Illinois, on Tuesday, March 17, 2015, commencing at 6:00 p.m. in reference to the above-entitled cause.



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REPORT OF PROCEEDINGS - March 17, 2015

<p style="text-align: center;">1</p> <p>1 CITY OF OAKBROOK TERRACE PLANNING AND ZONING COMMISSION</p> <p>2</p> <p>3</p> <p>4 Tuesday, March 17, 2015 6:00 p.m.</p> <p>5</p> <p>6</p> <p>7 IN RE: Case No. 15-12 1S325 Ardmore Avenue - Oakbrook Terrace Community Park District</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 RECORD OF PROCEEDINGS had before Haley Goodwin 15 taken at 17W275 Butterfield Road, Oakbrook Terrace, 16 Illinois, on Tuesday, March 17, 2015, commencing at 17 6:00 p.m. in reference to the above-entitled cause.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: center;">3</p> <p>1 REPORT OF PROCEEDINGS MARCH 17, 2015</p> <p>2</p> <p>3 CHAIRMAN NOBLE: Good 4 evening, ladies and gentlemen. The 5 City of Oakbrook Terrace Planning and 6 Zoning Commission would like to call 7 this meeting to order March 17, 8 2015, 6:00 p.m.</p> <p>9 Janice, could you 10 please call the roll?</p> <p>11 SECRETARY COGLIANESE: 12 Commissioner Schneider?</p> <p>13 COMMISSIONER SCHNEIDER: 14 Here.</p> <p>15 SECRETARY COGLIANESE: 16 Ventura?</p> <p>17 COMMISSIONER VENTURA: 18 Here.</p> <p>19 SECRETARY COGLIANESE: 20 Myszkowski?</p> <p>21 COMMISSIONER MYSZKOWSKI: 22 Here.</p> <p>23 SECRETARY COGLIANESE: 24 Donoval?</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 CHAIRMAN NOBLE</p> <p>4</p> <p>5 SECRETARY COGLIANESE</p> <p>6</p> <p>7 COMMISSIONER SCHNEIDER</p> <p>8</p> <p>9 COMMISSIONER VENTRUA</p> <p>10</p> <p>11 COMMISSIONER MYSZKOWSKI</p> <p>12</p> <p>13 COMMISSIONER DONOVAL</p> <p>14</p> <p>15 COMMISSIONER SMURAWSKI</p> <p>16</p> <p>17 MR. PACIONE, City Attorney</p> <p>18</p> <p>19 MS. DRAGAN, Building and Zoning 20 Administrator</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: center;">4</p> <p>1 COMMISSIONER DONOVAL: 2 Here.</p> <p>3 SECRETARY COGLIANESE: 4 Smurawski?</p> <p>5 COMMISSIONER SMURAWSKI: 6 Here.</p> <p>7 SECRETARY COGLIANESE: 8 And Chairman Noble?</p> <p>9 CHAIRMAN NOBLE: Here. 10 SECRETARY COGLIANESE: 11 All present.</p> <p>12 CHAIRMAN NOBLE: Thank 13 you.</p> <p>14 First order of business 15 is to approve the minutes of Case 16 15-11, text amendments, 17 West 275 17 Butterfield Road, date February 3rd, 18 2015 minutes.</p> <p>19 Any discussions from 20 the Commissioners? 21 Motion to approve? 22 COMMISSIONER SCHNEIDER: 23 Motion to approve Case 15-11 text 24 amendments.</p>

REPORT OF PROCEEDINGS - March 17, 2015

<p style="text-align: center;">5</p> <p>1 CHAIRMAN NOBLE: 2 Second? 3 COMMISSIONER MYSZKOWSKI: 4 Second. 5 CHAIRMAN NOBLE: Second 6 by Noreen, first by Steve. 7 All in favor? 8 (Chorus of ayes.) 9 CHAIRMAN NOBLE: 10 Opposed? 11 Motion carried. 12 SECRETARY COGLIANESE: 13 Motion carried. 14 CHAIRMAN NOBLE: Second 15 order of business is Case No. 15-12, 16 1S325 Ardmore Avenue, Oakbrook 17 Terrace Community Park. 18 MR. PACIONE: District 19 - Park District. 20 CHAIRMAN NOBLE: Oh, 21 okay. Correction, Park District. 22 Do you want me to read 23 the whole legal notice? 24 MR. PACIONE: It's up</p>	<p style="text-align: center;">7</p> <p>1 SECRETARY COGLIANESE: 2 Thank you. 3 CHAIRMAN NOBLE: Could 4 you start the presentation, please? 5 MR. PACIONE: You guys 6 can come up to the table here. 7 MR. ADAMS: So, really 8 quickly this is Heritage. If you 9 could just -- 10 MR. PACIONE: Sorry, 11 just so the record is clear, if you 12 can identify yourself? 13 MR. ADAMS: Matt Adams 14 from Design Perspectives. 15 This is Heritage Park 16 existing. It is a community park in 17 the Oakbrook Terrace Park District. 18 This is showing that -- our proposed 19 master plan, so this is the 20 improvements that will hopefully be 21 done sometime this summer. 22 A big portion of this 23 park design was based off of a 24 series of public input sessions,</p>
<p style="text-align: center;">6</p> <p>1 to you. 2 MS. DRAGAN: No, it's 3 not necessary. It's published, yes. 4 CHAIRMAN NOBLE: Okay. 5 Could those people that are going to 6 be speaking tonight from the Park 7 District, could you please stand up 8 so you can be sworn in? 9 SECRETARY COGLIANESE: 10 Could you please all raise your 11 right hands? State your name from 12 -- 13 MR. ADAMS: Matt 14 Adams. 15 MS. FALLON: Catherine 16 Fallon. 17 MR. STANTON: Tod 18 Stanton. 19 MR. HOPPA: Tim Hoppa. 20 SECRETARY COGLIANESE: 21 Okay. Do you swear to tell the 22 truth, the whole truth, and nothing 23 but the truth so help you God? 24 (Chorus of yeses.)</p>	<p style="text-align: center;">8</p> <p>1 board meetings based off of the 2 Oakbrook Terrace Master Plan or the 3 Park District Master Plan, so all of 4 the components in this design has 5 really been kind of criticized by 6 Board of Park District as well as 7 three or four different community 8 input sessions. A big portion of 9 our new design was maximizing the 10 open space. That's something we got 11 from the Master Plan as well as 12 community input sessions, so that's 13 really what this south area is 14 trying to do. We're moving a lot 15 of the uses that are in the south 16 and we're kind of condensing them 17 closer to the existing community 18 center building to try to maximize 19 the amount of open space which is 20 something we saw requested most from 21 the board and the public. It's 22 really -- a lot of this northern 23 section is remaining the same. 24 There's an existing parking lot. This</p>

REPORT OF PROCEEDINGS - March 17, 2015

9

1 is showing kind of an expanded
 2 version of that. It would fit
 3 roughly the same footprint that kind
 4 of expands a little bit closer to
 5 the building, and it's really trying
 6 to maximize the layout to get as
 7 many parking spaces in a similar
 8 format.

9 Our existing splash pad
 10 -- there's a splash pad that exists
 11 that will hopefully become renovated.
 12 There's been a lot of problems with
 13 the mechanicals of the plumbing, so
 14 there's renovating the existing
 15 splash pad as well as hopefully
 16 expanding it to some degree.

17 Installation of a skate
 18 park, skate pod, so it will be small
 19 scaled, a little skate plaza. That
 20 was really generated by members of
 21 the public who attended our meetings
 22 and that requested a skate park. Not
 23 a full-fledged mammoth skate park,
 24 but more of a few different low

10

1 level skating elements.
 2 Our tennis courts and
 3 volleyball courts have been moved up
 4 from the south. Again, that's to
 5 try to maximize the open space, and
 6 all of our detention basins are kind
 7 of in long linear -- that's the low
 8 laying areas on the outskirts which
 9 is, again, trying to maximize our
 10 open space.

11 The last major feature
 12 of the new design would be the
 13 installation of an eight-foot
 14 multi-use trail around the entire
 15 site with a couple of different
 16 fitness station clusters along it
 17 which would be outdoor fitness
 18 equipment to help generate a fitness
 19 trail in the park.

20 MR. PACIONE: Did you
 21 want to go through the variances, or
 22 was somebody else covering those?
 23 MR. HOPPA: If you
 24 want us to go through the variances

11

1 that are required, we can do that.
 2 MR. PACIONE: Just so
 3 we can put them as a matter of
 4 record.

5 MR. HOPPA: Sure. Let
 6 me make sure I have the final list
 7 of the ones that we actually ended
 8 up with.

9 I don't know if I'll
 10 need to see that, but the variances
 11 that -- variations that are requested
 12 are first of all a special use to
 13 allow for a park facility because
 14 obviously that's what it is being
 15 used for and currently, so in the
 16 case of annexation obviously the
 17 plans would continue using it as a
 18 park and that is a special use under
 19 the zoning ordinance.

20 SECRETARY COGLIANESE:
 21 I'm sorry, could I interrupt one
 22 second?
 23 Our court reporter
 24 cannot hear. If you would like to

12

1 speak into the microphone?
 2 MR. HOPPA: Sure. No
 3 problem. Is it amplified here, or
 4 you just -- okay. I'll do my best.

5 SECRETARY COGLIANESE:
 6 Thank you.

7 MR. HOPPA: Thank you.
 8 The second variation
 9 that's requested is -- it's for the
 10 front yard because of the way that
 11 the -- the way that it's -- the
 12 property is laid out, we don't
 13 technically meet the ten -- you
 14 know, the ten feet in depth for a
 15 paved area, so, again, that is
 16 largely in keeping with the current
 17 use of the property. But in the
 18 case -- because -- but because it's
 19 the code that the City has we would
 20 need a variation for that.

21 The third variation
 22 that's requested is side yard
 23 standards.
 24 And I thought there

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<p style="text-align: center;">13</p> <p>1 was one for -- I don't see it on 2 here, but there is -- I thought 3 there was one for landscaping -- oh, 4 okay. Thank you. 5 So, maybe should I 6 cover these in the order that 7 they're on here; would that -- 8 MR. PACIONE: You were 9 doing that. 10 MR. HOPPA: Okay. So 11 -- sorry -- did the side yard and 12 the rear yard. Those are the same 13 issues as the front yard. 14 Obviously our building 15 does not have a loading dock 16 currently, so we're asking for a 17 variation from that so we don't have 18 to incur the expense to building a 19 loading dock. This isn't an 20 industrial or a warehouse type of 21 building, it's a community center, so 22 we don't feel that there's much of a 23 need to have that in the first 24 place. But, again, because it's</p>	<p style="text-align: center;">15</p> <p>1 generally meant to act as a buffer 2 between a commercial use and a 3 residential use, so you can see on 4 this map there's residential along 5 the top here right out -- right past 6 our park -- existing parking lot, 7 and there's some here that would be 8 on the other side of the -- I mean, 9 what would ultimately be a trail I 10 suppose. And, you know, given the 11 sort of community nature of the park 12 and drawing folks into the park, we 13 don't want to create too many 14 barriers to getting into the park, 15 so, again, that's -- the requirement 16 there sort of doesn't, in my 17 opinion, serve the purpose of the 18 requirement, and it also detracts 19 from our use. So, that's the 20 purpose of the requesting the 21 variance between -- for the 22 landscaping and fencing between 23 residential and nonresidential areas. 24 And the last one,</p>
<p style="text-align: center;">14</p> <p>1 required by the code we're asking 2 for a variation in that respect. 3 The landscaping 4 requirements are of particular 5 importance to us. As Matt explained 6 to you guys, the goal here is to 7 maximize the amount of open space 8 and recreational building. The code 9 sort of contemplates a little bit of 10 a different type of use and requires 11 significantly more landscaping and 12 features that would really detract 13 from the use as a park, so that's 14 the purpose for the variation with 15 respect to the landscaping. 16 Now, there's two 17 landscaping requirements. The first 18 is sort of a general overall 19 landscaping requirement, and then 20 there's another one that would -- 21 there's another requirement for 22 landscaping in between the 23 residential the nonresidential uses. 24 Seems to me like that requirement is</p>	<p style="text-align: center;">16</p> <p>1 which I know it's something that we 2 might have to talk about further, is 3 the monument -- the park district 4 monument sign, and that's -- yes, 5 it's down here. It's in the 6 right-of-way right now, so we know 7 that we -- that's something that we 8 would have to work with the City on. 9 But, again, that's a sign that's 10 been there for some time. We would 11 like to leave it there. It would 12 be a pretty major financial hardship 13 for us to move it, and, again, 14 because the park is in the 15 neighborhood, you know, setting it 16 back sort of defeats the purpose. 17 No one would be able to see the 18 sign. Obviously we want to draw 19 members of the community to the park 20 and know that were there. It's a 21 reader-board style sign. It allows 22 us to, you know, gain more community 23 involvement by, you know, hey, this 24 event is coming up, please sign up,</p>

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17

1 or, you know, noticing other things.
 2 So -- I mean, and it's a pretty
 3 aesthetically pleasing sign. I don't
 4 think anybody would deny that.
 5 So, obviously if
 6 there's questions on these particular
 7 ones, I'm happy to answer them, but
 8 I think that that is the variances
 9 that we are requesting as part of
 10 the annexation and part of this
 11 project.
 12 MR. PACIONE: And I
 13 thought you gave your name, but just
 14 in case --
 15 MR. HOPPA: Sure.
 16 It's Tim Hoppa, H-o-p-p-a. Thanks.
 17 MR. PACIONE: Thank
 18 you.
 19 COMMISSIONER SMURAWSKI:
 20 Are you taking questions?
 21 MR. HOPPA: If there's
 22 questions, yes.
 23 COMMISSIONER SMURAWSKI:
 24 So, the open space, that's kind of

18

1 like going to be for like wild -- I
 2 mean, nature and -- or grass, or
 3 what does open space mean?
 4 MR. ADAMS: The open
 5 space was meant to be kind of a
 6 loose term for basically recreation
 7 space, so it's not going to be like
 8 native plants. It's going to be
 9 basically an open turf field, so
 10 that can host basically any athletic
 11 function or festival or whatever the
 12 park district would like. That's
 13 really -- again, we had a few
 14 concepts that did not have that at
 15 all and the public really did not
 16 like that. They wanted the largest
 17 amount of open space that they could
 18 get, so that's -- really this plan,
 19 the reason we chose it as the final,
 20 it had the largest amount of open
 21 space that we could possibly fit
 22 into this park.
 23 COMMISSIONER SMURAWSKI:
 24 Okay.

19

1 CHAIRMAN NOBLE: I've
 2 got a question.
 3 Having an open space,
 4 and there's some residential on the
 5 south side of it, would that not
 6 cause any problem as far as the
 7 residential -- I mean, like --
 8 MS. FALLON: Currently
 9 there are tennis courts there, and
 10 that doesn't -- the tennis courts
 11 don't seem to cause problems. We're
 12 actually moving the tennis courts
 13 away from the residential area, and,
 14 again, just keeping that space open.
 15 So, we're moving away
 16 from the residential any type of
 17 activities.
 18 CHAIRMAN NOBLE: Yes,
 19 but if you're going to have some
 20 projects or party or whatever, would
 21 that not cause any problem to the
 22 residential -- I mean, like a
 23 football game or whatever you --
 24 MS. FALLON: It

20

1 doesn't cause any problem at this
 2 time, so --
 3 CHAIRMAN NOBLE: At
 4 this time because there's a buffer
 5 right now.
 6 MS. FALLON: Well, I
 7 mean, there's -- the tennis courts
 8 are there, but the only thing
 9 surrounding the tennis courts is a
 10 chain link fence. So, the residents
 11 could see into the park at any given
 12 time.
 13 CHAIRMAN NOBLE: Did
 14 you consider putting up a fence
 15 around it so in case --
 16 MS. FALLON: I mean,
 17 that would -- we -- I mean, it was
 18 discussed, but that would deter
 19 people from coming into the park,
 20 and we wanted to encourage as many
 21 people as possible to come into the
 22 park. So, if we put that fence --
 23 if we put a fence like you're
 24 talking about, that would become a

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<p style="text-align: center;">21</p> <p>1 barrier for people. 2 MR. ADAMS: And from 3 the public meetings, they -- people 4 that lived in this area, they kind 5 of appreciated the fact that we 6 moved the tennis courts here. Right 7 now, that doesn't cause that big of 8 an issue, but really the reason that 9 the open space was down here and not 10 up here is because this is where 11 people live. They wanted to move 12 anyway of that really active space 13 kind of farther up north, so that -- 14 again, that was more of a public 15 input decision. 16 CHAIRMAN NOBLE: So, 17 you're saying that the Versailles 18 Apartments doesn't have any negative 19 problems right now? 20 MS. FALLON: No. 21 MR. STANTON: Let me 22 just add one comment. Tod Stanton 23 from Design Perspectives. 24 One is the open space</p>	<p style="text-align: center;">23</p> <p>1 mecca for big tournaments or big 2 festivals. We're talking about 3 modest-sized community events, so I 4 don't think there will be quite the 5 activity that maybe what you're 6 thinking in terms of big festivals 7 or activities. It's going to be 8 much smaller scale in terms of the 9 folks that would be using that. 10 It's really more for the residents 11 that surround it to enjoy a little 12 bit more open views and see the park 13 and enjoy some of the green space 14 versus looking at tennis courts. 15 CHAIRMAN NOBLE: Excuse 16 me, what's your name? 17 MR. STANTON: Tod 18 Stanton. 19 CHAIRMAN NOBLE: Have 20 you been at their summer fest? They 21 have at least 200 kids, okay, and 22 you're saying that particular 23 gathering is not going to be a 24 problem?</p>
<p style="text-align: center;">22</p> <p>1 gain is about a third of an acre, 2 so we're talking about a small 3 amount of green space giving back to 4 the park. So, we're not like 5 tripling the open space, it's a 6 modest gain back. But it is going to 7 be a dramatic improvement. 8 The other thing to 9 note is that the elevation of this 10 is higher than this, so being up 11 high provides still some visual 12 screening for someone to use. So, 13 this area here is slightly higher 14 than what's here, so it's sort of 15 tabled down. And there's a sidewalk 16 that runs along the front face of 17 those apartments, so people do walk 18 by there on a regular basis. 19 So, taking the tennis 20 removes some of the active uses, 21 restore some passive green space, and 22 allows this to sort of be open. 23 But depends how the park district 24 programs it, it will never be a</p>	<p style="text-align: center;">24</p> <p>1 MR. STANTON: I've 2 been into this park for about five 3 years seeing different levels of 4 activity. It is a very active park 5 space. 6 I think in the world 7 of activities, a couple hundred kids 8 isn't a very large gathering. 9 MS. FALLON: And it 10 doesn't -- it hasn't caused any 11 problems with the residents thus far, 12 so we're not necessarily changing 13 what our summer program would be. 14 So, having -- changing where the 15 tennis court location is and opening 16 up the green space I don't envision 17 creating any additional issues. 18 MR. STANTON: But 19 there's still space -- if there's a 20 concern, I'm sure we can add in a 21 little bit of a landscape buffer and 22 treat that, if that is a concern by 23 the Commission. I'm sure we could 24 work out some type of modest</p>

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<p style="text-align: center;">25</p> <p>1 buffering to relieve some of that if 2 it's a concern, so we can solve 3 anything in terms of what your 4 concerns are, absolutely. 5 CHAIRMAN NOBLE: That's 6 good. 7 COMMISSIONER DONOVAL: 8 You've got any price take on it, how 9 much it's all going to cost? 10 MS. FALLON: The 11 entire project? 12 COMMISSIONER DONOVAL: 13 Yes. 14 MS. FALLON: 800,000. 15 COMMISSIONER DONOVAL: 16 800,000. 17 CHAIRMAN NOBLE: So, 18 if it's going to be 800,000, for 19 sure our taxes are going to go up? 20 MS. FALLON: No. 21 MR. PACIONE: That's 22 not relevant to what -- 23 CHAIRMAN NOBLE: Okay. 24 MR. PACIONE: So, that</p>	<p style="text-align: center;">27</p> <p>1 to Oakbrook Terrace, for what reason? 2 MS. FALLON: There was 3 many reasons. 4 One, we feel that 5 we're already part of the community. 6 Two of our facilities reside within 7 Oakbrook Terrace, so for us it makes 8 the most sense since we are trying 9 to serve the Oakbrook Terrace 10 community to have all of our 11 properties within Oakbrook Terrace 12 boundaries. 13 Another part is it is 14 easier to work with your local 15 government than it is to work with 16 the county government, so as we had 17 spoken with the mayor and looking at 18 this park and what we can provide to 19 the community we thought it would be 20 best to add it into the City. 21 COMMISSIONER MYSZKOWSKI: 22 Who is paying for the 800,000; who 23 is paying that? 24 MR. PACIONE: Again,</p>
<p style="text-align: center;">26</p> <p>1 has nothing to do with what their 2 project is. 3 CHAIRMAN NOBLE: So, 4 how -- do you have enough money to 5 support that? 6 MR. PACIONE: Again, 7 that's not -- that's their project, 8 that's their determination of whether 9 they can proceed with the project. 10 It has nothing to do with whether we 11 grant variations or whether you deem 12 the variations to be appropriate or 13 not. 14 CHAIRMAN NOBLE: Would 15 the park district be for under whose 16 jurisdiction; was it under Oakbrook 17 Terrace Planning and Zoning, or was 18 it under DuPage, or what's -- 19 MS. FALLON: DuPage 20 County. 21 CHAIRMAN NOBLE: DuPage 22 County. 23 And what was the 24 reason that you guys are coming in</p>	<p style="text-align: center;">28</p> <p>1 that's not an issue for us to 2 determine. 3 COMMISSIONER DONOVAL: 4 I would rather have my tax be 5 adjusted from the park district what 6 I pay for than spend 800,000, but, 7 you know, it depends on other 8 people. If it would be my way, I 9 wouldn't do that, and I would have a 10 referendum on park districts because 11 this was good like ten years ago. 12 People are suffering in the area. 13 You know, 200, \$300 on tax bill for 14 poor people makes big difference now, 15 but, you know, that's not up to me, 16 that's up to some other people. 17 MR. HOPPA: Okay. I 18 mean, my thoughts on that are -- and 19 I hear -- I've heard three people 20 express concerns about the scope of 21 the project and the cost of the 22 project, and here is what I'll say. 23 Like the City Attorney 24 mentioned, I don't think that the</p>

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<p style="text-align: center;">29</p> <p>1 fact that this project might cost 2 800,000 or 700,000 or \$8 million 3 anything to do whether or not we 4 meet the requirements under your code 5 for the variances. But the five 6 members of the park board are -- 7 have a track record of being 8 responsible with the funds of the 9 taxpayers, and if -- and, first of 10 all, we're not a hundred percent 11 sure that this project is going to 12 be able to be funded. There is 13 some -- and I'm sure that you guys 14 read the newspaper. There's some 15 issues with respect to that. 16 But I assure you that 17 the proposal for the project meets 18 with what the community wants, and 19 it certainly -- and the variances 20 requested meet with the requirements 21 for variations under your code. 22 And, you know, if you have specific 23 thoughts on things that we could do 24 differently for the project,</p>	<p style="text-align: center;">31</p> <p>1 MR. STANTON: Here is 2 the landscape plan. 3 But to answer your 4 question, there's some Siberian elms 5 along the parking lot that are large 6 softwood trees that are probably 7 close to the end of their life, so 8 we were proposing taking those down, 9 replacing those probably with oaks 10 and maples that will be a little bit 11 more suitable for longevity. So, 12 there will be some selected tree 13 removal, but right now it's a master 14 plan and we're -- when we get into 15 the final details, if we save any 16 tree possible whether it's a softwood 17 or hardwood or a 6-inch or 20-inch, 18 as a landscape architect we feel 19 that's important to try to do, so we 20 will make a great effort to save as 21 much tree canopy as there is on the 22 site. 23 COMMISSIONER SCHNEIDER: 24 If I may ask another question, at</p>
<p style="text-align: center;">30</p> <p>1 obviously we would like to hear 2 them, but, you know, at this point I 3 do think that we've met the 4 requirements for the variations. 5 CHAIRMAN NOBLE: Any 6 other comments from the 7 Commissioners; yes, Steve? 8 COMMISSIONER SCHNEIDER: 9 I have a question. 10 Are you removing any 11 landscaping with this project? 12 MR. ADAMS: So, 13 there's going to be some slight 14 basic tree removal. A lot of that 15 is kind of in this area here. 16 That's really to maximize our open 17 space again. There's a few trees 18 kind of out in the center of this 19 field. They'll be taken down. We 20 are replacing much, much more than 21 we're taking out. 22 MR. HOPPA: So, where 23 is the replacements; can you show 24 them?</p>	<p style="text-align: center;">32</p> <p>1 nighttime what are -- what's -- how 2 has it been with children in the 3 park? Do you have a lot of open 4 land where you're going to put a 5 skateboard park? How do you feel it 6 has been up to this point with 7 trouble, or how is it watched over? 8 MS. FALLON: So, to 9 answer your question, there's very 10 little trouble. There is -- any 11 park will have the statistics that 12 there are always going to be 13 incidences when you have open space. 14 Ours are very few and far between. 15 I have been with the park district 16 for over three years now, and 17 there's been nothing that occurred in 18 the last three years. 19 So, for us that's a 20 great trend, and we expect it to 21 continue, because now what we're 22 doing is we're actually offering the 23 kids in a teenage set something to 24 do. So, whenever you're offering</p>

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<p style="text-align: center;">33</p> <p>1 them something to do, you're taking 2 away from the likelihood that they're 3 just going to be there causing 4 trouble.</p> <p style="text-align: center;">COMMISSIONER VENTURA:</p> <p>5 This is a question and clarification 6 for me, if you don't mind.</p> <p style="text-align: center;">Right -- currently this</p> <p>7 property falls under the Oakbrook 8 Terrace Park District obviously?</p> <p style="text-align: center;">MS. FALLON: Correct.</p> <p style="text-align: center;">COMMISSIONER VENTURA:</p> <p>9 And I feel that it services mostly 10 Brandywine. Can you -- can any of 11 you make any comment on -- do actual 12 Oakbrook Terrace residents use this 13 facility, or do you find that it's 14 predominantly residents of Brandywine 15 that benefit from the park? And if 16 that being the case, then the money 17 that the park district is putting 18 into this is it deterring from the 19 other parks in Oakbrook Terrace that 20 may need attention.</p>	<p style="text-align: center;">35</p> <p>1 I'm sorry, what was 2 your other question?</p> <p style="text-align: center;">MR. STANTON: Well,</p> <p>3 just so you understand, we were 4 fortunate to work on the master plan 5 in 2010 which we're updating this 6 year, and the first part that they 7 undertook as far as (inaudible) which 8 you've all seen down around the 9 corner, and that was a substantial 10 investment as well which they 11 delivered a really nice improvement 12 for the community.</p> <p style="text-align: center;">So, you know, we</p> <p>13 identify the needs and they developed 14 the project space on some planned 15 and criteria public input, so this 16 was the next project once -- which 17 it is to work on. So, it just made 18 sense to -- like Cathy said, we want 19 to be part of the community to annex 20 it in, work with Mihaela and the 21 local folks to work in a more local 22 community versus dealing with the 23 24</p>
<p style="text-align: center;">34</p> <p>1 MS. FALLON: Okay. We 2 do find use from all areas of 3 Oakbrook Terrace at this facility. 4 We do have programs that go on at 5 that facility that Oakbrook Terrace 6 residents use that we take camp -- 7 our summer camp, for example, is 8 housed out of this facility. So, 9 kids from Oakbrook Terrace come to 10 our summer camp, they use the splash 11 pad, they use the playground, they're 12 going to use the open space to -- 13 now we'll have more space for them 14 to do outside activities, so, yes, 15 we do get resident use from 16 everywhere. And people from 17 Brandywine also use the park.</p> <p style="text-align: center;">MR. STANTON: As well 18 as Versailles.</p> <p style="text-align: center;">MS. FALLON: As well 19 as Versailles. The sand volleyball 20 courts are very popular with the 21 Versailles residents, and the splash 22 pad as well.</p>	<p style="text-align: center;">36</p> <p>1 county.</p> <p style="text-align: center;">MR. HOPPA: And the 2 plan would also call for renovations. 3 What would be the next --</p> <p style="text-align: center;">MS. FALLON: Terrace 4 View would be the next park to be 5 renovated. And, again, it was just 6 based off of the master plan and the 7 community input as to the -- that 8 the parks were decided to be worked 9 on.</p> <p style="text-align: center;">COMMISSIONER VENTURA:</p> <p>10 Okay. Now, my other question is 11 because there were comments 12 pertaining to our tax dollar but 13 we're paying tax dollars to park 14 district right now.</p> <p style="text-align: center;">So, I'm sure that you 15 didn't come up with this big plan in 16 a way that the taxpayers are going 17 to have to pay more money in order 18 that you could -- so, the two aren't 19 really related?</p> <p style="text-align: center;">MR. STANTON: The park 20 21 22 23 24</p>

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1 district is very financially
 2 responsible and conservative in how
 3 they tackle projects, so it will be
 4 done responsibly and --
 5 COMMISSIONER VENTURA:
 6 Mostly it's grant money, isn't it,
 7 that comes from the State?
 8 MR. STANTON: They
 9 were successful securing half of the
 10 money from the State. Our esteemed
 11 governor has frozen those grants.
 12 They have not been cancelled, but
 13 they are sort of on hold, so we're
 14 hoping to hear news in the next two
 15 to three months that the process
 16 will be put back in place and we'll
 17 be moving forward with drawings and
 18 permits and getting ready to start
 19 moving the process. So, there's a
 20 very much of a commitment to do some
 21 improvements here over the next year
 22 or two.
 23 MR. HOPPA: The
 24 concerns about the specific variances

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1 that are requested is there -- I
 2 know there was some questions about
 3 the landscaping or the signage.
 4 Certainly I want to make sure that
 5 we get those answered.
 6 CHAIRMAN NOBLE: Is
 7 the park going to be lighted in the
 8 evening, or do they have --
 9 MR. HOPPA: I mean, I
 10 guess certain -- you should speak to
 11 where the lights are and where
 12 they're going to be because -- I
 13 mean, it is not going to be --
 14 MS. FALLON: Like the
 15 pathway is not going to be fully lit
 16 or anything like that.
 17 The tennis courts and
 18 then around the building there's
 19 lighting.
 20 CHAIRMAN NOBLE: Do
 21 they have a certain time of turning
 22 off, on the lights?
 23 MS. FALLON: Yes.
 24 Everything will be set on timers, so

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1 we can set the time for -- currently
 2 our timers are set to turn off in
 3 the morning when it's light out, and
 4 those go on again at about dusk, and
 5 then they'll turn off when the park
 6 closes at 10:00 o'clock.
 7 MR. STANTON: Do you
 8 know the hours for the tennis court,
 9 those lit -- because the tennis
 10 courts currently are lit, and we
 11 want to provide the two lighted
 12 tennis courts with -- do you know
 13 what time they stop; was it 9:00 or
 14 10:00?
 15 MS. FALLON: I think
 16 it was 9:00 or 10:00 o'clock.
 17 MR. STANTON: So,
 18 usually they end at a decent hour.
 19 I think it's dusk so the kids can
 20 play or the adults can finish their
 21 game, but it's not meant to be on
 22 much past dusk.
 23 CHAIRMAN NOBLE: Is
 24 that through like reservation for --

40

1 if you can play on the tennis court,
 2 or how does it --
 3 MS. FALLON: The
 4 tennis court is a first come, first
 5 served.
 6 CHAIRMAN NOBLE: First
 7 come, first served basis.
 8 COMMISSIONER VENTURA:
 9 I have one more question.
 10 Does Metra use the
 11 facility as well?
 12 MS. FALLON:
 13 Absolutely. Metra is in our
 14 facility every Thursday upstairs in
 15 our theater. They do a tennis camp
 16 in the summertime, and they use --
 17 they come to our park quite a bit
 18 throughout the summer, different
 19 camps -- they run different camps
 20 with the kids and things like that.
 21 So, they're at our facility quite
 22 often, but weekly throughout the
 23 year.
 24 CHAIRMAN NOBLE: Any

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<p style="text-align: center;">41</p> <p>1 other comments from the 2 Commissioners? 3 Can I get some 4 comments from the Zoning 5 Administrator Mihaela? 6 MS. DRAGAN: Thank 7 you. 8 We advertised the park 9 district report in the legal notice, 10 however, the Planning and Zoning 11 Commission is advised to make a 12 recommendation concerning the special 13 use and variations from the zoning 14 code. The council will consider the 15 request for annexation, the letter of 16 recommendation from Planning and 17 Zoning Commission concerning special 18 use and variations, and, also, the 19 council will consider the request to 20 allow the sign to remain as it 21 exists in the right-of-way. That 22 request specifically is not in the 23 zoning code, it's the City's 24 right-of-way code, so only the</p>	<p style="text-align: center;">43</p> <p>1 annexation is not an issue for the 2 Planning and Zoning Commission. 3 COMMISSIONER MYSZKOWSKI: 4 That's what I'm wondering about, yes. 5 CHAIRMAN NOBLE: So, 6 any other comments; yes? 7 COMMISSIONER SCHNEIDER: 8 I understand you said you've had no 9 trouble in the park up until now. 10 Was there a time when it's closed 11 and you don't allow, you know, kids 12 around there with their skateboards 13 and such? 14 MS. FALLON: The park 15 closes at 10:00 p.m., so from 10:00 16 a.m. until I believe it's sunlight 17 that the park is closed. So, 18 currently DuPage County sheriffs 19 monitors that, and that, too, we 20 currently contact if we have any 21 issues. 22 COMMISSIONER SCHNEIDER: 23 Okay. Thank you. 24 CHAIRMAN NOBLE: What</p>
<p style="text-align: center;">42</p> <p>1 council can grant the variation or 2 find some other alternatives such as 3 to require a licensed encroachment 4 agreement or anything else they may 5 choose to do concerning the location 6 of the monument sign. 7 So, the request before 8 you tonight is for the special use 9 and variations from the zoning code 10 to allow the improvements within 11 private property within the property 12 line. 13 CHAIRMAN NOBLE: Thank 14 you, Mihaela. 15 Any comments from -- 16 COMMISSIONER VENTURA: 17 Not in relation to the annexation, 18 just what the zoning variations that 19 are being -- 20 MS. DRAGAN: Special 21 use and variations. 22 CHAIRMAN NOBLE: So, 23 we're not discussing -- 24 MR. PACIONE: The</p>	<p style="text-align: center;">44</p> <p>1 about our comments from our City 2 Attorney? 3 MR. PACIONE: It would 4 only be in regards to the sign. 5 As Mihaela described 6 it, it's not a variance that this 7 Planning and Zoning Commission 8 considers. It's not in the zoning 9 code. They're not asking for a 10 variance from anything within the 11 zoning ordinance. 12 So, my only opinion 13 and recommendation is that you -- 14 you're not permitted to take a vote 15 on that sign variation because it's 16 not something within your authority 17 to grant or not grant -- or 18 recommend or not recommend, excuse 19 me. So, that last -- it doesn't 20 have a letter, but the variation to 21 allow the sign within the 22 right-of-way is not a variation 23 within the zoning code, so there 24 would be no vote from this</p>

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<p style="text-align: center;">45</p> <p>1 Commission to take on that particular 2 issue. 3 CHAIRMAN NOBLE: So, 4 when we put the motion, that would 5 be excluded? 6 MR. PACIONE: Correct. 7 CHAIRMAN NOBLE: Okay. 8 MR. PACIONE: And I 9 would also recommend that you take 10 an individual vote on each -- on the 11 conditional use and on each variance. 12 I'm also going to ask that you do 13 that, you take a separate vote for 14 each. 15 CHAIRMAN NOBLE: Thank 16 you, Peter. 17 I would like to open 18 up the public hearing to the public. 19 Any positive testimony? Let the 20 record show none. 21 Any negative testimony? 22 Let the record show none. 23 The hearing is now 24 closed for the public portion. Any</p>	<p style="text-align: center;">47</p> <p>1 CHAIRMAN NOBLE: Second 2 by Steve. 3 Please call the roll. 4 MR. PACIONE: Is there 5 any further discussion? 6 CHAIRMAN NOBLE: Any 7 further discussions from the 8 Commissioners? 9 Please call the roll. 10 SECRETARY COGLIANESE: 11 Commissioner Schneider? 12 COMMISSIONER SCHNEIDER: 13 Yes. 14 SECRETARY COGLIANESE: 15 Ventura? 16 COMMISSIONER VENTURA: 17 Yes. 18 SECRETARY COGLIANESE: 19 Myszkowski? 20 COMMISSIONER MYSZKOWSKI: 21 Yes. 22 SECRETARY COGLIANESE: 23 Donoval? 24 COMMISSIONER DONOVAL:</p>
<p style="text-align: center;">46</p> <p>1 other comments from the 2 Commissioners? Did you guys 3 completely understood what our City 4 Attorney mentioned, that we cannot 5 vote on the last one which is the 6 sign, so the rest of it we have to 7 vote individually? Any questions 8 from the Commissioners? 9 I would like to get a 10 motion on the floor for each cases. 11 The first one is the -- 12 COMMISSIONER VENTURA: 13 I'll make a motion to approve Case 14 15-12, No. 1, a variation from 15 Section 156.075(E)(1) reducing the 16 minimum requirement for the front 17 yard of not less than ten feet in 18 depth for paved area to zero feet. 19 COMMISSIONER SCHNEIDER: 20 Second that motion. 21 CHAIRMAN NOBLE: 22 Second? 23 COMMISSIONER SCHNEIDER: 24 Second.</p>	<p style="text-align: center;">48</p> <p>1 No. 2 SECRETARY COGLIANESE: 3 Smurawski? 4 COMMISSIONER SMURAWSKI: 5 Yes. 6 SECRETARY COGLIANESE: 7 Chairman Noble? 8 CHAIRMAN NOBLE: 9 Abstain. 10 MR. PACIONE: Was that 11 three-two? 12 MR. HOPPA: Five-one. 13 If you count the abstainment, the 14 majority of it, which I understand 15 what the rules are. 16 COMMISSIONER VENTURA: 17 I would like to make a motion, Case 18 15-12, a variation from Section 19 156.075(E)(2)(b) of the zoning 20 ordinance reducing the minimum 21 required side yard setback of not 22 less than ten feet in depth on each 23 side of the lot for paved area to 24 five feet for the north side and</p>

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<p style="text-align: center;">49</p> <p>1 four feet for the south side. 2 COMMISSIONER SCHNEIDER: 3 Second on that. 4 CHAIRMAN NOBLE: Second 5 by Steve. 6 Please call the roll. 7 SECRETARY COGLIANESE: 8 Commissioner Schneider? 9 COMMISSIONER SCHNEIDER: 10 Yes. 11 SECRETARY COGLIANESE: 12 Ventura? 13 COMMISSIONER VENTURA: 14 Yes. 15 SECRETARY COGLIANESE: 16 Myszkowski? 17 COMMISSIONER MYSZKOWSKI: 18 Yes. 19 SECRETARY COGLIANESE: 20 Donoval? 21 COMMISSIONER DONOVAL: 22 No. 23 SECRETARY COGLIANESE: 24 Smurawski?</p>	<p style="text-align: center;">51</p> <p>1 COMMISSIONER SCHNEIDER: 2 Second. 3 CHAIRMAN NOBLE: Second 4 by Steve. Any other discussion? 5 Please call the roll. 6 SECRETARY COGLIANESE: 7 Commissioner Schneider? 8 COMMISSIONER SCHNEIDER: 9 Yes. 10 SECRETARY COGLIANESE: 11 Ventura? 12 COMMISSIONER VENTURA: 13 Yes. 14 SECRETARY COGLIANESE: 15 Myszkowski? 16 COMMISSIONER MYSZKOWSKI: 17 Yes. 18 SECRETARY COGLIANESE: 19 Donoval? 20 COMMISSIONER DONOVAL: 21 No. 22 SECRETARY COGLIANESE: 23 Smurawski? 24 COMMISSIONER SMURAWSKI:</p>
<p style="text-align: center;">50</p> <p>1 COMMISSIONER SMURAWSKI: 2 Yes. 3 SECRETARY COGLIANESE: 4 Chairman Noble? 5 CHAIRMAN NOBLE: No. 6 SECRETARY COGLIANESE: 7 That passed. We have four yeses, 8 two noes. 9 MR. PACIONE: I 10 counted that time. 11 SECRETARY COGLIANESE: 12 Yes. Thank you. 13 CHAIRMAN NOBLE: Do 14 you want to read it again, Ann? 15 COMMISSIONER VENTURA: 16 I would like to make a motion to 17 approve Case 15-12 for a variation 18 from Section 156.075(E)(3)(b) of the 19 zoning ordinance reducing the minimum 20 required rear yard of not less than 21 ten feet in depth for a paved area 22 to zero feet. 23 CHAIRMAN NOBLE: Any 24 second?</p>	<p style="text-align: center;">52</p> <p>1 Yes. 2 SECRETARY COGLIANESE: 3 Chairman Noble? 4 CHAIRMAN NOBLE: No. 5 SECRETARY COGLIANESE: 6 Four to two. 7 COMMISSIONER VENTURA: 8 I would like to make a motion to 9 approve Case 15-12 pursuant to 10 Section 156.075(E)(3) of the zoning 11 ordinance to allow special use for a 12 park district facility. 13 CHAIRMAN NOBLE: Any 14 second? 15 COMMISSIONER MYSZKOWSKI: 16 Second. 17 COMMISSIONER SCHNEIDER: 18 Second. 19 CHAIRMAN NOBLE: 20 Discussion? 21 Please call the roll. 22 SECRETARY COGLIANESE: 23 Commissioner Schneider? 24 COMMISSIONER SCHNEIDER:</p>

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<p>53</p> <p>1 Yes. 2 SECRETARY COGLIANESE: 3 Ventura? 4 COMMISSIONER VENTURA: 5 Yes. 6 SECRETARY COGLIANESE: 7 Myszkowski? 8 COMMISSIONER MYSZKOWSKI: 9 Yes. 10 SECRETARY COGLIANESE: 11 Donoval? 12 COMMISSIONER DONOVAL: 13 No. 14 SECRETARY COGLIANESE: 15 Smurawski? 16 COMMISSIONER SMURAWSKI: 17 Yes. 18 SECRETARY COGLIANESE: 19 Chairman Noble? 20 CHAIRMAN NOBLE: No. 21 SECRETARY COGLIANESE: 22 Four to two. 23 CHAIRMAN NOBLE: Ann? 24 COMMISSIONER VENTURA:</p>	<p>55</p> <p>1 SECRETARY COGLIANESE: 2 Donoval? 3 COMMISSIONER DONOVAL: 4 No. 5 SECRETARY COGLIANESE: 6 Smurawski? 7 COMMISSIONER SMURAWSKI: 8 Yes. 9 SECRETARY COGLIANESE: 10 Chairman Noble? 11 CHAIRMAN NOBLE: No. 12 SECRETARY COGLIANESE: 13 Four to two. 14 COMMISSIONER VENTURA: 15 I would like to make a motion to 16 approve Case 15-12, a variation from 17 Section 156.049 of the zoning 18 ordinance to eliminate the 19 landscaping requirements to allow 20 landscaping on the property to remain 21 as it exists. 22 COMMISSIONER SCHNEIDER: 23 Second. 24 CHAIRMAN NOBLE: Second</p>
<p>54</p> <p>1 I would like to make a motion to 2 approve Case 15-12, a variation from 3 Section 156.104 of the zoning 4 ordinance to eliminate the 5 requirement for a loading dock for 6 each building having a gross floor 7 area ratio of 10,000 square feet. 8 COMMISSIONER SCHNEIDER: 9 Second. 10 CHAIRMAN NOBLE: Second 11 by Steve. Any discussion? 12 Please call the roll. 13 SECRETARY COGLIANESE: 14 Commissioner Schneider? 15 COMMISSIONER SCHNEIDER: 16 Yes. 17 SECRETARY COGLIANESE: 18 Ventura? 19 COMMISSIONER VENTURA: 20 Yes. 21 SECRETARY COGLIANESE: 22 Myszkowski? 23 COMMISSIONER MYSZKOWSKI: 24 Yes.</p>	<p>56</p> <p>1 by Steve. Any discussion? 2 Please call the roll. 3 SECRETARY COGLIANESE: 4 Commissioner Schneider? 5 COMMISSIONER SCHNEIDER: 6 Yes. 7 SECRETARY COGLIANESE: 8 Ventura? 9 COMMISSIONER VENTURA: 10 Yes. 11 SECRETARY COGLIANESE: 12 Myszkowski? 13 COMMISSIONER MYSZKOWSKI: 14 Yes. 15 SECRETARY COGLIANESE: 16 Donoval? 17 COMMISSIONER DONOVAL: 18 No. 19 SECRETARY COGLIANESE: 20 Smurawski? 21 COMMISSIONER SMURAWSKI: 22 Yes. 23 SECRETARY COGLIANESE: 24 Chairman Noble?</p>

REPORT OF PROCEEDINGS - March 17, 2015

<p style="text-align: center;">57</p> <p>1 CHAIRMAN NOBLE: No. 2 SECRETARY COGLIANESE: 3 Four to two. 4 COMMISSIONER VENTURA: 5 I would like to make a motion to 6 approve Case 15-12, a variation from 7 Section 156.039(b)(4) of the zoning 8 ordinance to eliminate the 9 requirement for a fence and 10 landscaping between the residential 11 and nonresidential uses. 12 COMMISSIONER SCHNEIDER: 13 Second. 14 CHAIRMAN NOBLE: Any 15 discussion? 16 Please call the roll. 17 SECRETARY COGLIANESE: 18 Commissioner Schneider? 19 COMMISSIONER SCHNEIDER: 20 Yes. 21 SECRETARY COGLIANESE: 22 Ventura? 23 COMMISSIONER VENTURA: 24 Yes.</p>	<p style="text-align: center;">59</p> <p>1 MR. HOPPA: Yes, we'll 2 withdraw that request in front -- 3 before the Commission. I know when 4 we had originally discussed the 5 variations that were required we knew 6 that would be an issue that was 7 included with the items, but I do 8 realize that that was -- 9 MR. PACIONE: It's 10 just a separate section of the code. 11 MR. HOPPA: Right, 12 right -- no, I completely agree with 13 you on that. 14 CHAIRMAN NOBLE: 15 Mihaela, when will it go to the -- 16 MS. DRAGAN: The 17 letter of recommendation will be 18 placed on the April 14th City 19 Council meeting agenda at 7:00 p.m., 20 and at that meeting the City Council 21 will discuss annexation of the 22 property as well as the letter of 23 recommendation from the Planning and 24 Zoning Commission and the request for</p>
<p style="text-align: center;">58</p> <p>1 SECRETARY COGLIANESE: 2 Myszkowski? 3 COMMISSIONER MYSZKOWSKI: 4 Yes. 5 SECRETARY COGLIANESE: 6 Donoval? 7 COMMISSIONER DONOVAL: 8 No. 9 SECRETARY COGLIANESE: 10 Smurawski? 11 COMMISSIONER SMURAWSKI: 12 Yes. 13 SECRETARY COGLIANESE: 14 Chairman Noble? 15 CHAIRMAN NOBLE: No. 16 SECRETARY COGLIANESE: 17 Four to two. 18 MR. PACIONE: And 19 then, counsel, for the final one 20 regarding the sign, would you concur 21 with my opinion then with withdrawing 22 your request for that variance 23 because we don't even -- just as a 24 matter of record, or --</p>	<p style="text-align: center;">60</p> <p>1 that sign and the right-of-way. 2 MR. HOPPA: Very good. 3 MS. DRAGAN: If you 4 can give me a call tomorrow just to 5 discuss on the plan of annexation so 6 we will be prepared? 7 MR. HOPPA: Should we 8 discuss about the sign I had at that 9 meeting? 10 MR. PACIONE: At that 11 meeting? 12 MR. HOPPA: I had at 13 that meeting. 14 MR. PACIONE: If you 15 want to talk to Mihaela -- 16 MS. DRAGAN: Yes. 17 Everything will be discussed at the 18 April 14th meeting. 19 MR. HOPPA: Very good. 20 CHAIRMAN NOBLE: Thank 21 you. 22 23 24 * * *</p>



Interdepartmental Memo

To: Mayor Ragucci and City Council
Amy Marrero, City Administrator

From: Mihaela Dragan

Re: Letter of Recommendation / Proposed Construction Of A Multi-Tenant Building / Case #16-1
City Council Meeting: May 26, 2015

Date: May 21, 2015

REQUEST:

Mayor and City Council to ask the City Attorney to prepare an ordinance.

BACKGROUND:

A Public Hearing before the Planning and Zoning Commission of the City of Oakbrook Terrace was held on May 19, 2015, to consider a request by Butterfield Point, LLC ("Petitioner"), to approve special uses authorized under Section 156.024(B) of the Zoning Ordinance and variations authorized under 156.023(B) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance") as follows:

1. A special use for a multi-tenant building with (a) an above-ground service facility situated in the buildable area between the building and the front yard line (authorized under Section 156.051(D)(4) and Section 156.051(H)(3)), (b) for a restaurant in the south unit with a drive-through window and patio seating area (authorized under Section 156.087(A)(2) and Section 156.087(C)(34)) and (c) for a restaurant with operations on a patio dining area accessory to the north unit (authorized under Section 156.087(A)(2)).
2. A variation from Section 156.035(B), Section 156.045(B)(10) and Section 156.045(B)(35) in order to permit the service/trash enclosure with a south landscape wall in the east front yard.
3. A variation from Section 156.039(B)(1) prohibiting fences in the required east front yard in order to permit a gated masonry service/trash enclosure in the east front yard (southeast

corner of the property).

4. A variation from Section 156.043(C)(2) prohibiting signs from obstructing drives in order to permit a suspended height restriction sign at the entry to the drive through.
5. A variation from Section 156.043(C)(5) limiting the height of monument and pole signs to nine (9) feet in order to permit (a) a monument sign along the Midwest Road frontage not taller than twelve (12) feet, and (b) a pole sign at the entry to the drive through not taller than eleven (11) feet.
6. A variation from Section 156.051(D)(5) (prohibiting more than one above ground service facility within 250 feet of another) and Section 156.051(F) (requiring a landscape buffer) in order to permit an above ground service facility within 250 feet of another existing above ground service facility according to landscape plans on file with the City.
7. A variation from Section 156.087(B) (54) which limits the dining area on patios to 25% of the interior dining area in order to permit outdoor dining on two patios with (a) the dining area of the north patio not to exceed 306 feet or 35% of the interior dining area of the north unit and (b) the collective patio dining area not to exceed 406 feet or 32% of the combined interior dining areas in the north and south units.
8. A variation from Section 156.087(G)(1) requiring minimum east and north front yards of not less than forty (40) feet and minimum front yards to pavement of ten (10) feet in order to permit (a) the location of the service/trash enclosure nine (9) feet west of the east front yard lot line and paved areas for the trash enclosure eight (8) feet west of the east front lot line) and (b) rows of parking spaces on the east, northeast and north front lot lines five (5) feet from these lot lines.
9. A variation from Section 156.087(G)(2) requiring a minimum west side yard to pavement of five (5) feet in order to permit the drive-through lane to be situated not closer than two (2) feet east of the west side yard.
10. A variation from Section 156.087(G)(3) requiring a minimum south rear yard of not less than forty (40) feet and a minimum rear yard to pavement of five (5) feet in order to permit (a) the location of the service/trash enclosure two (2) feet north of the rear lot line, (b) the location of the building not closer than 22.5 feet north of the rear lot line, (c) the location of the menu board not closer than 22.5 feet north of the rear lot line, (d) paved areas for (i) the trash enclosure (1.5) feet north of the rear lot line), (ii) drive through (2 feet north of the rear lot line),

(iii) loading zone (2 feet north of the rear lot line) and (iv) fire lane (2 feet north of the rear lot line).

- 11. A variation from Section 156.087(G)(4) limiting the use of a common access drive to one-half of a side or rear yard requirement in order to permit (a) the location of the drive through lane on the west side of the building to occupy an area that is as close as two (2) feet to the west lot line and extends across the side yard required by ordinance and (b) the drive-through lane and loading zone area on the south side of the building to occupy an area that is as close as two (2) feet to the south lot line.**
- 12. A variation from Section 156.087(I), Section 156.049(H) and Section 156.049(I) in order to permit parking lot and general landscaping relief with the required landscaping reflected in the landscape plan on file with the City while (a) allowing a postponement of work in the area along the southwest corner lot lines such that plantings may be deferred until a light pole serving property to the south is removed and the area restored, (b) allowing a reduction of plantings on the west side lot line as may be necessitated by final site engineering, and (c) allowing a reduction in interior landscaping and screening by as much as one (1) interior tree and screening required under Section 156.035(C)(4)(b) in order to permit a generator near the above ground service facility at the northwest corner of the building with the screening, fencing and landscaping as reflected in plans on file with the City.**
- 13. A variation from Section 156.101(E) limiting widths of commercial district driveways across public property to a width of 35 feet at the right-of-way line and limiting driveway flares in a commercial district to five feet on each side of the driveways in order to permit (a) two existing driveways to remain substantially as constructed with widths not to exceed 36.5 feet between the faces of curbs, (b) driveway flares at the north driveway not to exceed 16 feet (west) and 22 feet (east), and (c) driveway flares at the east driveway not to exceed 9 feet (north) and 13 feet (south).**
- 14. Pursuant to Section 156.023(B), such other variations and authorizations as may be required to permit the development of the use and improvements according to the plans on file with the City and as these plans may be amended through the City Council's consideration of this request.**

The site is situated at the southwest corner of Butterfield Road and Midwest Road. The site is approximately one acre and is zoned B-3 General Retail District. The property is proposed to be developed for a five unit center and will

provide 42 parking spaces.

The proposed one-story building is 9,688 square feet, 22 feet in height with a drive through serving the south unit, two (2) dining patios for the south and north end units, and three (3) other tenants between the north and south restaurant units.

The applicant requests include special use permits, variations from Zoning Code regulations with respect to yards, fences, landscaping, driveway width and flares, and signage.

The Planning and Zoning Commission voted in favor of the proposed construction of a multi-tenant building requested by the Petitioner, Butterfield Point, LLC as follows:

- The Planning and Zoning Commission voted unanimously to recommend the project, except the sign height variation which was recommended for approval on a 4-1 vote.**
- The motion to approve the dumpster and enclosure in the east front yard was originally recommended for denial on a 3-2 vote as three (3) Commissioners were not in favor of the proposed dumpsters' location. The Applicant informed the Planning and Zoning Commission that it was impossible to locate the dumpster anywhere else on the property as the development project would not be feasible. The Applicant requested the Commission to reconsider the vote, and after further discussion the request to approve the dumpster in the east front yard was recommended for approval on a 5-0 vote.**
- The Special Use Ordinance for the property shall include the conditions outlined in the letter attached from Mark Daniel of Daniel Law Office, dated May 20, 2015.**

In conclusion, the Applicant's requests in relation to the redevelopment of the property were unanimously 5-0 recommended for approval, except for the sign height variation as Commissioner Ventura was against the request to permit 3 feet over the 9 feet allowable height for freestanding signs on Butterfield Road.

Mark W. Daniel, Esq.
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17W733 Butterfield Road, Unit F
Oakbrook Terrace, IL 60181
(630) 833-3311
Fax: (630) 833-3511

Daniel Law Office, P.C.

May 20, 2015

Via Hand Delivery

Hon. Tony Ragucci, Mayor
and City Council
City of Oakbrook Terrace
c/o Mihaela Dragan
17W275 Butterfield Road
Oakbrook Terrace, IL 60181

Re: Butterfield Point of Oakbrook Terrace
17W615 Butterfield Road - PIN 06-22-301-064
Oakbrook Terrace, DuPage County, Illinois

Dear Mayor Ragucci, Aldermen and Mihaela:

As you may know, I represent Butterfield Point, LLC in relation to the redevelopment of the former gasoline service station property at the southwest corner of Butterfield Road and Midwest Road. The resulting development of a planned 5-unit commercial center offers the City many benefits—all of which you understand in your experience as leaders within the Oakbrook Terrace community. The applicant requests that the City Council consider this application for special uses authorizations with related variations at its May 26, 2015 meeting with planned final action to occur at the City Council's June 9, 2015 meeting.

Following all review during the zoning process, there appear to be no regulatory concerns that would prevent the development from going forward. The Planning and Zoning Commission heard the matter of the application on May 19, 2015. No residents in attendance spoke for or against the project. A nearby office owner and operator spoke with me about the matter and expressed encouragement to the City in its efforts to strengthen the commercial opportunity at the intersection and in the area.

This letter formally requests that the City Council authorize connection to the Village of Oak Brook water system. The connection is feasible amid the collection of other utilities at the property and in and near the rights of way. Unfortunately, connection to the City's water system is difficult and cost prohibitive. Connection to the Village of Oak Brook system will not cause a gap in service to City water users or potential City water uses or lead to problems the City might experience in relation to planning to provide City water service.

As noted above, this letter also requests that the City authorize the intended development of the property. The Planning and Zoning Commission voted unanimously to recommend the project on all accounts except the sign height variation (positively recommended on a 4-1 vote). This letter addresses two aspects of the recommendation. First, the positive recommendation on the variation allowing the increased height of two signs (Legal Notice, Item 5) involved discussion of the corner monument sign at a height of twelve (12) feet (there was no negative

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and City Council
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c/o Mihaela Dragan
Building and Zoning Administrator

May 20, 2015

comment about the height variation for the drive through height restriction sign at eleven (11) feet). Second, the variation concerning the location of the dumpster(s) and trash enclosure (Legal Notice, Item 2) initially failed while other aspects of the enclosure were approved (i.e., Legal Notice, Item 3)—the result of the Planning and Zoning Commission's attention to the possible problems that might arise if the enclosure and disposal operations in the east front yard were not handled correctly. Eventually, the portion of the request relating to the dumpster area received the unanimous support of the Planning and Zoning Commission.

The Sign Variations

With respect to the sign height variations, it is important to note that the overall sign area on the property is well within the allowable 402 square feet. Two signs require variations: (a) the corner monument sign in order to allow a taller sign properly aligned at the intersection; and (b) a pole sign extended above the driveway entry that must necessarily be taller than nine (9) feet in order to allow installation of a drive-through height restriction sign suspended over the entry to the drive through. The drive through height restriction did not concern the Planning and Zoning Commission, but the height of the corner monument sign was the subject of some discussion.

The larger proportion of site signage is comprised of wall signs that are set back deep into the parcel due to the building's distance from the centerlines of the abutting rights of way and the irregular shape of the parcel. The east wall signage is generally not readily visible from the north and west and may be difficult for some to identify from the east. The north wall signage is planned to serve only the north tenant in an effort to maintain the intended building appearance. The corner monument sign is the most proximate opportunity for tenants to maintain identification at the intersection much in the same fashion as all others at the intersection and near the intersection.

The added height of the sign results from efforts to maintain a ready point of identification for the property and its businesses. First, the sign will sit amid an attractively landscaped area and at an intersection—requiring elevation of the lowest sign panel above the landscaping while maintaining visibility amid the passing vehicles. Second, applicant proposes a triangular cap to the sign that has a center peak before widening to include the terms "Butterfield Point of Oakbrook Terrace." It is this latter element of the sign that comprises a large part of the additional height required for the monument sign. The latter element also softens the sign and makes for a more attractive appearance at this location and in the neighborhood. Obviously, this latter element also offers a beneficial feature in mentioning the City itself at a key entry point into the City's B-3 zoning district. The lone vote against providing a positive recommendation arose from a concern that the sign might be modified in its individual panel height. However, the panel heights should not be modified and the corner parcel is not amenable to a sign such as that which identifies businesses at Comar Center where the tenants can be identified in a wide two-column sign rather in a single column sign. Additionally, the City can afford zoning relief on the basis of practical difficulty, and the desire

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and City Council
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Building and Zoning Administrator

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to add the attractive cap to the sign that identifies the project and the City itself is certainly within the realm of reasonableness at this key corner in the City. The primary sign face of this single-sided monument sign is eight (8) feet tall, with the cap and the base behind the landscaping comprising the remaining four (4) feet.

The Dumpster and Enclosure

As noted above, this aspect of the project advances to the City Council with a unanimous positive recommendation. However, only two members of the Planning and Zoning Commission supported the component of the application relating to the dumpster until the applicant committed to conditions that would attach to the special use permit and address concerns of the Commission. During this discussion, the applicant also informed the Planning and Zoning Commission that it was impossible to locate the dumpster anywhere else on site while maintaining project viability. Following this discussion, the Planning and Zoning Commission supported the entirety of the application.

The property has two front yards and a rear yard, each of which allows for certain encroachments. The zoning ordinance has the effect of forcing owners to locate trash dumpsters outside of a required yard or in the required or side or rear yard. In this instance, there is no reasonably available location outside of the required yards and the location of the dumpster in the side or rear yard would further clutter an area that is north of the building line of Terrace Oaks (to the west) and subject to open views across a detention pond, creek and landscaping. Situating the dumpster in the rear yard would, for all purposes, eliminate the Unit 1 drive through use as a result of the setback, planting and screening requirements as well as the necessary planning for waste hauling services. If the enclosure and dumpsters were placed in the rear or side yard, there would be no way to compensate for this adjustment through any shifting of the building because more severe variations would be required to avoid front yard requirements for the building and a significant number of parking spaces would be forfeited. The matter will be a deal breaker for any reasonable developer. The result is that the vast majority of uses in the B-3 zoning district become unavailable and the City is left with an inefficient land use at such a prime location.

The Planning and Zoning Commission's careful analysis eventually boiled down to a discussion of conditions that would satisfy what amounted to operational concerns. The masonry enclosure will be constructed and landscaped as reflected in the plans on file with the City. Design and color will be consistent with the principal building. In addition to these ordinary requirements, the applicant offers to attach the following conditions to the special use permit for the drive through (which has its exit near the enclosure):

1. The dumpster shall not be visible through any walls or gates and the gate shall have a device that remains operable so that the gate will not open under weather conditions short of extreme weather events;

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Building and Zoning Administrator

May 20, 2015

2. The dumpster shall remain in a closed condition at all times when there is no loading or unloading of the dumpster;
3. There shall be an engineered drainage slope within the masonry walls that will avoid the collection of water within the walls;
4. The owner shall provide for the cleaning of the enclosure on at least a monthly basis during months between March 15 (or following the snow melt) and November 15 each year through the cleaning and collection of any materials that might have collected within or on the masonry walls;
5. The owner shall maintain and repair the enclosure to insure compliance with these conditions and the continued continuity in appearance between the dumpster and the principal building;
6. Snow removal plans will include the removal of snow so that owner complies with these conditions and so that the dumpsters are always able to be conveniently returned to the enclosure and fully concealed without disruption to drive through operations; and
7. At all times, the owner and tenants shall insure that the City possesses telephone contact information so that an individual with the authority and ability to resolve issues involving the enclosure can be reached between the hours of 8:00 AM and 5:00 PM.

Among the conditions noted above, Items 5, 6 and 7 were proposed after the Planning and Zoning Commission's reconsideration and unanimous recommendation in favor of the dumpster proposal that included Items 1, 2, 3 and 4 as conditions of the special use. The additional conditions arose following a meeting with staff to consider the entirety of the project and code enforcement convenience.

Respectfully, Butterfield Point asks that you approve an ordinance authorizing special uses and allowing the requested variations. The recommendation of the Planning and Zoning Commission remains a strong recommendation in favor of the project. Thank you for your attention to this application and, as always, please understand that the applicant appreciates the work of staff, City consultants and City officials on this project.

Yours very truly,

DANIEL LAW OFFICE, P.C.



Mark W. Daniel

cc: Butterfield Point, LLC

Chairman
Arnulfo Noble

Secretary
Janice Coglianesi

Commissioners
Jan Donoval
Steve Schneider
Norene Myszowski
Ann Ventura
Paul Smurawski



Mayor and City Council
City of Oakbrook Terrace

Letter of Recommendation

Re: 17W615 Butterfield Road - Proposed Construction Of A Multi-Tenant Building
Case: #16-1

Date: May 19, 2015

Ladies and Gentlemen:

Your Planning and Zoning Commission transmits for your consideration its recommendation to consider a request by Butterfield Point, LLC (“Petitioner”), to approve special uses authorized under Section 156.024(B) of the Zoning Ordinance and variations authorized under 156.023(B) of the Zoning Ordinance of the City of Oakbrook Terrace (the “Zoning Ordinance”) as follows:

1. A special use for a multi-tenant building with (a) an above-ground service facility situated in the buildable area between the building and the front yard line (authorized under Section 156.051(D)(4) and Section 156.051(H)(3)), (b) for a restaurant in the south unit with a drive-through window and patio seating area (authorized under Section 156.087(A)(2) and Section 156.087(C)(34)) and (c) for a restaurant with operations on a patio dining area accessory to the north unit (authorized under Section 156.087(A)(2)).
2. A variation from Section 156.035(B), Section 156.045(B)(10) and Section 156.045(B)(35) in order to permit the service/trash enclosure with a south landscape wall in the east front yard.
3. A variation from Section 156.039(B)(1) prohibiting fences in the required east front yard in order to permit a gated masonry service/trash enclosure in the east front yard (southeast corner of the property).
4. A variation from Section 156.043(C)(2) prohibiting signs from obstructing drives in order to permit a suspended height restriction sign at the entry to the drive through.
5. A variation from Section 156.043(C)(5) limiting the height of monument and pole signs to nine (9) feet in order to permit (a) a monument sign along the Midwest Road frontage not taller than twelve (12) feet, and (b) a pole sign at the entry to the drive through not taller than eleven (11) feet.

6. A variation from Section 156.051(D)(5) (prohibiting more than one above ground service facility within 250 feet of another) and Section 156.051(F) (requiring a landscape buffer) in order to permit an above ground service facility within 250 feet of another existing above ground service facility according to landscape plans on file with the City.
7. A variation from Section 156.087(B) (54) which limits the dining area on patios to 25% of the interior dining area in order to permit outdoor dining on two patios with (a) the dining area of the north patio not to exceed 306 feet or 35% of the interior dining area of the north unit and (b) the collective patio dining area not to exceed 406 feet or 32% of the combined interior dining areas in the north and south units.
8. A variation from Section 156.087(G)(1) requiring minimum east and north front yards of not less than forty (40) feet and minimum front yards to pavement of ten (10) feet in order to permit (a) the location of the service/trash enclosure nine (9) feet west of the east front yard lot line and paved areas for the trash enclosure eight (8) feet west of the east front lot line) and (b) rows of parking spaces on the east, northeast and north front lot lines five (5) feet from these lot lines.
9. A variation from Section 156.087(G)(2) requiring a minimum west side yard to pavement of five (5) feet in order to permit the drive-through lane to be situated not closer than two (2) feet east of the west side yard.
10. A variation from Section 156.087(G)(3) requiring a minimum south rear yard of not less than forty (40) feet and a minimum rear yard to pavement of five (5) feet in order to permit (a) the location of the service/trash enclosure two (2) feet north of the rear lot line, (b) the location of the building not closer than 22.5 feet north of the rear lot line, (c) the location of the menu board not closer than 22.5 feet north of the rear lot line, (d) paved areas for (i) the trash enclosure (1.5) feet north of the rear lot line), (ii) drive through (2 feet north of the rear lot line), (iii) loading zone (2 feet north of the rear lot line) and (iv) fire lane (2 feet north of the rear lot line).
11. A variation from Section 156.087(G)(4) limiting the use of a common access drive to one-half of a side or rear yard requirement in order to permit (a) the location of the drive through lane on the west side of the building to occupy an area that is as close as two (2) feet to the west lot line and extends across the side yard required by ordinance and (b) the drive-through lane and loading zone area on the south side of the building to occupy an area that is as close as two (2) feet to the south lot line.
12. A variation from Section 156.087(I), Section 156.049(H) and Section 156.049(I) in order to permit parking lot and general landscaping relief with the required landscaping reflected in the landscape plan on file with the City while (a) allowing a postponement of work in the area along the southwest corner lot lines such that plantings may be deferred until a light pole serving property to the south is removed and the area restored, (b) allowing a reduction of plantings on the west side lot line as may be necessitated by final site engineering, and (c) allowing a reduction in interior landscaping and screening by as much as one (1) interior tree and screening required under Section 156.035(C)(4)(b) in order to permit a generator near the above ground service facility at the northwest corner of the building with the screening, fencing and landscaping as reflected in plans on file with the City.

13. A variation from Section 156.101(E) limiting widths of commercial district driveways across public property to a width of 35 feet at the right-of-way line and limiting driveway flares in a commercial district to five feet on each side of the driveways in order to permit (a) two existing driveways to remain substantially as constructed with widths not to exceed 36.5 feet between the faces of curbs, (b) driveway flares at the north driveway not to exceed 16 feet (west) and 22 feet (east), and (c) driveway flares at the east driveway not to exceed 9 feet (north) and 13 feet (south).

14. Pursuant to Section 156.023(B), such other variations and authorizations as may be required to permit the development of the use and improvements according to the plans on file with the City and as these plans may be amended through the City Council's consideration of this request.

After hearing the evidence and reviewing the documentary exhibits submitted, the Planning and Zoning Commission voted in favor of the proposed construction of a multi-tenant building requested by the Petitioner, Butterfield Point, LLC.

Respectfully,



Arnulfo Noble, Chairman
Planning Zoning Commission
City of Oakbrook Terrace



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, May 19, 2015
Case #16-1

The Planning and Zoning meeting was called to order by Chairman Noble at 6:00 P.M.

Present: Chairman Noble, Commissioner's Schneider, Ventura, Donoval, Smurawski
Absent: Myszkowski
Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Janice Coglianesse, Building and Zoning / Planning and Zoning Secretary, Mark Daniel, of Daniel Law Office, Lee Fry of Butterfield Point, LLC, Anthony Di Mauro, of Butterfield Point, LLC, and Clifford Pixler of Intech Consultants, Inc.

Chairman Noble said the first order of business was to approve the minutes of April 21, 2015, the request by Millhurst Charhouse & Banquets, Inc. to approve an amendment to the previously approved site plan and a request for variations from the Zoning Ordinance of the City of Oakbrook Terrace ("Zoning Ordinance").

Chairman Noble asked for any discussion from the Commissioners; there was none.

Chairman Noble asked for a motion.

MOTION

Commissioner Ventura entertained a motion to approve the minutes of April 21, 2015, the request by Millhurst Charhouse & Banquets, Inc. to approve an amendment to the previously approved site plan and a request for variations from the Zoning Ordinance of the City of Oakbrook Terrace ("Zoning Ordinance").

Commissioner Donoval seconded the motion.

Ayes: Chairman Noble, Schneider, Ventura, Donoval, Smurawski
Nays: Myszkowski
Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOICE VOTE OF 5-0.

Chairman Noble said the second order of business was, to consider the request by Butterfield Point, LLC ("Petitioner"), and asked to waive the entire reading due to the large extent of the reading to approve special uses authorized under Section 156.024(B) of the Zoning Ordinance and variations authorized under 156.023(B) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance") as follows:

1. A special use for a multi-tenant building with (a) an above-ground service facility situated in the buildable area between the building and the front yard line (authorized under Section 156.051(D)(4) and Section 156.051(H)(3)), (b) for a restaurant in the south unit with a drive-through window and patio seating area (authorized under Section 156.087(A)(2) and Section 156.087(C)(34)) and (c) for a restaurant with operations on a patio dining area accessory to the north unit (authorized under Section 156.087(A)(2)).
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3. A variation from Section 156.039(B)(1) prohibiting fences in the required east front yard in order to permit a gated masonry service/trash enclosure in the east front yard (southeast corner of the property).
4. A variation from Section 156.043(C)(2) prohibiting signs from obstructing drive-in-orders to permit a suspended height restriction sign at the entry to the drive through.
5. A variation from Section 156.043(C)(5) limiting the height of monument and pole signs to nine (9) feet in order to permit (a) a monument sign along the Midwest Road frontage not taller than twelve (12) feet, and (b) a pole sign at the entry to the drive through not taller than eleven (11) feet.
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interior dining areas in the north and south units.

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11. A variation from Section 156.087(G)(4) limiting the use of a common access drive to one-half of a side or rear yard requirement in order to permit (a) the location of the drive-through lane on the west side of the building to occupy an area that is as close as two (2) feet to the west lot line and extends across the side yard required by ordinance and (b) the drive-through lane and loading zone area on the south side of the building to occupy an area that is as close as two (2) feet to the south lot line.
12. A variation from Section 156.087(I), Section 156.049(H) and Section 156.049(I) in order to permit parking lot and general landscaping relief with the required landscaping reflected in the landscape plan on file with the City while (a) allowing a postponement of work in the area along the southwest corner lot lines such that plantings may be deferred until a light pole serving the property to the south is removed and the area restored, (b) allowing a reduction of plantings on the west side lot line as may be necessitated by final site engineering, and (c) allowing a reduction in interior landscaping and screening by as much as one (1) interior tree and screening required under Section 156.035(C)(4)(b) in order to permit a generator near the above ground service facility at the northwest corner of the building with the screening, fencing and landscaping as reflected in plans on file with the City.

13. A variation from Section 156.101(E) limiting widths of commercial district driveways across public property to a width of 35 feet at the right-of-way line and limiting driveway flares in a commercial district to five feet on each side of the driveways in order to permit (a) two existing driveways to remain substantially as constructed with widths not to exceed 36.5 feet between the faces of curbs, (b) driveway flares at the north driveway not to exceed 16 feet (west) and 22 feet (east), and (c) driveway flares at the east driveway not to exceed 9 feet (north) and 13 feet (south).
14. Pursuant to Section 156.023(B), such other variations and authorizations as may be required to permit the development of the use and improvements according to the plans on file with the City and as these plans may be amended through the City Council's consideration of this request.

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

Attorney Mark Daniel, Lee Fry, Anthony Di Mauro, and Clifford Pixzler were sworn in by Janice Coglianese, Building and Zoning / Planning and Zoning Secretary.

Attorney Daniel took the floor and stated that the Butterfield Point, LLC, with authority from the owner of the Subject Property, Angel Associates, LP, respectfully seeks various ordinances and resolutions of the City Council to approve a special use permit and variations for property commonly known as 17W615 Butterfield Road, Oakbrook Terrace, DuPage County, Illinois (Permanent Index Number 06-22-301-064) (referred to herein as the "Subject Property"). Witnesses will present evidence supporting the application and be available for examination and questions from the Planning and Zoning Commission. This application relates to zoning entitlements for the southwest corner of Butterfield Road and Midwest Road. Approval of the zoning relief will permit the redevelopment of a former gasoline service station and car wash to a five-unit mixed commercial center comprised of approximately 9,688 square feet, with a drive through serving Unit 1 (south end unit), two dining patios (for Unit 1 and Unit 5 (south and north end units) and a redeveloped exterior that includes sufficient parking, loading and landscaping for the intended use. Applicant seeks an ordinance approving special uses and variations. Special use authorization will allow the construction of a five-unit multi-tenant building with the following elements approved under Section 156.024(B): (a) an above-ground service facility situated in the buildable area between the building and the front yard line (authorized under Section 156.051(D)(4) and Section 156.051(H)(3)); (b) a restaurant in the south Unit 1 with a drive-through window and patio seating area (authorized under Section 156.087(A)(2) and Section 156.087(C)(34)); and (c) a restaurant

with operations on a patio dining area accessory to the north unit (authorized under Section 156.087(A)(2)). In light of the City's recent amendment to add patios to its permitted use list in Section 156.087(B), the patio aspects of the special use are more technical in nature inasmuch as the patios are clearly permitted uses.

Attorney Daniel stated that the variations requested under Section 156.023(B) involve relief from the patio area restriction for the north Unit 5 patio, yard requirements and paved area limitations, the use of yards, sign height (for a monument sign and a drive-through height restriction), and a handful of more technical development controls to manage existing conditions. The hardship supporting the variations generally arises from a combination of lot configuration, lot location and existing conditions. Practical difficulty arises from various planning and design matters such as grade changes in the southwest portion of the property, the impact of placing the building to the back of the parcel (an effort that also improves neighborhood commercial visibility) and the effort to reasonably adapt a former gasoline service station site to a viable commercial use. Following decades of use as a gasoline service station and as a service station with a car wash, the Subject Property is no longer suitable for use as a gasoline service station. Simply put, larger sites with more opportunity draw these types of uses with a car wash, full convenience store and small food provider. Eventually, the improvements were demolished, tanks were removed.

Attorney Daniel commented at one time, the current owner intended to redevelop the property for gasoline service station purposes, but the project did not go forward. Petitioner is now the contract purchaser of the Subject Property and intends to construct a five-unit, single level commercial structure that will be capable of hosting three restaurants (in its end units and in Unit 2) and retail or service uses in the middle units (Units 2-4). The redevelopment calls for parking on the north and east sides of the Subject Property, a drive through on the west and south sides of the building, patios on the north face and southeast corner of the building, tenant signage and ample landscaping. Due to the configuration, location and condition of the Subject Property, redevelopment cannot possibly meet all standards of the Zoning Ordinance (the Subject Property is of an irregular shape and has been the subject of takings for the improvement of Butterfield Road (IDOT) and Midwest Road (DuDOT)). Although one might reactively conclude that the pressure to develop the building to the south and west sides of the Subject Property would leave ample space for yards/setbacks, it is actually the angle of the corner on this side of the intersection that causes a larger than normal drive aisle in order to preserve parking opportunity and provide a safe drive aisle. Additionally, despite an excellent location, the adjacent roadway speeds

and street design contributes to hardship supporting variations that will benefit the public as much as the Applicant and its tenants.

Attorney Daniel continued to state that the redevelopment will have street access at one location along the west side of Midwest Road and another location on the south side of Butterfield Road. This will assist the City in its continued effort to improve the commercial presence at nodes where such uses are appropriate. Considering prior operations on the Subject Property, the active use area upon redevelopment will be slightly smaller than before, and the site will offer landscape buffering that has been non-existent since at least the 1960's. Applicant will reduce the number of entrances along Midwest Road from three to one while preserving the existing southernmost Midwest Road entrance and the Butterfield Road entrance at existing widths. The effort to consolidate entrances requires a consistent drive aisle between the two entrances and forces the building back to a point where the loading and enclosure for waste services will best be situated south and southeast of the building. Unit 1, the south end unit with a drive-through, is intended for a coffee and pastry restaurant +/- 2,022 gross square feet (400-600 square feet for dining) and a neighboring Unit 2 commercial space offering +/-1,620 gross square feet for restaurant, retail or service use. Unit 3 (+/-1,620 gross square feet) and Unit 4 (+/-1,701 gross square feet) are designed for retail or service use. On the north end, Unit 5 (+/-2,587 gross square feet, 875-950 square feet for dining, 100 square feet for bar) is designed for a restaurant that features a wine bar (beer and liquor will also be offered). Patio dining will be seasonal, with the southeast patio likely hosting eight (8) seats at two (2) tables and the north patio likely hosting twenty (20) seats at five (5) tables. The north patio will likely have a collection of standees on a frequent basis. Alcohol service is intended for the north patio, but the southeast patio is not intended for such use. There will be no patio use in front of Units 2-4. With two frontages, the Subject Property may rely on two monument signs and up to 402 square feet of overall signage. Under the Zoning Ordinance, monument signs at the Subject Property are limited to a height of nine (9) feet, but the City has recognized that signage at greater heights is necessary in the immediate area in order to effectively and safely draw traffic from abutting streets. Applicant seeks a variation for the height of one of its freestanding signs to permit the corner monument sign at a height measured from grade at the sign base not to exceed twelve (12) feet. The taller sign will serve to identify the uses on site at a point where a driver will more readily identify them without posing a hazard to others (such as a driver abruptly slowing to access the Subject Property or misidentifying a driveway).

Attorney Daniel stated that the Subject Property has an area of 41,396 square feet (0.95 acres). It abuts a ditch and an area detention facility to the west and Wendy's to the south. One of Wendy's light poles is situated

on the Subject Property (this is addressed in relation to landscape variations in order to avoid inconvenience to Wendy's). Other than a pump station, there is no building on the south side of Butterfield Road east of the Subject Property. The north face of the Terrace Oaks office building is roughly fifty feet south of the Subject Property's extended south property line. There are at least five above ground service facilities in the immediate area (southwest, north, northeast and east), and some of these are within 250 feet of the proposed facility in the landscaped area at the northwest corner of the proposed building. The Subject Property has three full entrances: one along Butterfield Road and two along Midwest Road (both slightly wider than 35 feet). Existing driveway tapers exceed the permissible width. Additionally, a right-turn in lies immediately south of the south line of Butterfield Road and along Midwest Road. The only restricted point of ingress and egress is the right turn in immediately south of the intersection. The proposal for the elimination of the right turn in and the middle entrance point along Midwest Road offers a significant improvement in safety inasmuch as the only Midwest Road entrance will now be roughly 200 feet south of the intersection. The Subject Property lies in the City's most productive B-3 General Retail zoning district. With the exception of the Shell gasoline service station (Village of Oak Brook, B-3 General Retail zoning) and Terrace Oaks (City B-2 Professional Office), the entire block is zoned B-3 General Retail. Directly north and northeast of the Subject Property lie three developments under the City's B-3 General Retail classification. East of the Subject Property is an arm of the Village of Oak Brook's largest B-3 General Business zoning district. The City's residential core (zoned R-1 Single Family Detached) lies 420 feet east of the Subject Property and directly east of the mix of office and retail uses on the east side of Midwest Road. The nearest residential building at Versailles is at least 500 feet west of the proposed building.

Attorney Daniel stated that the proposed building will be roughly 100 feet from the centerline of each abutting street. The speed limit is 40 m.p.h. along Butterfield Road and 35 m.p.h. along Midwest Road (with more curb cuts along Butterfield Road). The recent developments on the northwest corner (excluding the Jiffy Lube) include freestanding signs that were necessarily taller than allowed by ordinance; many freestanding signs along Butterfield Road exceed nine (9) feet. The proposed freestanding sign height of twelve (12) feet falls well within the established area signage and is quite shorter than signs recently approved by the City. Since the apparent initiation of use by American Oil Company in the early 1960's, the Subject Property has not been well-landscaped. With reasonable relief from the City's landscape requirements (interior and perimeter landscaping) the development will still offer attractive landscaping with prominent features that have not existed on site in decades. Applicant proposes the more significant landscape features for areas in the public view. The matter of seasonal outdoor dining will require

attention not only to clean operations but to noise. The patios will not be in a direct line of sight from Terrace Oaks and they are sufficiently removed from the City's residential areas that noise will not be an issue. Loudspeakers will not be used in patio operations, but ambient or other music will be an option for both patios. The noise from traffic and the bays at Jiffy Lube will continue to dominate the area. There will be no disturbance caused by the eight diners on the southeast patio or the twenty seated diners and a limited number of standing customers on the north patio. Both patios have sufficient separation from traffic movements and, by design, they are dedicated to the uses to which they are connected. The drive through will draw vehicles around the west side of the building to a window on the south face of the building—much in the same fashion as Wendy's to the south. The orientation of the menu board and ordering station will be similar to that which has prevailed on the Wendy's parcel, only more remote from adjacent uses. The loading zone depicted east of the window will not interfere with drive through operations, though caution will be utilized in accessing the loading zone. Loading operations will typically occur during low-volume hours and before units open for business. As the City has been aware, loading for the intended uses will typically occur during non-business hours or low-volume hours and trucks will frequently occupy a portion of a drive aisle for deliveries that require only limited time.

Attorney Daniel noted that none of the tenants should require trucks in excess of 35 feet in length. Most deliveries will occur from two-ton trucks or trucks of a similar classification. Waste hauling vehicles will likely access the Subject Property early in the day and temporarily back to a point near the walled refuse storage area and pull out. Waste operations occupy roughly four minutes of time on the date when service is provided. Applicant asks the City to approve an ordinance granting a special use for the restaurant with a drive through. The drive-through offers at least eleven (11) vehicle stacking spaces. Four (4) of these spaces are planned between the menu board and the window. There will be a window at the southeast corner of the south building face and a gated fence will separate the southeast patio dining area from drive through operations. Additionally, the width of the drive on the south side of the building expands for several purposes. Not only will the wider drive offer space for loading, a fire lane and access to the dumpsters, but it will also allow a vehicle that places a special order or an order that cannot be immediately met at the drive through to pull forward and utilize a parking space. The planning for the drive through exceeds that of other drive through operations in the area. The proposal to almost fully screen the west property line further screens the drive-through. Immediately to the south of the drive through window lie the drive aisle and the Wendy's parking lot. A ditch, detention pond and wooded area lie between Terrace Oaks and the drive through.

Attorney Daniel stated lastly, the Applicant requires a special use in order to locate an above ground service facility in the buildable area between the face of the building and the north front lot line. The property has two front yards and another above ground service facility west of the Wendy's building and a pump station near the detention pond already create visual distractions west and south of the property. Additionally, there are a number of above-ground service facilities situated near Midwest Road east and northeast of the property. Use of the buildable area in this instance not only avoids inefficiency, but it also helps to avoid a cluttered appearance along the abutting streets. In order to proceed with the redevelopment of the Subject Property, Applicant seeks variations from a handful of the City's B-3 zoning district regulations. One significant basis for each of these variations arises from the shape and location of the Subject Property. Still other grounds relate to practical difficulties encountered if yards were strictly enforced. In the absence of variations from these and the other regulations, Applicant would face practical difficulty and particular hardship (these are alternative standards). Specifically, Applicant seeks relief from yard a paved area regulations. At five (5) feet from the north and east lot lines, paved areas in the front yard will be located closer than ten (10) feet from the front lot lines (Section 156.087(G)(1)). At a few as two (2) feet, paved areas will be closer than five (5) feet to the west and south lot lines. (Section 156.087(G)(2) and (Section 156.087(G)(3)) situated roughly 25-26 feet north of the rear lot line, the building will be situated within forty (40) feet from the rear lot line. (Section 156.087(G)(3)) the south uncovered patio will be situated in the rear yard, and the masonry trash enclosure will be situated in the east front yard (Section 156.087(G)(1)). Additionally, with relief from Section 156.087(G)(4), the drive through lane (if viewed as a common access drive) will serve as more than one-half of a side and rear yard requirement. The regulations concerning structures in yards also play a role and Applicant seeks relief from Section 156.035(B), in the alternative, to permit the construction of fences and walls for uncovered improvements to accommodate (a) the southeast dining patio, (b) loading facilities and trash receptacles within enclosures and at the locations depicted in the front yard (east) and the rear yard (south).

Attorney Daniel stated that the Applicant seeks relief from the perimeter and interior landscaping requirements of Sections 156.087(I), 156.049(H) and 156.049(I). The variation related to the two trees and some landscaping at the southwest corner of the parcel seeks to allow the continuation of an encroachment by permission from the property to the south for one of Wendy's parking lot light poles. Once the light pole is removed, Applicant will plant trees and landscaping that could not have been planted with the light pole in place. Applicant also seeks flexibility along the west lot line where a retaining wall may, during final engineering, be extended slightly north. Finally, Applicant seeks

permission to avoid the installation of landscaping and plantings at the northwest corner of the building in order to allow for a fenced and screened transformer and generator. Without the generator, encroachment or retaining wall, the site will meet all perimeter points requirements and meet the interior tree planting requirement (See Section 156.049(H) and 156.049(I)). The extension of the retaining wall might reasonably be expected to cause the loss of six (6) 36" shrubs and the fenced area at the northwest corner of the building could cause the loss of an interior tree. Finally, rather than avoid the two (2) trees in the southwest corner, Applicant seeks only to defer planting as necessary to account for the light pole. This approval will avoid imposing difficulty and hardship on the Applicant inasmuch as Applicant's plans call for more landscaping than has ever existed on the Subject Property.

Attorney Daniel pointed out that the Applicant proposes two patios (now permitted uses under the Zoning Ordinance). The southeast patio will host not more than 100 square feet of dining area and the north patio will host not more than 306 feet of dining area. A variation is required in order to allow for the north patio at an increased percentage (35%) of interior dining area in Unit 5. Applicant will not have patios for the middle units and the aggregate patio area will not exceed 406 square feet or 32% of the interior dining area of Unit 1 and Unit 5. The Unit 1 patio will likely continue to rely on two tables that seat eight (8) people, but the configuration of tables and table sizes will remain flexible. The Unit 5 patio is planned for five (5) four-person round tables, but the configuration of tables and table sizes will remain flexible. The patios will feature gated temporary/emergency access within metal fences that are capable of supporting ground planters and hanging planters. The City has authorized patio dining in an area greater than 25% of the interior dining area on a handful of occasions, particularly when the patio is intended to be a feature patio such as the patio for Unit 5 which is designed to allow the use of added space that results from the lot shape. The best examples in the vicinity are the Redstone American Grill patio which has been reviewed and approved for different areas above and beyond 25% of its interior dining area. The City has historically authorized patio dining for its restaurants. (See Ordinance Nos. 02-18 (Case No. 02-07, June 4, 2002), 04-21, 11-17) two recent patios with an area in excess of 25% of the interior dining area were recently approved for the redevelopment of the former Pompeii site and for Specialty's.

Attorney Daniel commented that the high demand for workday and weekend services in the area drives the request for a special use for the drive through. There are relatively few drive through operations when one considers the local demand. The drive through configuration is similar to the Wendy's location directly to the south and it is situated on the apparent rear faces of the building. It will not be unreasonably detrimental

to or endanger the public health, safety, moral and general welfare. Indeed, this is true within the Subject Property where the patios will be physically separated from the drive through with no pedestrian paths planned for the area of either the entrance to or exit from the drive through. The north patio is designed for the service of alcohol in accord with the local liquor control ordinance. The southeast patio is not designed for the consumption of alcohol by patrons. While the southeast patio is intended for more passive use than the north patio, the north patio will still confine its operations in a fashion that affords the City confidence that noise or other effects from the use of the patio will not have a detrimental impact on any surrounding use. The patio is situated substantially within the line of the north face of the building, shielded or removed by distance from uses to the south, east and west and intended to afford a style of service that allows patrons to enjoy a meal outdoors with a glass of wine or other drink. Outdoor speakers will be situated so as to confine noise to the Subject Property. Planned operations avoid a risk to injury to properties in the immediate vicinity. The substantial stacking (11 or more cars planned when only 6 are required) should avoid impediments to the use of adjacent roads and to the redevelopment or maintenance of nearby properties. Adequate utilities (in this instance Applicant will request approval of the use of Oak Brook water) have long existed at the Subject Property and the use will otherwise conform to the ordinances of the City, except where reasonably modified as discussed below.

Attorney Daniel noted that the Applicant's signage will meet the codes in all respects except for two. Applicant seeks minimal relief in order to allow a traffic control sign at the entry to its drive through. The height of this pole and its extension will not exceed eleven (11) feet, and it will be designed so that the height is only that which is necessary to suspend a height restriction over the drive through entry. Applicant also seeks a variation from the nine (9) foot height limit for freestanding signs in order to allow a twelve foot tall monument sign at the northeast corner of the Subject Property. The area of the taller sign falls well within the allowable area for the sign and the sign is a single-faced monument sign that will feature the project name and the name of the City at its highest point. This will increase visibility along the wide and irregularly-shaped intersection of Butterfield Road and Midwest/Summit Road. The circumstances relating to signage are not self-created inasmuch as the Subject Property has a less-than-ninety-degree angle at its corner, sits on the southwest side of a broad intersection that is 5-6 lanes across excluding the non-paved right-of-way, and sits amid other parcels with signs that are taller than nine (9) feet, indeed taller than twelve (12) feet. Much taller signage has traditionally served the Subject Property. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located because the site will lose its identity among other uses and patrons will

not be drawn to appropriate driveways and parking areas in the fashion that will best avoid confusion or interruption of existing traffic patterns. Within the frontages and blocks near this intersection, the need for additional more prominent signage is unique and fits within the essential character of the locality. These circumstances are particularly unique to the Subject Property. Lastly, the limitation of sign height variations to a traffic restriction device and one single-faced sign above the height limit of nine (9) feet indicates that the Applicant seeks only that relief which is necessary to avoid hardship. Applicant placed the building deep into the west and south portions of the Subject Property as a result of its configuration and the angle of the corner of the property at the intersection. Doing so affords the Subject Property its only opportunity for a reasonable parking lot design. The building, a portion of the drive through, the masonry service enclosure and the southeast patio will be situated in the 40-foot rear yard and southern portion of the 40-foot Midwest Road front yard. Operations in these yards will not be new to the area inasmuch as Wendy's operations situated directly to the south include a drive through, waste enclosure and outdoor dining opportunity—all of which are within view of the Subject Property. The south face of the building will remain at least 24 feet north of the south lot line and the screened trash enclosure close to the south lot line will be comprised of masonry that matches the building. Applicant proposes paved areas that will be close to all of its lot lines and it proposes a drive through served by a paved area that occupies more than 50% of the rear yard. If strictly enforced in this instance, the paved area regulations would constrain site development by pinching the interior access drive—possibly limiting access for delivery vehicles and fire and life safety vehicles. Moreover, the proposal for the north and east lot lines still maintains five feet that will not be paved. The west lot line will feature an unpaved area that is not less than two (2) feet wide. This will allow plantings, but a larger unpaved area is not necessary at this location because the ditch and Terrace Oaks' detention facility have added ample green space in this area. On the south side of the property, the preserved landscape area will be not less than two (2) feet wide.

Attorney Daniel stated in the landscape plan, Applicant provides for all of the required landscaping along the perimeter of the Subject Property. However, this landscaping may be the subject of adjustments during permitted. First, until after final engineering and site work has initiated, Applicant will not know how the tall Wendy's light pole is installed on the Subject Property, and this may make planting as many as two trees in the southwest corner impossible. Second, Applicant will not know the exact location of the northern reach of the retaining wall on the west side of the building until final engineering is complete. Third, Applicant proposes to reserve an area at the northwest corner of the building for a generator and this will require some relief from landscaping and screening requirements.

Applicant proposes to merely defer the planting of trees in the southwest corner until such time as the Wendy's light pole is removed. This avoids a battle and inconvenience to Wendy's which has been an apparent permissive user of this space for some time now. The commitment to plant such trees once the pole is removed is proof that the Applicant intends to obtain only the minimum relief necessary to accomplish avoidance of the hardship. Applicant proposes a retaining wall for the west line of the drive through, extending north from the southwest corner, and this wall is expected to be situated where depicted in the site plan and preliminary engineering. However, as the City and Applicant move closer to permitting for the development, final engineering approval may require an adjustment to increase the northern extent of this retaining wall.

The landscaping variations relate to the longstanding shape of the Subject Property, the grades and elevation of the Subject Property and the encroaching tall light pole that services Wendy's. Management of these conditions which are not attributable to the owner or the applicant requires minimal flexibility while attaining the objectives of the City's zoning regulations. Additionally, even though Applicant proposes to consolidate the three Midwest Road entrances into one entrance, Applicant will maintain the existing west and south driveways. Applicant requires variations in order to maintain drives that are only slightly wider than allowed by code and in order to avoid a complete redesign of the right-of-way improvements at the preserved entrances which have tapers that are wider than permitted by code.

Attorney Daniel noted that the City allows variations when an owner faces particular hardship. The Subject Property is unique due to its shape, size, and location. Particular hardship extends to include the topography of the site in relation to the drive through and abutting parcels. In the event that the City denies the variations, Applicant will face particular hardship because the Applicant would have no viable commercial development adapted to code standards at the Subject Property. While Applicant could raise the many others who have received yard and paved area variations, the simple fact of this case is that the shape of the property forces the building to the rear where the need for variations is most intense. Applicant's proposed paved area variations are comparable to those that are apparent on the northeast corner of the intersection. Compliance with the yard and paved area regulations would cause increased construction expense and the loss of at least two units within the commercial development. Much deeper impacts are possible because the parking alignment would change substantially. The City's enforcement and application of its sign regulations reflects the importance of proper signage on parcels with multiple frontages, particularly in the relevant B-3 zoning district and in a commercial environment, where multiple freestanding signs and larger building signs are often justified. There are multiple signs visible from the Subject Property that are taller than nine (9) feet (to the

northwest (1), north (2) and northeast (1)). The particular hardship Owner faces in allowing reasonable property and tenant identification is significant inasmuch as insufficient tenant and site identification can be a disincentive to prospective and existing tenants. The hardship in being unable to install an effective height restriction sign as a traffic control device is quite obvious when the maximum height sign will be hung to a lower sign elevation that is slightly above 8'6", yet the sign itself, the pole and the chains suspending the sign will exceed six inches above the bottom of the suspended sign. Hardship relating to the monument sign arises from the configuration, location and depth of the property from the busy intersection. The foregoing hardship discussion also relates to practical difficulty. Even in the absence of particular hardship, the City recognizes that variations are appropriate in cases where practical difficulties arise. The practical difficulty analysis allows the City to adopt a preference of setting the building back and allowing development in a fashion that provides for better views along and across Butterfield Road and Midwest Road. Moreover, the practical difficulty in situating and screening the masonry trash enclosure (southeast corner of the property) and the above ground service facility and generator (northwest corner of the building) at locations in or near the south yard lines or the west lot lines is also quite apparent in that these facilities would constrain the area of the commercial units to a point where the site would be unattractive to most tenants. The Planning and Zoning Commission and the City Council have recognized efforts to preserve existing conditions relating to grade/topography and relating to street access and it has also recognized practical difficulty in relation to pre-existing light poles and the avoidance of a dispute among neighbors. Lastly, practical difficulty in planning for an appropriately-sized and properly-defined outdoor patio dining area leads to the particulars for the north patio area. This area cannot exceed 306 feet or 35% of the interior dining area of Unit 5. In addition to creating a clear development constraint on the north patio, the requested relief also allows the efficient use of the area north of the building so that it appears as a vibrant location within the City rather than a location of limited availability to residents and visitors during its seasonal operations. The City has recognized the value in larger patios quite often, but the request arises in order to avoid waste of buildable area between the north face and the irregular front yard line along Butterfield. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. Signage is always a significant decision point for any prospective tenant or property owner. The hardship and difficulty described above functionally limit the Subject Property and its profitability because visibility is an issue for all tenants and for drivers. The resulting limitations affect many aspects of site operations, including: (a) planning for the consolidated internal traffic between two entrances rather than four; (b) assessing when and how to enter the property from the right-of-way; and

(c) safety for those using the public rights of way. Property and tenant identity have been recognized as key elements of ownership and tenancy, and shortcomings in signage often lead to demands for concessions on other economic terms.

Attorney Daniel continued to state that the current owner previously attempted rehabilitate and redevelop the Subject Property for service station purposes but the only plans that have good chance of consumer and economic success will be those that take the form and substance of the proposal in this instance. There can be no reasonable return if the Applicant loses at least two tenant spaces due to yard, screening and paved area regulations that have purposes served in so many other ways within the site planning and landscaping design of the project. The plight of the owner is due to unique circumstances not of its own creation. Owner and Applicant had no role in the creation of the Subject Property—a parcel that dates back to an old assessment plat—or the laying out of the abutting streets and their expansion. The maximization of opportunity at the Subject Property is not a decision that creates plight but rather is the result of every landowner's right to reasonably improve property. The positioning of buildings to draw tenants cannot be viewed as creating the plight relating to yards, accessory structures, building location, parking, loading and signage because each owner of land has a reasonable expectation that appropriate planning will be available under the local Zoning Ordinance. In this instance, it is also safer to conclude that the placement of the building to afford more landscaping and open space on the north and east arises from circumstances related to public benefit as well as the Applicant's intentions. This circumstance is unique when compared to most other commercial properties in town. There is no known parcel that is similarly-situated to the Subject Property and does not appear to have yard, paved area or sign relief. The variation, if granted, will not alter the essential character of the locality. The locality in this instance is commercial. Essential characteristics of the area include appropriate signage, efficient management of site access along routes with 35-40 m.p.h. speed limits through proper signage, and access to properties while avoiding multiple entrances onto Midwest Road. If granted, the variations will benefit the locality by efficiently drawing traffic into the Subject Property and by preserving the views along and over the abutting rights of way. The proposal sets the building and improvements at locations that do not alter the appearance intended for this B-3 corridor.

Attorney Daniel stated, lastly, the signage will support the EAV in the City by incentivizing businesses to occupy a more appropriately identified commercial development. The modernization of the Subject Property and the improvement of site access through reasonable signage will support occupancy and necessarily have a positive impact on taxing bodies. The maintenance of occupancies at the Subject Property also serves area

businesses. Each design element related to a variation reflects that Applicant seeks the minimum relief necessary. The Applicant greatly appreciates the City's interest in redevelopment of the Subject Property. The Applicant has proposed a development that appropriately maintains views across the intersection and offers significant landscaping that has never before existed at the Subject Property. The special use for a building with a drive through and the other improvements will serve the area well. Development according to the variations requested will not change the character of the area or cause any concern over public safety or general welfare. The relief serves to avoid hardship and practical difficulty relating to the Subject Property while also affording the City and its residents and visitors certain benefits such as better signage, improved landscaping in front of the building, consolidated access and open views at an important intersection in town. The Applicant requests that the Planning and Zoning Commission recommend the relief sought on all accounts. If the Planning and Zoning Commission has a concern for any single aspect of the project, Applicant requests that the members isolate the particular relief sought and consider it distinctly so that the City Council is clearly aware of the basis for the recommendation.

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 Attorney Daniel made a very detailed presentation of the proposed development. In the summary, the Applicant request includes special use permits, variations from the Zoning Code regulations with respect to yards, fences, landscaping, driveway width and flares, and signage. Building and Zoning Administrator Dragan stated that the Commission received plan review comments from the City Engineer, Building Inspector, and Assistant Fire Chief as well as the Applicant's correspondence relating to the Staff comments. Building Inspector reviewed the Applicant's response, and at this time, he has no objections to a drive-through on a corner lot; there were no comments from the Chief of Police or the Public Service Director. The Applicant concurs with the comments received from the City Engineer and the Oakbrook Terrace Fire District, and indicated that all the issues will be addressed during the building permit process.

Chairman Noble asked if there were going to be too many units for this particular lot.

Building and Zoning Administrator Dragan commented that Attorney Daniel explained the hardship of the property and the Applicant is proposing a total of five (5) units with a building of 10,000 square feet; however the property is zoned as a B-3 General Retail District, which means that it could be a single tenant building or could be five (5) tenants. Building and Zoning

Administrator Dragan pointed out that they are actually here to approve the foot-print of the building, location of the building, building elevation, and landscaping. When the owner is ready to lease the building, there could be three (3) tenants or a different number of tenants; however, what they thought would be best for them is a total of five (5) tenants.

Chairman Noble asked based on Building and Zoning Administrator Dragan's calculation if there would be enough parking.

Building and Zoning Administrator Dragan said there would be as Attorney Daniel had previously indicated in his presentation. There are forty-two (42) total proposed parking spaces which they calculated ahead of time so as not to have to come before the Commission for a parking variation. According to the code forty-two (42) spaces are sufficient for this building.

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

Commissioner Donoval showed concern about deliveries being made in the front of the building where there would be a traffic of people going in and out the front of the building.

Attorney Daniel stated that typically deliveries would not be made during opening hours, but around 1:00 - 2:00 A.M; however, some may occur during business hours in Unit 5 after the coffee and pastry location opens which would be a very quick delivery. If there was a need for a delivery for additional wine and beer that too would be a very quick delivery. Generally, no deliveries will be scheduled during normal business hours. There may be something during the morning and the evening rush and a 35 foot truck would be able to maneuver in and out efficiently if needed.

Commissioner Donoval commented that deliveries are usually at the back door and may interfere with the guest going into a restaurant.

Commissioner Donoval asked if the generator was actually required and if some of these businesses may actually require a generator. There are a lot bigger shopping centers in the area with no generators.

Petitioner Fry, to answer Commissioner Donoval's first concern noted that he has a Chipotle, Panda Express, and Panera Bread on Route 59 which are all front loaded with no deliveries in the back. Petitioner Fry said you don't see these large semi's like you would see at Jewel, but smaller trucks and vans that mostly come early in the morning at 5:00 A.M. Petitioner Fry stated that the generator was his fault that he asked for the generator because they are very conscious of their tenants and when there are power outages it is a horrifying situation for business owners. Businesses like to

lease from them, because they are good landlords who think about their needs, and they give them something special like the generator.

Commissioner Donoval brought up the issue of the BP Amoco gas station which occupied the space in the past and asked if there was a clean bill of health from the EPA.

Petitioner Fry responded that they have a letter from the previous company and had their own tests done which the site was cleared for development. For many years BP Amoco had a deed restriction on the property, which the Petitioner was able to convince them to get rid of that restriction which is in writing between the attorneys, and they have the right to go forward.

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

Commissioner Schneider questioned the generator height of six (6) feet and the location on the north corner of the property.

Attorney Daniel stated after the specs come out on the generator, it will probably be more like 4 ½ to 5 feet in height with the fence screening going to 6 feet in height.

Petitioner Fry showed that the generator wouldn't be any higher than the table he was sitting at.

Attorney Daniel chimed in and showed on the drawings the location of the generator and the transformer with the fence enclosure which could be a board on board. They are giving the City Council an option of a solid fence or a solid wired green meshed fence, which creates a greener appearance around the north end of the building and gives a greener appearance around not only the north end of the building, but the east end and still gives full screening to the generator and a natural appearance.

Commissioner Schneider directed his next question toward the garbage facility and the 3 foot shrubs leading up to it.

Petitioner Fry said his view of this wall area is like Wrigley Field with vines all around. There will be a brick masonry wall with shrubs in front and vines growing up the wall to the top. No one will be able to see the wall or even know it's there; it will be beautiful.

Commissioner Schneider asked if he did this on his other properties.

Petitioner Fry said he is known for his dumpsters.

Commissioner Ventura commented in regards to the Petitioner's concern about site identity, which she agreed with, but was not convinced that a 12 foot monument sign was necessary on the corner of Midwest Road and Butterfield Road due to it being a corner, which has a lot of site identity already.

Commissioner Ventura said her next question was directed towards the garbage; she did not know of any one business that allows the garbage to be placed so close to a busy route with a trash enclosure just feet away from Midwest Road. Commissioner Ventura understands that the trash enclosure has to be placed there due to request for a drive-through and there is nowhere else to put it. Commissioner Ventura's concerns were with the over-flow of the garbage given that there may possibly be a restaurant and coffee shop.

Petitioner Fry understands Commissioner Ventura's concerns, but as a general rule the garbage pick-ups are regulated by them and they make sure that the tenants don't put them in a situation for the garbage to be over-flowing. There is nothing worse has for him as a consumer to drive into a parking lot to see garbage all over the place. Petitioner Fry said they police this with a very serious commitment to their tenants and with the landscaping, he promises they will not even know it's there.

Commissioner Ventura stated that it is still very close to the road.

Petitioner Fry said it was, but they had no other place to put it and wants the Commission to know that they are doing everything possible to protect it and they have been doing this for some thirty (30) years and is a bugaboo for them.

Commissioner Ventura worries about the safety issues of making a left turn off of Butterfield Road and the busy intersection with the ingress and egress in the morning. Commissioner Ventura understands that McDonalds and Chase Bank have the same issues; however, they are not on a corner.

Attorney Daniel stated on this point the City Engineer did not have an issue and he personally reviewed all the traffic numbers and movements while eating lunch there, drank coffee there and watched the morning and evening traffic since his office is close to this location, and Attorney Daniel gave a summary to Building and Zoning Administrator Dragan in response to staff comments regarding the drive-thru on a corner lot. Attorney Daniel mentioned many drive-thru's on corner lots along state jurisdiction highways. If IDOT had an issue they would push you to avoid those turn movements. Attorney Daniel commented that the gas station generated more traffic during more hours of the day than what they will see at this location with the issues that were proposed.

Attorney Daniel commented that Mr. Pixler has been in touch with IDOT Engineers who will be the ones reviewing the safety issues and the Petitioner will have to deal with IDOT with permit conditions relating to that entrance as they arise. Attorney Daniel commented that the busiest hours are between 7:00 A.M. and 9:00 A.M. and 4:00 P.M. and 6:00 P.M.

Commissioner Ventura noted that it will be getting even busier with Specialty's Café across the street coming in and other property that may be developed someday.

Commissioner Ventura pointed out that the drive-thru is 2 feet from the building and is very tight even though there is a retention pond there and wanted to know if this was typical.

Attorney Daniel stated that typically the drive-thru will be 2 - 4 feet from the building and so far this one has met the fire code standards and the Fire District had no concerns about the rear doors.

Attorney Daniel continued to comment on the height of the monument sign in which it would be hard for traffic passing by the sign to see the bottom two tenants in ordinary view, so this increased the height in the signage.

Commissioner Ventura stated that the sign would be facing northeast down Butterfield Road where there would be the most visibility versus traveling down Midwest Road heading eastbound to Butterfield Road. It's a large variance to go from 9 feet to 12 feet.

Attorney Daniel commented that he understood, but it was still below a lot of the views or a lot of the signs in existence in that intersection that had been raised due to the high speed roads and busy intersections. Attorney Daniel stated Moogie's and Jiffy Lube were above 9 feet in height.

Commissioner Ventura asked where the parking lot lighting would be located.

Petitioner Fry had a comment for Commissioner Ventura and said regarding the height of the sign, the peak of the sign was actually 2 feet in height so the signage itself was only around 10 feet. They placed the peak on to give sign more appeal and the arch gives it an appearance of being less than 12 feet in height.

Commissioner Ventura thanked Petitioner Fry.

Building and Zoning Administrator Dragan noted that if you look at the triangle on the sign it reads, Butterfield Point at Oakbrook Terrace.

Commissioner Ventura commented that this was a nice thing to do.

Attorney Daniel responded to the location of the lights by saying that they would be located on each side of the entrances and between the entrances there will be two (2) on the north line property to cover the north parking row and northeast parking row, one (1) in the center of the west parking row, and the rest of the lights are building lights. All the lighting is 15 feet in height to comply with the 16 foot standard of the City along with LED lighting, which the City prefers.

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

Commissioner Schneider commented, for the record, that Oakbrook Terrace has a problem throughout Oakbrook Terrace with each sign becoming larger and larger on every project; the Gardner School is humongous.

Chairman Noble asked if the signs were digital or lit.

Attorney Daniel said they were to be lighted signs and if there were any concerns on certain variances, he asked that the Commission separate out those issues.

Chairman Noble opened the floor for public participation.

Chairman Noble asked for positive testimony. There was none.

Chairman Noble asked for negative testimony. There was none.

Chairman Noble asked if there were any other comments from the audience; there were none.

Chairman Noble closed the floor to public participation.

Chairman Noble asked if there were any comments from the City Attorney.

City Attorney Pacione recommended if there were to be issues on certain variances that they take a separate vote according to Attorney Daniel comments and that the Commissioners should identify the number of the variance when making a motion unless they wanted to do them individually.

Petitioner Fry said he would like them to do all the variances at once.

Commissioner Smurawski said he had a problem with the 12 foot signage.

Commissioner Ventura mentioned that she had the same issue, but liked the idea that the point stays on top of the sign and that it has Oakbrook Terrace on it.

City Attorney Pacione said he was ok with that being one vote unless there was distinction from the Petitioner to have it individually.

Building and Zoning Administrator asked Commissioner Donoval if he was in favor of the sign.

Commissioner Donoval said to vote on the whole thing; the City Council will do what they want to do.

Building and Zoning Administrator Dragan commented that the City Council will have the minutes of tonight's meeting and the Letter of Recommendation along with the concerns of Items 2 and 5.

City Attorney Pacione asked if the Commission wanted to parcel the variances out.

Building and Zoning Administrator Dragan said someone should make the motion to approve the request for the legal notice to exclude Items 2 and 5 concerning dumpsters and signage.

Attorney Daniel asked for clarification if it would be Item 2 and Item 5A, the second height variance for the height restriction of the drive-through.

Building and Zoning Administrator Dragan stated that the 11 feet is absolutely necessary.

City Attorney Pacione stated that he didn't want to separate Item 5A and 5B.

Building and Zoning Administrator Dragan said to go with the first motion.

MOTION Commissioner Schneider entertained a motion to approve Items 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14 which are:

1. A special use for a multi-tenant building with (a) an above-ground service facility situated in the buildable area between the building and the front yard line (authorized under Section 156.051(D)(4) and Section 156.051(H)(3)), (b) for a restaurant in the south unit with a drive-through window and patio seating area (authorized under Section 156.087(A)(2) and Section 156.087(C)(34)) and (c) for a restaurant with operations on a patio dining area accessory to the north unit (authorized under Section 156.087(A)(2)).

3. A variation from Section 156.039(B)(1) prohibiting fences in the required east front yard in order to permit a gated masonry service/trash enclosure in the east front yard (southeast corner of the property).
4. A variation from Section 156.043(C)(2) prohibiting signs from obstructing drives in order to permit a suspended height restriction sign at the entry to the drive through.
6. A variation from Section 156.051(D)(5) (prohibiting more than one above ground service facility within 250 feet of another) and Section 156.051(F) (requiring a landscape buffer) in order to permit an above ground service facility within 250 feet of another existing above ground service facility according to landscape plans on file with the City.
7. A variation from Section 156.087(B) (54) which limits the dining area on patios to 25% of the interior dining area in order to permit outdoor dining on two patios with (a) the dining area of the north patio not to exceed 306 feet or 35% of the interior dining area of the north unit and (b) the collective patio dining area not to exceed 406 feet or 32% of the combined interior dining areas in the north and south units.
8. A variation from Section 156.087(G)(1) requiring minimum east and north front yards of not less than forty (40) feet and minimum front yards to pavement of ten (10) feet in order to permit (a) the location of the service/trash enclosure nine (9) feet west of the east front yard lot line and paved areas for the trash enclosure eight (8) feet west of the east front lot line) and (b) rows of parking spaces on the east, northeast and north front lot lines five (5) feet from these lot lines.
9. A variation from Section 156.087(G)(2) requiring a minimum west side yard to pavement of five (5) feet in order to permit the drive-through lane to be situated not closer than two (2) feet east of the west side yard.
10. A variation from Section 156.087(G)(3) requiring a minimum south rear yard of not less than forty (40) feet and a minimum rear yard to pavement of five (5) feet in order to permit (a) the location of the service/trash enclosure two (2) feet north of the rear lot line, (b) the location of the building not closer than 22.5 feet north of the rear lot line, (c) the location of the menu board not closer than 22.5 feet north of the rear lot line, (d) paved areas for (i) the trash enclosure (1.5) feet north of the rear lot line), (ii) drive through (2 feet north of the rear lot line), (iii) loading zone (2 feet north of the rear lot line) and (iv) fire lane (2 feet north of the rear lot line).

11. A variation from Section 156.087(G)(4) limiting the use of a common access drive to one-half of a side or rear yard requirement in order to permit (a) the location of the drive through lane on the west side of the building to occupy an area that is as close as two (2) feet to the west lot line and extends across the side yard required by ordinance and (b) the drive-through lane and loading zone area on the south side of the building to occupy an area that is as close as two (2) feet to the south lot line.
12. A variation from Section 156.087(I), Section 156.049(H) and Section 156.049(I) in order to permit parking lot and general landscaping relief with the required landscaping reflected in the landscape plan on file with the City while (a) allowing a postponement of work in the area along the southwest corner lot lines such that plantings may be deferred until a light pole serving property to the south is removed and the area restored, (b) allowing a reduction of plantings on the west side lot line as may be necessitated by final site engineering, and (c) allowing a reduction in interior landscaping and screening by as much as one (1) interior tree and screening required under Section 156.035(C)(4)(b) in order to permit a generator near the above ground service facility at the northwest corner of the building with the screening, fencing and landscaping as reflected in plans on file with the City.
13. A variation from Section 156.101(E) limiting widths of commercial district driveways across public property to a width of 35 feet at the right-of-way line and limiting driveway flares in a commercial district to five feet on each side of the driveways in order to permit (a) two existing driveways to remain substantially as constructed with widths not to exceed 36.5 feet between the faces of curbs, (b) driveway flares at the north driveway not to exceed 16 feet (west) and 22 feet (east), and (c) driveway flares at the east driveway not to exceed 9 feet (north) and 13 feet (south).
14. Pursuant to Section 156.023(B), such other variations and authorizations as may be required to permit the development of the use and improvements according to the plans on file with the City and as these plans may be amended through the City Council's consideration of this request.

Commissioner Donoval seconded the motion.

Chairman Noble asked for any final discussion. There was none.

Ayes: Chairman Noble, Schneider, Ventura, Donoval, Smurawski
Nays: None
Absent: Myszkowski

MOTION PASSED WITH A VOTE OF 5-0.

MOTION Commissioner Smurawski entertained a motion to approve Item 2 for a variation from Section 156.035(B), Section 156.045(B)(10) and Section 156.045(B)(35) in order to permit the service/trash enclosure with a south landscape wall in the east front yard.

Commissioner Donoval seconded the motion.

Chairman Noble asked for any final discussion. There was none.

Ayes: Chairman Noble, Smurawski
Nays: Schneider, Ventura, Donoval
Absent: Myszkowski

MOTION WAS DECLINED WITH A VOTE OF 3-2.

City Attorney asked for a motion to approve Item 5 for a variation from Section 156.043(C)(5) limiting the height of monument and pole signs to nine (9) feet in order to permit (a) a monument sign along the Midwest Road frontage not taller than twelve (12) feet, and (b) a pole sign at the entry to the drive through not taller than eleven (11) feet.

MOTION Commissioner Smurawski entertained a motion to approve Item 5 for a variation from Section 156.043(C)(5) limiting the height of monument and pole signs to nine (9) feet in order to permit (a) a monument sign along the Midwest Road frontage not taller than twelve (12) feet, and (b) a pole sign at the entry to the drive through not taller than eleven (11) feet.

Commissioner Donoval seconded the motion.

Chairman Noble asked for any final discussion.

Commissioner Ventura mentioned that she would love to see the point with Butterfield Point in Oakbrook Terrace on the sign, but on a smaller sign.

City Attorney Pacione clarified that only the point reaches 12 feet and tapers off.

Chairman Noble asked if there were any other comments. There were none.

Ayes: Chairman Noble, Schneider, Donoval, Smurawski
Nays: Ventura
Absent: Myszkowski

MOTION PASSED WITH A VOTE OF 4-1.

Attorney Daniel asked for procedural clarification to Item 2 presentation during the portion of the public hearing, and he was not sure the discussion about where you placed these items if they adjusted the setbacks was lost, but he might ask for reconsideration on that. He's not sure if they would like to have more hearing testimony on it, but he doesn't know if the Planning Zoning Commission has considered the issue of the location of that trash enclosure if you put it behind the building away from the streets, because you're not going to get a truck in there. You're going to have a 35-foot deep building, and it's just not going to work, and that's probably the most glaring portion of hardship when it comes to trash service to the property. It's has to go in one front yard or the other or else you're going to lose significant part of the floor area of that building, but he believes that decision on Item 2 is a serious significant concern that they have going forward with the City Council.

Commissioner Donoval asked if there was any location to place it.

Petitioner Fry mentioned that they looked all around and the only way was to chop off a whole root portion of the building which would ruin everything. The geometrics of the lot dictated what they could and could not do and by moving the building back into the corner was the best they could do under the circumstances to give it a professional look. They spent a significant amount of time figuring out how to hide it, and protect it. Number 1 on his priority is not to let garbage overflow and fall onto the street and Number 2 is the landscaping of it.

Commissioner Donoval commented in the summertime there is a lot of walking traffic and if it's 100 degrees outside you are bound to smell the garbage.

Petitioner Fry said without a question it will smell, but it won't because they will demand that it be cleaned all the time.

Commissioner Ventura asked if Petitioner Fry would ever consider a joint garbage with Wendy's.

Attorney Daniel commented he thought on the joint facility option they have made attempts at that in the past. When there's one owner, it's possible to do that. In this case you have one owner, but even when you have one owner or typically has an enforcement nightmare when there are problems with those being disclosed on those containers, and he knows recently there have been some trash issues in his office building with fly dumping and that kind of thing.

Commissioner Ventura stated that Wendy's has such a large trash dumpster and Petitioner Fry's looks so much smaller.

Attorney Daniel commented it is smaller in all of its dimensions than the length of the Wendy's enclosure.

Commissioner Donoval said this was just not about garbage, but on the grease that needs to be enclosed inside.

Petitioner Fry said the grease goes into traps that go into the ground.

Petitioner Fry mentioned his other locations, with outdoor seating and packed with people, and how the garbage is policed at all times. Petitioner Fry mentioned as owners it is their responsibility to keep the property clean and policed properly.

Commissioner Donoval asked what they do now.

Building and Zoning Administrator Dragan said they can reconsider the motion.

City Attorney Pacione said there is a request from the Petitioner to reconsider the motion which he thought was appropriate.

Chairman Noble asked for a motion to reconsider Item 2.

MOTION Commissioner Ventura entertained a motion to reconsider Item 2.

Commissioner Donoval seconded the motion.

Chairman Noble asked for any discussion from the Commissioners.

Commissioner Schneider questioned the portion that arches out in front of Unit 1 referring to the patio.

Attorney Daniel stated that with a patio you have two (2) tables and a fence, a landscape island, the entryway which has to be unobstructed to the point leading to the ramp, the handicap ramp, and an accessible stall.

Commissioner Schneider asked if the Petitioner could photograph the dumpsters with the vines growing on them to show to the City Council.

Petitioner Fry they could photograph the masonry walls, but the vines and the planting was something they did for this project and again all he could say that it will look like the vines at Wrigley Field.

Commissioner Donoval said their biggest problem are too many businesses for too small of a property.

Chairman Noble asked for any other final discussion.

Commissioner Schneider questioned them about their commitment about policing their garbage facilities.

Attorney Daniel commented that the dumpster and enclosure, the masonry enclosure located near the exit for the drive-thru which is a special use, you're able to condition the approval of a special use and if you need conditions relating to that exit area of the drive-thru which is near the dumpster they can relate to anything including conditions that the tops of the dumpsters be closed at all times and if necessary to accomplish that there would be a mechanism there so that they're not laying open. That's your smell, or a box blowing out into the drive-thru of some kind, but you're entitled to put those types of conditions on it. Additionally, there could be a condition about cleaning upon demand of code enforcement if there's a complaint and they haven't noticed something. Attorney Daniel has worked with Lee Fry Enterprises for some time and have dealt with their developments on a personal level, and when they mentioned the Chipotle situation you wouldn't know it's there when you're dining next to it. You don't smell the Starbucks ones when you're in the Starbucks drive-thru behind or in front of Pete's or behind the Starbucks on 22nd. There are those exceptional circumstances where it does arise, but if it's taken care of quickly things are handled, but those are possible conditions that the Commission could impose on the special use.

Petitioner Fry commented in response to that they can state exactly that they will agree at all times to never allow garbage to overflow and the lids always be shut on all dumpsters in the enclosure. Petitioner Fry said they will power wash the insides every month during the summer hours.

Commissioner Ventura asked if there could be some assurance that any cars traveling on Midwest Road would not see any sign of garbage.

Petitioner Fry under normal conditions, no, but if the door is open for the truck to remove the garbage, yes.

City Attorney Pacione asked Attorney Daniel if they can leave this up to the City Council since they already agreed on the special use.

Attorney Daniel had some concerns over the vote when it reaches the City Council on whether it changes the variances as opposed to the special use.

City Attorney Pacione asked Attorney Daniel if he would like a motion on the variance.

Commissioner Ventura asked if there was any assurance that the Petitioner could pursue the possibility of joining garbage with Wendy's.

Petitioner Fry said he does not want to do anything with Wendy's.

Commissioner Ventura thought Petitioner Fry might like to add this to the motion.

Petitioner Fry stated that he was not asking it to be part of the motion.

City Attorney stated at the present time they have the motion to reconsider.

Chairman Noble asked Secretary Coglianese to take the roll.

Ayes: Chairman Noble, Schneider, Ventura, Donoval, Smurawski

Nays: None

Absent: Myszkowski

MOTION PASSED WITH A VOTE OF 5-0.

Chairman Noble asked for a motion to pass Item 2.

MOTION Commissioner Schneider entertained a motion to pass Item 2 as discussed.

Commissioner Smurawski seconded the motion.

Chairman Noble asked for any final discussion. There was none.

Ayes: Chairman Noble, Schneider, Ventura, Donoval, Smurawski

Nays: None

Absent: Myszkowski

MOTION PASSED WITH A VOTE OF 5-0.

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 May 26, 2015 City Council meeting agenda and the Commission may wish to cancel the June 2, 2015 Planning and Zoning Commission meeting since there are no public hearings scheduled.

Chairman Noble asked for a motion to cancel the Planning and Zoning meeting.

MOTION Commission Schneider entertained a motion to cancel the Planning and Zoning Commission meeting for June 2, 2015.

Commissioner Ventura seconded the motion.

Ayes: Chairman Noble, Schneider, Ventura, Donoval, Smurawski

Nays: None

Absent: Myszkowski

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 5-0 .

Chairman Noble asked for a motion to adjourn the meeting.

MOTION Commissioner Schneider entertained a motion to adjourn the meeting.

Commissioner Donoval seconded the motion.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 5-0.

Chairman Noble adjourned the meeting at 7:40 P.M.

Respectfully submitted by,

Janice Coglianese
Building and Zoning / Planning and Zoning Secretary

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<p style="text-align: center;">1</p> <p>1 CITY OF OAKBROOK TERRACE 2 PLANNING & ZONING COMMISSION 3 4 5 6 Tuesday, May 19, 2015 7 6:00 p.m. 8 9 10 11 IN RE: Case No. 16-1 12 Butterfield Point, LLC 13 17W615 Butterfield Road 14 15 16 17 18 19 20 RECORD OF PROCEEDINGS had before Haley 21 Goodwin taken at 17W275 Butterfield Road, 22 Oakbrook Terrace, Illinois on the 19th of May, 23 2015 commencing at 6:00 p.m. in reference to the 24 above-entitled cause.</p>	<p style="text-align: center;">3</p> <p>1 REPORT OF PROCEEDINGS 2 MAY 19, 2015 3 CHAIRMAN NOBLE: Good 4 evening ladies and gentlemen. The 5 City of Oakbrook Terrace Planning and 6 Zoning Commission would like to call 7 this meeting to order May 19, 2015 8 6:00 o'clock p.m. 9 Janice, please call the 10 roll. 11 SECRETARY COGLIANESE: 12 Commissioner Schneider? 13 COMMISSIONER SCHNEIDER: 14 Here. 15 SECRETARY COGLIANESE: 16 Ventura? 17 COMMISSIONER VENTURA: 18 Here. 19 SECRETARY COGLIANESE: 20 Myszkowski is absent. 21 Donoval? 22 COMMISSIONER DONOVAL: 23 Here. 24 SECRETARY COGLIANESE:</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES 2 3 4 COMMISSIONER DONOVAL 5 COMMISSIONER SCHNEIDER 6 COMMISSIONER VENTURA 7 COMMISSION SMURAWSKI 8 CHAIRMAN NOBLE 9 SECRETARY COGLIANESE 10 11 MR. PACIONE, 12 City Attorney 13 14 MS. DRAGAN, 15 Building & Zoning Administrator 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: center;">4</p> <p>1 Smurawski? 2 COMMISSIONER SMURAWSKI: 3 Here. 4 SECRETARY COGLIANESE: 5 And Chairman Noble? 6 CHAIRMAN NOBLE: Here. 7 SECRETARY COGLIANESE: 8 Thank you. 9 CHAIRMAN NOBLE: First 10 order of business is the approval of 11 the April 21st, 2015 minutes, Case 12 No. 15-15, Millhurst Charhouse and 13 Banquets, 1901 South Meyers Road. 14 Any final discussion 15 from the Commissioners? 16 Motion to approve the 17 minutes? 18 COMMISSIONER VENTURA: 19 I'll make a motion to approve the 20 minutes. 21 COMMISSIONER DONOVAL: 22 I second. 23 CHAIRMAN NOBLE: Second 24 by Jon.</p>



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<p style="text-align: center;">5</p> <p>1 We'll have a voice 2 vote. All who are in favor, say 3 yes? 4 (Chorus of yeses.) 5 CHAIRMAN NOBLE: Any 6 opposed? 7 Motion carried. 8 Second order of 9 business is Case No. 16-1, 17 West 10 615 Butterfield Road, Butterfield 11 Point, LLC. 12 I would like to 13 request if I could waive the legal 14 notice reading because it's -- 15 MR. PACIONE: That's 16 fine. 17 CHAIRMAN NOBLE: It's 18 a lot of numbers and pages. 19 MR. PACIONE: Just for 20 additional use and for hearing use 21 -- 22 CHAIRMAN NOBLE: Okay. 23 Just the request? 24 MR. PACIONE: You can</p>	<p style="text-align: center;">7</p> <p>1 you please stand up, those who are 2 going to be speaking tonight, so you 3 could be sworn in? 4 SECRETARY COGLIANESE: 5 Will you state your names? 6 MR. FRY: Lee Fry. 7 MR. DANIEL: Mark 8 Daniel. 9 MR. PIXLER: Cliff 10 Pixler. 11 SECRETARY COGLIANESE: 12 Do you swear to tell the truth, the 13 whole truth, and nothing but the 14 truth so help you God? 15 (Chorus of I dos.) 16 SECRETARY COGLIANESE: 17 Thank you. 18 CHAIRMAN NOBLE: Could 19 you please start your -- 20 MR. DANIEL: Good 21 evening Chairman Noble and members of 22 the Planning Commission. I am Mark 23 Daniel of Daniel Law Office, PC, 24 17W733 Butterfield Road, Suite F in</p>
<p style="text-align: center;">6</p> <p>1 read that. 2 CHAIRMAN NOBLE: All 3 right. I'm going to read just the 4 -- the public hearing before the 5 Planning and Zoning Commission of the 6 City of Oakbrook Terrace will be 7 held May 19 at 6:00 p.m. at the 8 Municipal Building at 17 West 275 9 Butterfield Road, Oakbrook Terrace, 10 Illinois to consider a request by 11 Butterfield Point, LLC, Petitioner, 12 to approve special uses authorized 13 under Section 156.024(B) of the 14 zoning ordinance and variations 15 authorized under 156.023(B) of the 16 zoning ordinance of the City of 17 Oakbrook Terrace the zoning ordinance 18 as follows. 19 MS. DRAGAN: Can I say 20 it's published in the legal notice? 21 MR. PACIONE: Yes. 22 And then you can just let counsel 23 describe the project. 24 CHAIRMAN NOBLE: Could</p>	<p style="text-align: center;">8</p> <p>1 Oakbrook Terrace, Illinois. I am 2 representing in this matter 3 Butterfield Point, LLC. With me 4 tonight is Lee Fry, the principal 5 owner of Lee Fry Enterprises. If 6 you've driven past the site we're 7 dealing with tonight, you may have 8 seen Lee Fry Enterprises is an 9 affiliate of the applicant which is 10 an LLC that was set up for the 11 development of this particular 12 property. Also, from Intech is 13 Cliff Pixler, P-i-x-l-e-r, and 14 Anthony Di Mauro from Lee Fry 15 Enterprises is here as well. 16 The site was described 17 as 17W615 Butterfield Road. It's a 18 site currently owned by Angelo and 19 Associates (phonetic). We are the 20 contract purchaser subject to zoning 21 contingencies and a few other matters 22 that you ordinarily see in a real 23 estate transaction. The site is 24 situated at the southwest corner of</p>

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<p style="text-align: center;">9</p> <p>1 Butterfield Road, which is under IDOT 2 jurisdiction, and Midwest/Summit 3 Avenue in Oakbrook Terrace. The 4 County has jurisdiction over that 5 particular right-of-way. The site is 6 zoned B3. To the south you have 7 B3. To the west you have Terrace 8 Oaks which is also zoned B3. You 9 have some B2 scattered around in 10 small places, but you have a 11 significant contiguous B3 zoning 12 district that extends all the way 13 down to 22nd Street and then east 14 down 22nd Street towards 83. It's 15 probably your most important zoning 16 district in town. 17 The Village of Oak 18 Brook runs the east side of Midwest 19 Road up to the southeast corner of 20 Butterfield and Midwest Road where 21 you've had a recent redevelopment for 22 a new restaurant compared to the 23 recent new development. This is 24 also zoned B3 under the Village of</p>	<p style="text-align: center;">11</p> <p>1 in a position where if you attempt 2 to redevelop it for a gasoline 3 service station you're not going to 4 be successful. Gasoline service 5 stations today carry a great amount 6 of expense, some risk, and some 7 investment attended to them that 8 usually leads the developers of these 9 sites to locate the pumps and 10 service operations for the gasoline 11 side but also one, two other 12 businesses, typically two. Many of 13 us have seen a Dunkin' Donuts, a 14 Subway, and a gas station all at one 15 location, and you know that they are 16 much larger than what you see at 17 this location. 18 I get calls on a 19 somewhat regular basis about whether 20 I know five acre parcels, four acre 21 parcels that are on major roads in 22 the County, and this is not one of 23 those, okay. Given the site size, it 24 wasn't amendable to redevelopment it</p>
<p style="text-align: center;">10</p> <p>1 Oak Brook standards, so the B3 2 district for Oak Brook this is an 3 extension of what is also their 4 largest B3 and most intense 5 commercial use outside of what you 6 see over at Oak Brook Center. 7 With respect to the 8 particular site, over the past many 9 decades, since the 1960s, Amoco Oil 10 Corporation had control of the site 11 for a gasoline service station. 12 There were pumps located on the 13 north and east. Parking and auto 14 service occurred somewhat on the 15 south side of the property, then a 16 car wash eventually constructed along 17 the south to the west side of the 18 property. Eventually the site became 19 less proper for gasoline service use. 20 The building was demolished, and the 21 underground storage tanks were 22 removed. 23 Given the site size at 24 roughly an acre, you find yourself</p>	<p style="text-align: center;">12</p> <p>1 as a gasoline service station. 2 The property is 3 proposed to be redeveloped for a 4 five-unit commercial center that will 5 maintain a similar street frontage in 6 a lot of respects. The intensity 7 for vehicular traffic will still 8 remain on the north and east sides 9 of the property where it was 10 previously. 11 If I can get the site 12 plan here, this is Exhibit No. 2 we 13 referenced in the application. But 14 you can see that the parking and the 15 drive aisles, the main drive aisles 16 are situated north and east like 17 they were previously. There's also 18 a drive-thru proposed for the west 19 and south side of the property. 20 That's somewhat similar to the car 21 wash operation that was there, so 22 the movements of traffic and vehicles 23 on the property and into and out of 24 the right-of-way traffic will be very</p>

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<p style="text-align: center;">13</p> <p>1 similar to what you've seen in the 2 past. 3 There's a terrific 4 benefit to this particular project in 5 that what we are doing here is 6 moving the building back so that we 7 can avoid wasted space and an 8 obstruction to a view scape that 9 encompasses newer development up to 10 the north, northwest of the site, 11 okay. So, from this interchange, 12 roughly four to five cars deep and 13 -- you know, actually even deeper, 14 probably about ten cars deep, you're 15 going to have a rather clear view 16 scape over towards the Gardner School 17 and up towards Specialty's, and 18 you're going to have the same view 19 scape back this way that would draw 20 people down towards the intensity of 21 use. It gets you into the site, 22 Wendy's, Butterfield's, and hopefully 23 a redeveloped -- eventually a 24 redeveloped Burger King location.</p>	<p style="text-align: center;">15</p> <p>1 The variations that 2 we're asking for are generally broken 3 down into categories, and I think 4 typically I've done this before you 5 in the past, but you can expect to 6 hear testimony about variations from 7 the B3 district, zoning regulations, 8 testimony about two sign variations 9 that we're asking you to recommend, 10 you're going to hear some testimony 11 about a yard and paved area 12 variations, some very nominal 13 landscape variations, landscape plan 14 meets, you know, for all intents and 15 purposes the code with the exception 16 of one or two items. On the 17 northwest side of the building we'll 18 talk about a generator and a 19 six-foot screening around that 20 generator with landscaping. We'll 21 talk about the assignment of 22 landscape points between different 23 res, but otherwise this thing has 24 got a bunch of landscaping when the</p>
<p style="text-align: center;">14</p> <p>1 Traffic-wise, the site 2 currently has three entrances off of 3 Midwest Road. We're proposing to 4 eliminate the north two entrances and 5 preserve the third entrance. This 6 takes the traffic into the site from 7 Midwest Road a full 200 feet or more 8 from the south line of the 9 intersection of Butterfield and 10 Summit, all right. At the north 11 side, nothing should change. Of 12 course, the project like any other 13 along Butterfield Road is going to 14 be subject to some review by the 15 Illinois Department of 16 Transportation, and they're going to 17 have some comments on the north 18 side. DuPage County has jurisdiction 19 over the Summit/Midwest entrance, and 20 they've reviewed it and gotten back 21 to us with an acceptance on a 22 preliminary basis of what we're 23 proposing here which is to 24 consolidate those access pints.</p>	<p style="text-align: center;">16</p> <p>1 site previously had little or nothing 2 in the way of landscaping. 3 When it comes to long 4 standing conditions on the property, 5 there are a handful of variations, 6 but they're nominal. Again, we're 7 trying to maintain the driveway 8 widths at the two entrances as they 9 exist today at their current width 10 which is in excess by a foot to a 11 foot and a half of the 35 feet 12 allowed by code, so that's 13 maintenance of a longstanding 14 condition. 15 On the south line of 16 the property you have one or two 17 pole lights that serve Wendy's that 18 are actually across the lot line a 19 bit, and we didn't want to get into 20 a hassle with Wendy's Corporate over 21 the relocation of one or two of 22 their light poles. And if we can 23 live with them we'll live with them, 24 but they are lights above the</p>

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<p style="text-align: center;">17</p> <p>1 maximum 16-foot height that's allowed 2 for accessory structures on the site. 3 So, that's part of the variation 4 request. 5 The special use relates 6 to the drive-thru primarily. That 7 particular drive-thru flows in the 8 ordinary counterclockwise fashion 9 with the window on the south face of 10 the building towards the eastern, 11 southeastern corner. 12 Another special use -- 13 another aspect of the application 14 that used to be a special use in 15 town is your patio dining areas, 16 okay. The patio dining areas are 17 permitted uses. There's a bit of a 18 technicality in the zoning ordinance 19 for outdoor sales of goods and 20 services. Some of the food can be 21 ordered at tables. Technically we 22 shouldn't need the special use, but 23 we asked for it just to be complete 24 in this application.</p>	<p style="text-align: center;">19</p> <p>1 The minute you have patio dining 2 you're going to have ADA 3 difficulties, and I want to maintain 4 that width so folks can get to and 5 from safely. 6 Unit 5 at the north 7 end is intended to be a restaurant 8 with a caliber wine bar operation 9 one that everyone would like to go 10 enjoy the outdoor dining, enjoy the 11 ambiance of the interior. We're 12 going to have a high-end menu. 13 There were a few objectives with 14 this particular unit to reach an 15 audience that enjoys the ambiance, a 16 good glass of wine, some outdoor 17 music now and then. Nothing 18 broadcast through loudspeakers on 19 either patio, but with respect to 20 the north patio you might see 21 ambient music, you might also see 22 somebody on a stool with a guitar, 23 and that's about it. 24 The patio is designed</p>
<p style="text-align: center;">18</p> <p>1 The outdoor patio area 2 for the north unit is slightly 3 larger than permitted as of right 4 under the code, so that requires a 5 variance. The outdoor dining area 6 for the south unit is slightly 7 smaller than what's required by code, 8 so that is compliant. 9 So, that's the general 10 nature of the application. What I 11 want to do is walk you through some 12 of the plans. 13 The five-unit structure 14 is designed so the units that I'll 15 identify where we're talking about 16 this are numbered 1 through 5 from 17 the south to the north. The south 18 unit has an outdoor dining area off 19 the southeast corner and the 20 drive-thru window that I previously 21 described. As you work around the 22 building in front of Units 2, 3, and 23 4, there will be no patio dining. 24 The sidewalk is not designed for it.</p>	<p style="text-align: center;">20</p> <p>1 to comply with the liquor control 2 ordinance, so you have a fully 3 fenced area. The only gates that 4 we're providing are on the southeast 5 corner of the patio and on the west 6 line of the patio. And those gates 7 are designed to be closed at all 8 times with the exception of 9 accessibility challenged individuals 10 who might need access on an easier 11 basis than going through the 12 restaurant or emergency purposes, 13 okay. 14 The building is 15 designed so that it would draw 16 traffic into a drive-thru entry 17 point. That drive-thru entry point 18 is up in the northwest portion of 19 the property. You can see from the 20 design that it's unobstructed by 21 parking. A lot of drive-thru's, 22 particularly in relation to some of 23 the uses that you would see here, 24 the breakfast-style use serving</p>

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<p style="text-align: center;">21</p> <p>1 coffee, pastries, that type of thing 2 in Unit 1, a lot of the drive-thru's 3 have stacking that would extend into 4 the parking area. You've got one up 5 on Roosevelt Road, you can maybe 6 recall some of the Starbucks 7 drive-thru's in the areas in the 8 area around here. Some of their 9 stacking extends into a drive aisle 10 or a parking way. 11 If you look at the 12 stacking here, you can see that we 13 readily meet the six vehicles and 14 pour on eleven when it comes to 15 stacking. A lot of Starbucks and 16 Dunkin' Donuts are approved with 17 stacking in the five to six range, 18 and we've got the six under your 19 code, but we're providing for easily 20 eleven cars. So, we didn't want to 21 have any concerns about stacking back 22 out onto Butterfield Road for 23 example. Sometimes you'll see that at 24 some of these drive-thru operations.</p>	<p style="text-align: center;">23</p> <p>1 the southeast corner on the property. 2 Because it appears on the front of 3 the building and within the view 4 scape, it's intended to be a masonry 5 wall structure that will be 6 landscaped with ivy on the sides and 7 some plantings around the street 8 side. The service doors are on the 9 north side of the service gate, and 10 when you take a look at the 11 rendering of the building you will 12 see that as required by code the 13 masonry wall is designed so that it 14 matches the facade of the building. 15 Additionally, the doors match the 16 facade of the metal features that 17 run between the windows, so you'll 18 see that there is a connection 19 between the two different structures 20 which is, again, required by your 21 ordinance. 22 The building, again, is 23 a brick and glass structure. The 24 parapets at the north and the south</p>
<p style="text-align: center;">22</p> <p>1 You shouldn't have that here. 2 Once you get to the 3 menu board on the southwest corner 4 of the building, you'll notice that 5 menu board faces about the same way 6 -- the same direction as the Wendy's 7 drive-thru does. The circulation is 8 going the same way roughly as the 9 Wendy's drive-thru is, and once you 10 get past the menu board you have 11 four car lengths before you get to 12 the window which is more than 13 adequate. A lot of the space, and 14 you'll see in drive-thru's today, can 15 be as few as two spaces from the 16 menu board to the drive-thru, so we 17 shouldn't have that concern about 18 having to ask somebody to pull 19 around. But we still provided an 20 extra lane here that will sometimes 21 serve as a loading area, okay, and 22 we'll talk about loading in just a 23 bit. 24 The refuse area is on</p>	<p style="text-align: center;">24</p> <p>1 end are designed to have the feature 2 signage for those end cap units. 3 The other signage for the middle 4 Units 2, 3, and 4 is designed to be 5 of a lower profile, and I'll get 6 into the sign package in just a bit. 7 The height of the 8 building is well within the 35-foot 9 height maximum for the district. At 10 the moment we've got both elevations 11 east and north so that you can see 12 how the building will appear from 13 the streets, again, consistent view 14 from the north with the parapets and 15 the middle section of the roof being 16 a little bit lower. 17 With respect to the 18 interior units, when you go through 19 these zoning hearings, nothing is 20 really absolutely final on where the 21 walls are going to be, but we are 22 darn well certain that you're going 23 to have a Unit 1 that is roughly 24 2,022 square feet. Smaller units</p>

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<p style="text-align: center;">25</p> <p>1 for 2, 3, and 4 with the largest 2 unit being the north end cap unit at 3 just shy of 2600 square feet, all 4 right. And typically when you think 5 about the dining areas for these 6 locations in Unit 1, there's a line 7 here that shows the width going 8 across your plan. That line is 9 about the area of the seating, okay. 10 Everything else is a service counter, 11 a waiting line, the bathroom, and 12 storage or kitchen services, okay. 13 In Unit 5, where we also intend to 14 have a restaurant use, you would 15 have a seating area generally in the 16 front with an interior bar, seating 17 area along the outside walls, but 18 you're still going to have the bar 19 and then the kitchen and service 20 area towards the back with the 21 outdoor patio. 22 Now, we provided 23 calculations for the interior square 24 footage of the units as far as</p>	<p style="text-align: center;">27</p> <p>1 of Butterfield Road and the west 2 side of Summit, you'll note that the 3 signs are much taller than 12 feet. 4 Signs on the site previously ranged 5 from 11 to 25 feet in height. 6 Across the street you have a sign 7 greater than 9 feet. At Moogie's and 8 at the northeast corner there's also 9 a sign greater than 9 feet. 10 The particular sign 11 that we're dealing with here is 12 situated in a way so that as you're 13 approaching the intersection down 14 Butterfield -- from West Butterfield 15 Road, if you're heading eastbound as 16 you approach the intersection, within 17 your view scape you're eventually 18 going to have that sign, and you 19 would have it whether it was 9 feet 20 or 12 feet tall. But the sign is 21 situated so it has the appearance 22 more of a telephone pole where it 23 meets the primary line of sight 24 between the driver and a small</p>
<p style="text-align: center;">26</p> <p>1 restaurant seating area is concerned, 2 and we'll get to that in just a 3 little bit. 4 All right. Let me 5 take some of these down here. 6 From a signage 7 perspective, everything that you 8 would expect has been planned. You 9 have a variety of signs. The site 10 has two frontages intending it to 11 have two monument signs as of right. 12 Those two monument signs are 13 identified as Sign A at the 14 northeast corner of the building and 15 Sign B at the northwest corner of 16 the building. Sign A is the primary 17 monument sign. That sign is the 18 subject of a variation request to 19 allow the height to reach 12 feet. 20 That's 3 feet above what's allowed 21 by code. It is well below what 22 exists at that intersection in 23 general. If you look to the Jiffy 24 Lube, if you look to the north side</p>	<p style="text-align: center;">28</p> <p>1 portion of the sidewalk on the west 2 side of Midwest Road. The same is 3 true as you're approaching the 4 intersection northbound on Midwest 5 Road. If you need to look for 6 traffic coming from the west, you're 7 going to see the narrowest side of 8 the sign, okay. 9 The other signs on the 10 property that we're discussing 11 tonight from a -- the other sign on 12 the property that we're discussing 13 from a variance perspective is going to 14 be situated at the entrance of the 15 drive-thru, and all that sign entails 16 is a clearance warning so that we 17 can keep trucks out of there, okay. 18 A sign saying no trucks -- or no 19 vehicles above 8 feet 6 inches tall 20 is going to have to be about 10 to 21 11 feet so you can dangle the chains 22 and the metal panel warning the 23 vehicles no signs -- no vehicles 24 above 8-feet-6. So, that's the</p>

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<p style="text-align: center;">29</p> <p>1 height variance for that one. It's 2 got to be above 9 feet or else you 3 can't warn the vehicles 4 appropriately. 5 The remaining signage 6 is all wall signage; parapet sign 7 for Unit 1 at the south end, a 8 parapet sign on each corner face for 9 Unit 5, and three wall signs for the 10 middle units that you saw earlier on 11 the elevation that I displayed. The 12 signage comes in below the allowable 13 402 square feet of signage, and with 14 respect to the monument sign you can 15 see that it meets a common design 16 for monument signs in the area. 17 You've got a roughly 3-foot masonry 18 base the developers identified, and 19 then work up to the main part of 20 the sign which is about 80 square 21 feet on each -- on the single side 22 of the sign, it's a single-face 23 sign, and then you have the 24 identification.</p>	<p style="text-align: center;">31</p> <p>1 sign and then the retail tenants 2 come in down below. 3 We have done a blend 4 of parking calculations for the site 5 that we can get into in more detail 6 if needed, but we assume the 7 breakfast-style operation in Unit 1, 8 we assume the restaurant wine bar 9 style service in Unit 5, and then 10 you can take a blend of things. 11 You can take food and two retail 12 sales at one per 250, you can take 13 one per 400, you can do all retail 14 at one per 250, or you could do the 15 retail service like a salon at one 16 per 200, and we all come in 17 compliant with the number of parking 18 spaces on the site that we're 19 proposing which is 42. We do meet 20 the handicapped regulations on that 21 front. 22 So, that covers the 23 tenants and the parking demand and 24 the signage demand for the monument</p>
<p style="text-align: center;">30</p> <p>1 Now, here we mentioned 2 a wine bar. We do reference a 3 Dunkin Donuts, and I want to be 4 careful. I have a letter of intent 5 with a Dunkin Donuts franchisee, but 6 again, we can't promise everything 7 under the sun here is going to go 8 through to fruition. The design for 9 that south Unit 1 is set up so that 10 you cannot have a dinner or 11 primarily lunch-style service because 12 the interior seating is not going to 13 allow it with the drive-thru and 14 counter operation that you need to 15 have the drive-thru at the location 16 that it's at. That's one of the 17 reasons why we put it towards the 18 east face of the building as far as 19 the window is concerned, so you have 20 some certainty that it's going to be 21 a breakfast-styled coffee and pastry 22 operation. 23 With respect to the 24 restaurant, that would be the feature</p>	<p style="text-align: center;">32</p> <p>1 sign. I think one of the things 2 about the monument sign that needs 3 to be kept in mind that I know 4 you've heard this from me before and 5 you've heard it from others, when 6 you're along a high speed 7 thoroughfare you've got a sense of 8 urgency when you're driving and 9 you're looking for the location that 10 you're trying to reach. Oakbrook 11 Terrace, we're somewhat challenged. 12 You know, since I moved my office 13 here, I found that my GPS doesn't 14 get me where I'm going, so I've got 15 to pay even more attention. 16 The signage at the 17 corner is griddle. A driver trying 18 to find one of these tenants is 19 going to need that identification. 20 At that corner you also have a 21 number of other obstructions that are 22 the same width as this particular 23 sign; transformer boxes, you've got 24 the stoplight standards, and you've</p>

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<p style="text-align: center;">33</p> <p>1 got the switching mechanisms for 2 those stoplights in the ground that 3 are just as wide as the sign is 4 going to be. So, what we're really 5 talking about is the difference 6 between the 9 feet and the 12 feet, 7 and that 3-foot area doesn't really 8 have any impact on anyone. The view 9 scape of the intersection would be 10 unchanged as well. 11 And now on this 12 particular lot you'll note that the 13 northeast corner is extended way out, 14 and it's the odd shape of the 15 property that also drives the request 16 for the variations on signage, 17 because the point where people are 18 looking for these tenants is removed 19 to well over a hundred feet. If 20 you're turning left to get to the 21 entrance here on Midwest Road, you're 22 in a position where you're not going 23 to see the wall signs and know that 24 you're in a property where you need</p>	<p style="text-align: center;">35</p> <p>1 end cap user, and that south end cap 2 user with a distance from the 3 intersection will need that 4 additional sign. 5 When it comes to the 6 remainder of the signs, and these 7 are just part of the sign package, 8 and they're compliant with code, we 9 have a general area of a sign 10 14-by-3 -- or 14 feet wide 3 feet 11 tall for each of the parapet signs. 12 Those, again, are wall signs. And 13 then the signs are slightly smaller 14 for the middle three units 2, 3, and 15 4; 8 feet across, 2 feet 6 inches 16 tall, all right. 17 So, that should cover 18 everything on the signage side as 19 far as the development is concerned. 20 Landscaping in this 21 particular instance, what's 22 interesting about some of the 23 variances is that it's allowing us 24 to draw the building to the back</p>
<p style="text-align: center;">34</p> <p>1 to make that right turn unless you 2 see something at the corner that 3 identifies the property, Butterfield 4 Point of Oakbrook Terrace at the 5 top. Tenant can we're at 6 Butterfield Point, look for us at 7 the corner. That sign is there for 8 the drivers. Again, it's well 9 within the profile for the signage 10 that exists at that intersection, and 11 it's well within the profile for 12 signs that have been approved for 13 commercial uses at that part of 14 town. 15 The second monument 16 sign, this is a depiction of what it 17 might look like, but it's intended 18 to identify the south end cap user. 19 That sign would draw traffic towards 20 the drive-thru. You'll note in the 21 plans that we didn't spend a lot of 22 time with interior drive-thru 23 identification signs because that's 24 what we're relying on for that self</p>	<p style="text-align: center;">36</p> <p>1 southwest corner of the property. 2 And if you take a look at the 3 aerial of the surrounding uses, you 4 can see directly west of the 5 property there's a creek and then 6 there's a detention pond. Those 7 features aren't going anywhere 8 anytime soon. That open space 9 allows for the reduction in the west 10 yard area without creating the 11 impression that the building is 12 oversized for the property. 13 If you look at the lot 14 line, you might see that it's a 15 narrower side yard, that the paved 16 area might be a little closer to the 17 lot line, but you're not going to 18 tell any bit of difference as you're 19 driving the area or looking at it 20 from overhead. It's just not 21 apparent. 22 So, fortunately with 23 that open space there you're not 24 going to have any adverse impact</p>

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<p style="text-align: center;">37</p> <p>1 from having paved areas as close as 2 2 feet to the lot line on the west 3 and a drive-thru at that location 4 where it will occupy more than 50 5 percent of that particular yard. The 6 same thing is true of the drive-thru 7 of the south side of the building; 8 that's another variance that's we're 9 asking for.</p> <p>10 Now, even though we've 11 asked for these variances, you can 12 see that the landscaping has been 13 masked along the west property line, 14 that we provided for a couple trees 15 in the southwest corner and we still 16 have landscaping around the perimeter 17 as required by ordinance. The 18 interior landscaping requires five 19 canopy trees, and we provided for 20 one canopy tree -- I'm sorry -- 21 provided for five canopy trees 22 throughout the interior of the site. 23 When you take a look at the 24 southwest corner, you'll see two of</p>	<p style="text-align: center;">39</p> <p>1 point that's right about 5 or 6 feet 2 north of the first corner of the 3 building, or if it might have to 4 extend a little bit further north. 5 And it's possible that Cliff Pixler 6 and Dan Lynch might find a way to 7 eliminate the need for the retaining 8 wall, but we -- we're planning to 9 provide landscaping along that line 10 that is shown here with the 11 exception of adjustments during the 12 final engineering phase that will 13 determine exactly where that 14 retaining wall needs to end. The 15 retaining wall itself is compliant 16 with the ordinance in that it's not 17 going to be greater than 3 feet 18 tall, that there's no special 19 reporting required.</p> <p>20 In this particular 21 instance, the handicap spaces are 22 located at each end of the nearest 23 parking aisle. All the spaces are 24 compliant with the size requirements</p>
<p style="text-align: center;">38</p> <p>1 those canopy tree are situated near 2 those light poles that I mentioned. 3 We would like a variance to defer 4 the installation or planting of those 5 trees until Wendy's removes the light 6 pole, so at some point in time that 7 light pole is going to come down or 8 it will go up at 16 feet at a 9 location on their property. When 10 that happens, the ordinance granting 11 us relief to go forward with the 12 development would require the 13 installation of those trees. Again, 14 it's a measure of the balance 15 between two property owners and 16 getting along.</p> <p>17 When you look at the 18 west lot line, there's a retaining 19 wall that's planned, okay. And when 20 you're in this phase of development, 21 you're looking at preliminary 22 engineering, but the word preliminary 23 is critical here. We don't know if 24 the retaining wall will extend to a</p>	<p style="text-align: center;">40</p> <p>1 under the zoning ordinance and then 2 Capital Development Board regulations 3 that apply to the site.</p> <p>4 We do have the 5 photometric plan here. I think I can 6 just make summary record of the 7 photometrics reflecting compliance 8 with the zoning ordinance.</p> <p>9 So, I mentioned the 10 subject property is just shy of an 11 acre. It's 41,396 square feet. When 12 you talk about the entrances and the 13 tapers, there's hardship and 14 practical difficulty involved in the 15 fact that the existing condition 16 shows that these tapers were designed 17 by IDOT during their improvement of 18 Butterfield Road. Those are the 19 preferred tapers under state highway 20 standards given the preferences of 21 IDOT, okay.</p> <p>22 Now, again, there will 23 be discussions with IDOT about this 24 project. If IDOT requires some</p>

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<p style="text-align: center;">41</p> <p>1 changing of the tapers, we'll deal 2 with it, but right now that's what 3 we have under the IDOT standards 4 today. The same thing applies to 5 the standards for the south entrance 6 with due dot. The tapers on each 7 side of each of the entrances are 8 larger than permitted by the zoning 9 ordinance, okay, but we don't want 10 to rebuild something and then have 11 to go and do the IDOT permitting 12 process and find out we have to do 13 the same thing again. So, we're 14 just asking for a variance to allow 15 these things to remain at roughly 16 their current widths.</p> <p>17 Just one second here. 18 With respect to this 19 particular parcel, and in general 20 with respect to all of the B3 21 regulations when it comes to paved 22 area distances from the lot lines 23 and yards, we looked at this project 24 from the perspective of this being</p>	<p style="text-align: center;">43</p> <p>1 property, it's an irregular 2 intersection. 3 So, what we thought 4 would be best would be to work the 5 building from the perpendicular 6 formed by the west and south lot 7 lines. Push the building back, 8 preserve the view scape, and keep 9 the parking where it has been, and 10 create usable space where we could 11 on the property. That requires some 12 relief. The yards you can see on 13 the south side, we've got a rear 14 yard issues that we're asking you 15 for a variance on. There's no 16 variance for the yard requirements 17 anywhere else on the property. The 18 variances that we're asking you to 19 grant or to recommend here are those 20 relating to the paved areas being a 21 little too close to the lot line, 22 okay. The requirement is 5 feet, 10 23 feet on these sides, and when you 24 take a look at where we're putting</p>
<p style="text-align: center;">42</p> <p>1 one of the feature entry lots into 2 Oakbrook Terrace's commercial area. 3 If you're coming from the north 4 where you've got quite a bit of 5 traffic, or you're coming from the 6 east, once you hit Midwest-Summit 7 Road you've been looking at this 8 vacant site. If you were to comply 9 with all of the set backs, yes, you 10 could move the building forward. 11 One of the question is but 12 practically why would you do that. 13 If you move the building forward, 14 you're going to have to angle it, 15 then you're going to face another 16 setback issue on the east. On the 17 rear side of the property you've got 18 a 40-foot setback. If you were to 19 comply with that, that shrinks the 20 build. So, not only do you have a 21 building size question, but you have 22 a building alignment question with an 23 off-kilter interchange -- 24 intersection. It's an irregular</p>	<p style="text-align: center;">44</p> <p>1 them some were as close as 2 feet, 2 but it makes sense, it makes sense. 3 And you have circulation approved 4 around the rear of the building, 5 and, again, if you respected those 6 you're pushing the building forward 7 and getting into that zone where 8 you've got pressure on the front 9 setbacks along each side of the 10 property. 11 One might wonder if 12 the building is too big for the 13 site. Realistically it's not going 14 to have the appearance of being too 15 big for the site, again, for the 16 same reason that no one has got that 17 survey that shows you where the 18 property lines are. Its drive-thru, 19 the parking lot for the Wendy's, the 20 Wendy's building is situated across 21 two rows of parking and a 22-foot 22 drive aisle, so you've got space in 23 between the buildings. When you 24 work your way back to Terrace Oaks,</p>

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<p style="text-align: center;">45</p> <p>1 you can see towards the south of the 2 site plan there's a little 3 crosshatched area right above the 4 handicapped parking sign. That's 5 Terrace Oaks' office building. So, 6 this building isn't going to be 7 interfering in any way with the line 8 of sight towards Terrace Oaks 9 compared to what it otherwise would 10 have done whether you're coming from 11 the west -- or from the north and 12 east. Again, the detention pond is 13 shown here, so it has the appearance 14 of being a yard. 15 When it comes to the 16 standards under the ordinance, I 17 think I would like to sit and talk 18 to you a little bit about the 19 special use side of things. 20 We took a look at this 21 project, and there have been any 22 number of hearings regarding Dunkin 23 Donuts drive-thru, any number of 24 hearing regarding Starbucks</p>	<p style="text-align: center;">47</p> <p>1 drive-thru stacking area that extends 2 even into the street, but that's 3 also between parking aisle -- or 4 parking rows and the main entrance. 5 So, we don't have that interference. 6 There's an easy way to enter the 7 property from the west and turn to 8 avoid that drive-thru. If you see 9 it's too busy, just pull into the 10 rest of the parking lot. You have 11 no interference there. 12 The drive-thru itself 13 is set up so that you have your 14 ordinary menu board and speaker. 15 There's no outdoor use, there are no 16 buildings that have windows that 17 open, but you're going to expect the 18 typical drive-thru loudspeaker that 19 you have. And it will be a 20 traditional four-menu board with the 21 speaker in the board or just below 22 it. From the volume perspective, 23 even if it was too loud, you 24 actually have structures in the way.</p>
<p style="text-align: center;">46</p> <p>1 drive-thru's, and what we did is we 2 designed a drive-thru that maxed out 3 the number of stacking, that put the 4 window furthest away from the 5 ordering menu board on the southwest 6 corner of the building. We didn't 7 want to have questions about, well, 8 do you have enough stacking, where 9 are the vehicles going to go if they 10 can't find a spot in the drive-thru 11 lane. Well, you know what, if they 12 can't find a spot on the north side 13 of the property, they've got easy 14 access to parking in the drive aisle 15 that continues down the east side of 16 the building. So, there's no worry 17 about what you might have observed 18 towards Roosevelt Road with the 19 stacking that occurs in the middle 20 of the parking rows at that Dunkin 21 Donuts. You don't have the same 22 worry that you have about drive-thru 23 stacking at the Starbucks on 22nd 24 Street in Oak Brook where there's a</p>	<p style="text-align: center;">48</p> <p>1 There's a pump station or some sort 2 of -- relating to the water and the 3 pond I believe, and you have 4 Wendy's' trash enclosure that creates 5 that obstruction for sound. And, 6 you know, sound travels in lines. 7 That thing is going to catch any of 8 the sound whether it's an 9 accelerating car or from the menu 10 board in large part before it even 11 gets anywhere near the building which 12 is quite a distance away, you know, 13 probably 120, 130 feet from the menu 14 board. It won't interfere with the 15 Wendy's menu board because that's on 16 the opposite side of the Wendy's. 17 They're facing the same direction, so 18 there won't be the 19 cross-interference. They also have 20 the same circulation, so you're not 21 going to have confusion when it come 22 to traffic on the two parcels. 23 So, the drive-thru 24 special use is supported under the</p>

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<p style="text-align: center;">49</p> <p>1 standards of the ordinance, and then 2 it won't cause another other 3 interference with the use of 4 surrounding properties. The 5 particular drive-thru operation in 6 this instance is in concept, 7 everything that you would want it to 8 be, and its traffic flow, volume and 9 capacity to serve, and it even has a 10 bypass lane which many don't have. 11 The bypass lane does 12 have a loading zone in it. The 13 ordinance requires that we plan for 14 35-foot truck. This type of use, 15 when you look at these centers, you 16 will see repeatedly that there's no 17 semi-truck use of the properties 18 during business hours. You're going 19 to have panel trucks, you're going 20 to have the short trucks, the vans, 21 the step vans, but you're not going 22 to have the 50-foot semis coming 23 onto the site. No one wants it. 24 The tenants, they don't want them,</p>	<p style="text-align: center;">51</p> <p>1 pick up during the week, the truck 2 will pull in from either side of 3 Midwest -- I'm sorry -- either 4 direction of Midwest Road. It might 5 be backing quickly for a five-minute 6 -- I mean, a five-minute pour of the 7 trash into the dump truck. How is 8 that? 9 We can plan for the 10 loading zone, but you also have the 11 tendency of trucks with fluctuating 12 use intensity, morning use heaviest 13 down here, afternoon/evening use 14 heaviest to the north. With that 15 fluctuating use you're going to have 16 ample room for parking for some of 17 these delivery trucks, and they're 18 probably going to use that before 19 they deal with a loading zone 20 anyway. They do it at every other 21 location in a lot of instances. 22 From a practical 23 difficulty perspective, from a 24 particular hardship perspective, none</p>
<p style="text-align: center;">50</p> <p>1 and the nature of the businesses 2 don't call for those semis under the 3 circumstances. 4 Dunkin Donuts will be 5 35 feet or shorter. We provided Mr. 6 Lynch with turn templates for all 7 the trucks. There was one traffic 8 movement for a semi, mind you, that 9 caught one of the curbs, okay, which 10 just came over -- if a semi-truck 11 traveled from the north and came 12 down towards the east entrance, a 13 couple of the rear tires would catch 14 a portion of the curb on the 15 northeast side of the building. 16 That's the only movement for trucks 17 that were a problem on the site, and 18 that's a semi-truck. None of the 19 other trucks are going to have that 20 problem. We provided turn templates 21 for cars in drive-thru's for the 22 drive-thru design. It works, and 23 works very well. 24 If there's a trash</p>	<p style="text-align: center;">52</p> <p>1 of this is self-created. The sign 2 variance you might wonder, well, you 3 know, that might be another 4 preference, but it really does relate 5 to the intensity of use at the 6 intersection. It's not nearly the 7 busiest intersection in town. It's 8 probably fourth or fifth on the list 9 of intersections that are contained 10 within Oakbrook Terrace, but it is a 11 busy intersection. It's an odd 12 alignment, and there are multiple 13 lanes of traffic. 14 In this particular 15 situation, site identity is 16 absolutely critical to the owner. At 17 one point there was a discussion 18 with staff about having two signs 19 above 9 feet tall. Mihaela wasn't 20 especially pleased seeing the second 21 monument sign above 9 feet tall, and 22 we discussed that, and scaled it 23 back down so it's compliant with the 24 ordinance.</p>

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<p style="text-align: center;">53</p> <p>1 In other respects there 2 were a handful of issues where we 3 looked at it and thought, you know 4 what, if -- from a landscaping 5 perspective we're asking for a 6 variance, let's see if we really 7 need it. You'll know on the 8 landscape plan that there is a 9 northeast corner of the building with 10 three trees. There was one tree, 11 and then there's two trees, and then 12 there were three.</p> <p>13 Where we really need 14 the landscaping relief is around the 15 generator. I think we're all 16 familiar with the history of power 17 in northeastern Illinois. When the 18 power goes out, tenants with 19 substantial investments in food, 20 wine, beer need power, okay. It's 21 an absolute necessity, so the 22 generator has been situated just 23 outside the northwest corner of the 24 building. There's a side for that</p>	<p style="text-align: center;">55</p> <p>1 Attorney Daniel made a 2 very detailed presentation of the 3 proposed development. In the 4 summary, the applicant's request 5 includes special use permits, 6 variations from the zoning code with 7 respect to yards, fences, 8 landscaping, driveway ways and 9 flairs, and signage.</p> <p>10 You received planned 11 review comments from the city 12 engineer, Building inspector, and 13 assistant fire chief as well as the 14 applicant's correspondence relating 15 to the staff comments. Billing 16 inspector reviewed the applicant's 17 response, and at this time he has no 18 objections to a drive-thru on a 19 cornered lot as proposed. The 20 applicant concurs with the comments 21 received from the city engineer and 22 the Oakbrook Terrace Fire District, 23 and indicated that all the issues 24 will be addresses during the building</p>
<p style="text-align: center;">54</p> <p>1 and for the transformer. Those two 2 installations are beyond the front 3 yard line, but they're in front of 4 the building face on the north side. 5 It's a practical common sense design, 6 but the ordinance says that you need 7 to have special permission from you 8 to go forward with having those 9 installation between the building and 10 the front yard line. So, that's one 11 of the last aspects of our zoning 12 relief that we're asking you to 13 recommend this evening.</p> <p>14 Is there anything that 15 you have questions about on the 16 particular proposal before you that I 17 can help answer or that our experts 18 can help answer?</p> <p>19 CHAIRMAN NOBLE: Thank 20 you, Mark, for your presentation. 21 Any comments from the 22 Zoning Administrator Mihaela? 23 MS. DRAGAN: Thank 24 you, Mr. Chairman.</p>	<p style="text-align: center;">56</p> <p>1 permit process. There were no 2 comments from the chief of police or 3 public service director.</p> <p>4 I'll be happy to 5 answer any questions you might have.</p> <p>6 CHAIRMAN NOBLE: Just 7 got a quick question.</p> <p>8 Are we not putting too 9 much units in that particular spot, 10 or --</p> <p>11 MS. DRAGAN: I think 12 Attorney Daniel tried to explain the 13 hardship of the property, and they 14 are, however, proposing a total of 15 five units at this time and a 16 building under 10,000 square feet.</p> <p>17 However, the property 18 is zoned B3 general retail district 19 as it was indicated, which means 20 that could it be a single-tenant 21 building, could it be five tenants, 22 or -- you are actually approving the 23 footprint of the building, location 24 of the building, building elevations,</p>

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<p style="text-align: center;">57</p> <p>1 landscaping. By the time the 2 developer will be able to lease the 3 building, it could be only three 4 tenants or a different number of 5 tenants. But the way how they are 6 proposing they think it will work 7 well to have five tenants in the 8 proposed -- 9 CHAIRMAN NOBLE: And 10 based on your calculations we have 11 enough parking? 12 MS. DRAGAN: Yes. As 13 Attorney Daniel indicating during his 14 presentation, there are 42 total 15 proposed parking. When they looked 16 at the number of parking spaces, 17 they will provide -- they made a 18 combination of various uses that may 19 be considered in any of those 20 spaces. This way they do not -- 21 they will not have to come back 22 before you for a parking variation. 23 According to the code, 24 42 spaces will be sufficient for the</p>	<p style="text-align: center;">59</p> <p>1 breakfast, coffee, and pastry 2 location opens, but it's not going 3 to be anywhere near abutting onto 4 their busy morning hours. Typically 5 those deliveries will come in early, 6 early in the morning say around 1:00 7 or 2:00 a.m. when there's no use on 8 the property. 9 I think there's been 10 testimony in a number of other cases 11 about the tenants using these 25, 12 35-foot trucks be it panel or step 13 trucks popping into the property to 14 make a quick delivery. Let's say 15 that there's a need for a barrel of 16 beer in the restaurant and wine bar, 17 or a couple cases of wine. It's a 18 very short stop during the day. If 19 it's during business hours it's going 20 to be quick, but generally no 21 businesses schedule their deliveries 22 during that time period when they're 23 open and busy. 24 So, you might see</p>
<p style="text-align: center;">58</p> <p>1 proposed building. 2 CHAIRMAN NOBLE: Thank 3 you, Mihaela. 4 Any other comments from 5 the Commissioners? 6 COMMISSIONER DONOVAL: 7 I want to ask about the delivery. 8 All the delivery you're 9 going to have from the front? 10 MR. DANIEL: Yes. 11 That's generally for these size of 12 uses -- 13 COMMISSIONER DONOVAL: 14 I don't know how you're going to 15 handle it. Let's say you're going 16 to have restaurant there full of the 17 people, and all of a sudden you're 18 going to deliver it through the 19 front door? 20 MR. DANIEL: Well, 21 typically you're not going to have 22 the deliveries occur during opening 23 hours for Unit 5. You're going to 24 -- you may have them occur after the</p>	<p style="text-align: center;">60</p> <p>1 something between the lunch and the 2 evening rush, but you're not going 3 to see it during the evening rush 4 when everything is busy onsite. And 5 one of the truck templates that we 6 did provide shows that you can have 7 a 35-foot truck pull in efficiently, 8 use that loading area if needed, but 9 if that truck needs to block some 10 parking spaces temporarily or park it 11 across some parking spaces it's only 12 going to be for a brief -- very 13 brief period of time because those 14 deliveries aren't significant like we 15 see at a McDonalds or a Wendy's. 16 COMMISSIONER DONOVAL: 17 Because usually the delivery comes on 18 the back door, and they don't 19 interfere with the guests and the 20 restaurant or whatever business 21 you're going to have. 22 And second question 23 I've got, it's about the generator. 24 Is the generator required that some</p>

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<p style="text-align: center;">61</p> <p>1 of the businesses require that 2 generator? Because there is a lot 3 bigger shopping center in the area 4 and they have no generators. 5 MR. FRY: In respect 6 to the first question, sir, I have a 7 Chipotle, a Panda Express, and a 8 Panera Bread in – on Route 59 that 9 we built now, and they are all front 10 loaded, meaning that there's no 11 deliveries in the back. And what 12 happens today is there's no longer 13 these big trucks -- you don't even 14 hardly see them except at Jewel or 15 something like that. They're all 16 small trucks, and they all come 17 early in the morning. By the time 18 the rush hits like at the Chipotle I 19 have, 11:00 o'clock in the morning 20 people are lined up, you know, to 21 get in for food, and they've already 22 been in the property getting 23 deliveries at 5:00 o'clock in the 24 morning, and so there's no real</p>	<p style="text-align: center;">63</p> <p>1 trying to rent them face but we're 2 thinking about them. And if 3 something does happen, which it 4 doesn't happen very often, but when 5 it does it always turns out to be a 6 disaster; on Mother's Day, or 7 Thanksgiving, or something, you know, 8 at a terrible time, Christmas, you 9 know, and other things. 10 So, that is the reason 11 for the request, and I hope you'll 12 honor that. But it's our way of 13 saying to our tenants that we're 14 good landlords and we want to be 15 helpful. 16 COMMISSIONER DONOVAL: 17 So, there was no requirement from 18 the tenants for the generator? 19 MR. FRY: No. 20 COMMISSIONER DONOVAL: 21 Okay. Other question that I got, 22 everybody knows that when the gas 23 station -- you've got green bill of 24 -- from EPA?</p>
<p style="text-align: center;">62</p> <p>1 issues. 2 The issue of the 3 generator is partly my fault, and I 4 apologize for that. We are very 5 conscious about our tenants, and when 6 you have power outages and things 7 like that it is the most horrifying 8 situation that people can have. They 9 feel helpless, they can't do anything 10 about it. Who are you going to 11 call? You know, you know who you're 12 going to call, Commonwealth Edison, 13 and you're going to get -- you know, 14 you're going to get -- 15 COMMISSIONER DONOVAL: 16 Yes. 17 MR. FRY: -- a 18 voicemail. 19 So, part of this is my 20 fault. I want to do for our 21 tenants, which is why they like to 22 lease from us, something special, 23 something extra, and we want them to 24 feel comfortable that we're not only</p>	<p style="text-align: center;">64</p> <p>1 MR. FRY: Yes. We 2 have a letter from the original 3 company that was there, and we have 4 a new set of tests that were done 5 clearing, you know, the site for 6 development. 7 COMMISSIONER DONOVAL: 8 Because I know there was some 9 problems before -- 10 MR. FRY: Yes, there 11 was. 12 COMMISSIONER DONOVAL: 13 -- leaving tanks. 14 MR. FRY: I mean, and 15 the major issue was -- which is -- 16 excuse me -- over and above that was 17 that for many, many years BP Amoco 18 had what we call a deed restriction 19 on the property, and the deed 20 restriction would not allow the use 21 for anything other than a gas 22 station. And we were able to 23 convince them that in order to be a 24 good corporate citizen they needed to</p>

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<p style="text-align: center;">65</p> <p>1 get rid of that.</p> <p>2 That is done, it's in</p> <p>3 writing, it's -- our attorneys have</p> <p>4 it, and it's all cleared. So, we</p> <p>5 have the right to go forward now</p> <p>6 which we didn't have before.</p> <p>7 COMMISSIONER DONOVAL:</p> <p>8 Okay. Thank you.</p> <p>9 MR. FRY: They're</p> <p>10 tough people sometimes.</p> <p>11 COMMISSIONER DONOVAL:</p> <p>12 Thank you.</p> <p>13 CHAIRMAN NOBLE: Any</p> <p>14 other comments from the</p> <p>15 Commissioners?</p> <p>16 COMMISSIONER SCHNEIDER:</p> <p>17 I have a question on the generator.</p> <p>18 You said 6 feet in</p> <p>19 height, and you said it sits on the</p> <p>20 northwest corner of the property; is</p> <p>21 that correct?</p> <p>22 MR. DANIEL: Correct.</p> <p>23 And the generator -- let's see here</p> <p>24 -- the generator was mentioned to be</p>	<p style="text-align: center;">67</p> <p>1 landscape plan, Mr. Schneider, you</p> <p>2 might be able to see the two boxes.</p> <p>3 COMMISSIONER SCHNEIDER:</p> <p>4 Can you point to it in the location</p> <p>5 there?</p> <p>6 MR. DANIEL: So, it's</p> <p>7 just off the northwest corner of the</p> <p>8 building. The electrical room is on</p> <p>9 the interior, and there's a door to</p> <p>10 the exterior right about here. And</p> <p>11 within the landscaped plantings</p> <p>12 you're going to have a fence. And</p> <p>13 the generator shown here is the</p> <p>14 larger box, and the smaller box is</p> <p>15 the transformer, above ground service</p> <p>16 facility that we addressed in the</p> <p>17 application. Both of those will be</p> <p>18 inside a fence.</p> <p>19 And I might add one</p> <p>20 other thing.</p> <p>21 The fence could be</p> <p>22 board on board, the type that you</p> <p>23 can't see through. We have asked</p> <p>24 for a variance to give you a choice</p>
<p style="text-align: center;">66</p> <p>1 up to 6 feet in height. I believe</p> <p>2 that when we eventually speck the</p> <p>3 generator out it's going to be more</p> <p>4 approximate to 4 and a half to 5</p> <p>5 feet high. The 6 feet in height</p> <p>6 was chosen in relation to the fence</p> <p>7 height that would be required to</p> <p>8 screen it so that you were certain</p> <p>9 that it wouldn't be visible above</p> <p>10 the fence line.</p> <p>11 MR. FRY: Most of the</p> <p>12 generator, sir, will technically --</p> <p>13 if I'm sitting here at the table,</p> <p>14 okay, we're always talking about this</p> <p>15 being table height, we're looking at</p> <p>16 about right here.</p> <p>17 COMMISSIONER SCHNEIDER:</p> <p>18 Okay. I lost the location of that,</p> <p>19 and I --</p> <p>20 MR. DANIEL: This is</p> <p>21 -- the best depiction might be on</p> <p>22 the landscape plan because that's</p> <p>23 where we're trying to seek some of</p> <p>24 the relief. So, if you've gotten the</p>	<p style="text-align: center;">68</p> <p>1 in your recommendation and to give</p> <p>2 the City Council a choice.</p> <p>3 If you think about the</p> <p>4 landscaping around this, you have the</p> <p>5 appearance of a solid fence rising</p> <p>6 above it. You could have a solid</p> <p>7 green fence, one of those wired mesh</p> <p>8 fences with the green in there woven</p> <p>9 into it which creates a greener</p> <p>10 appearance around the north corner of</p> <p>11 the building.</p> <p>12 I looked at some of</p> <p>13 your recent developments for some of</p> <p>14 the enclosures around trash. I</p> <p>15 looked at some other recent</p> <p>16 developments for enclosures around</p> <p>17 these generators. And you see a mix</p> <p>18 of fences, but not many of them are</p> <p>19 green, and there certainly aren't</p> <p>20 many of them that are green rising</p> <p>21 above landscaped planting.</p> <p>22 So, the request for</p> <p>23 the wired mesh fence with the green</p> <p>24 appearance above the evergreens that</p>

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<p style="text-align: center;">69</p> <p>1 we've planted might give you some 2 continuous green appearance as look 3 at the building from the north and 4 from the east. 5 Again, that's something 6 if you asked us and pressed us -- 7 we probably could, but it's a 8 question of whether the City might 9 prefer that, okay. And I think if 10 you have the option of going for 11 that green mesh fence at the 6 feet 12 height, you're still going to have 13 the full screen that you want, but 14 it will have more of a natural 15 appearance that blends with those 16 evergreens. 17 COMMISSIONER SCHNEIDER: 18 My other question is about the 19 garbage facility. You have three 20 shrubs in front of that leading up 21 to it, and it's 10 feet tall. 22 You mentioned something 23 about vines on -- growing vines on 24 it?</p>	<p style="text-align: center;">71</p> <p>1 Actually, I'm kind of know from it. 2 COMMISSIONER SCHNEIDER: 3 Okay. Thank you. 4 CHAIRMAN NOBLE: Any 5 other comments; yes, Ann? 6 COMMISSIONER VENTURA: 7 I have a couple comments. 8 First of all, you talk 9 about the importance of site 10 identity, and I agree with that. 11 But a 12-foot monument sign I think 12 sets the precedence on signage in 13 the City of Oakbrook Terrace. 14 That's a very, very large sign on a 15 corner, and I'm not convinced of how 16 necessary that is considering by 17 merely stating that you're on the 18 corner of Midwest Road and 19 Butterfield is a lot of site 20 identity right there. 21 My other comment 22 pertains to the garbage. I don't 23 know of any other businesses -- I 24 can't -- if you could point out one</p>
<p style="text-align: center;">70</p> <p>1 MR. FRY: Yes. Let me 2 kind of talk to that, if I could. 3 I'm going to give you my rendition 4 of that wall. Wrigley Field. We're 5 going to put vines all up and down 6 the wall. It's going to be a brick 7 masonry wall, it's going to have 8 shrubs in front, and then it's going 9 to have vines all the way up on 10 top. Nobody is even going to know 11 it's there, but it's -- when I got 12 asked before -- somebody asked when 13 I said Wrigley Field is the only 14 thing I can think of -- out there 15 playing ball for so many years -- 16 and it's just -- so, it will be 17 beautiful, and nobody will know. 18 COMMISSIONER SCHNEIDER: 19 Because I don't know if you did it 20 before other properties? 21 MR. FRY: Yes. 22 COMMISSIONER SCHNEIDER: 23 Okay. And it worked out for you? 24 MR. FRY: Yes.</p>	<p style="text-align: center;">72</p> <p>1 that allowed the garbage to be so 2 close to a busy road. So, you're 3 talking about a trash enclosure 4 that's feet away from Midwest Road, 5 and I don't know if you can just 6 make a comment that would be more 7 comfortable. But, you know, I 8 suppose that the trash enclosure 9 needs to be there because you want 10 to do the drive-thru and there's 11 nowhere else to put it, but I don't 12 know that any other business that 13 would allow a trash enclosure on a 14 busy road like Midwest Road. Even 15 though I know you're going to make 16 it look like Wrigley Field and put 17 vines and shrubs around it. Who is 18 to say what if the garbage were to 19 overflow on that, you know, given 20 that you have a restaurant and 21 coffee. 22 MR. FRY: I very much 23 understand what you're saying, and 24 that's why I think what we've tried</p>

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<p style="text-align: center;">73</p> <p>1 to do is go to the extent that we 2 did with the landscaping. 3 Now, as a general rule 4 – and I'm only talking about 5 myself. Please don't -- you know, I 6 don't want to talk about anybody 7 else. The garbage pick ups are 8 regulated by us. We make sure that 9 the tenants do not put themselves or 10 us in a situation where there's 11 garbage overflowing. There is 12 nothing that I can think of worse 13 for me as a consumer to drive into 14 a parking lot and to see garbage all 15 over the place. I would have -- I 16 would go nuts. 17 And so, we police that 18 with -- as a very serious commitment 19 to the -- our tenants. The 20 landscaping -- you won't even notice 21 it there. I promise you, you really 22 won't. 23 As far as the sign 24 goes --</p>	<p style="text-align: center;">75</p> <p>1 saying -- let's say it's a coffee 2 like a Dunkin Donuts, and what the 3 impact could -- on a safety 4 perspective. And I know McDonalds 5 since it's right there on Midwest 6 Road, but they're not on the corner. 7 And then Chase Bank has an in and 8 out also, and -- but, you know, 9 again, not with the same traffic 10 flow that you have on Butterfield 11 Road. 12 MR. DANIEL: At this 13 point on that, Ms. Ventura, the city 14 engineer hasn't raised an issue. I 15 reviewed all the traffic numbers and 16 the movements and gave a summary of 17 a lot of that to Mihaela in response 18 to some of the staff comments about 19 this particular issue, the drive-thru 20 on a corner lot. 21 There are dozens of 22 drive-thru's on corner lots along 23 state jurisdiction highways. As you 24 look west on Roosevelt, west on 22nd</p>
<p style="text-align: center;">74</p> <p>1 COMMISSIONER VENTURA: 2 it's still very close to the road. 3 MR. FRY: It is, but 4 we have no place else to put it. 5 And I wanted -- I want to -- I just 6 want to make sure that you know that 7 anything and everything possible 8 being done not only to protect that 9 but to make it a strong, intelligent 10 part of our plan that's well 11 policed. And I can as sure you 12 that I've been doing this for thirty 13 years, and that is like the bugaboo 14 for us. We don't -- we just don't 15 allow that anyplace, we just don't 16 do it. 17 COMMISSIONER VENTURA: 18 And then the drive-thru making a 19 left turn from Butterfield Road, if 20 you're westbound on Butterfield Road 21 and making left, that's such a busy 22 intersection and I worry about the 23 overall safety of the ingress and 24 egress in the morning particularly</p>	<p style="text-align: center;">76</p> <p>1 and Butterfield, west on Ogden 2 Avenue, north and south down 59, you 3 see several of them. The fact of 4 the matter is when it comes to a 5 number of the more modern 6 drive-thru's when there's an 7 opportunity for interior access 8 through drive aisles and a shopping 9 center or near a shopping venter, 10 IDOT is going to push you and have 11 you avoid those turn movements. 12 Over here we have a 13 detention pond, so we don't have 14 that cross-access opportunity, and we 15 don't have it to the south. And 16 that's going to be true with any 17 development whether there's a 18 drive-thru or not. The gas station 19 there would generate much more 20 traffic during more hours of the day 21 than what you would see at this 22 particular location with these uses 23 that are proposed. 24 That turn movement,</p>

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<p style="text-align: center;">77</p> <p>1 left turn into the north entrance, 2 is a concern for everybody. IDOT 3 does have jurisdiction. Mr. Pixler 4 has been in touch with the IDOT 5 engineers about this particular 6 issue, and discussions are ongoing, 7 but their engineers are going to be 8 the ones that review the safety 9 issue, and certainly we're going to 10 have to deal with permit conditions 11 relating to that entrance as they 12 arise.</p> <p style="text-align: center;">I will tell you that</p> <p>14 I've spent a lot of time at the 15 site. Sometimes being at the site 16 - but I've actually eaten lunch out 17 there, drank coffee out there, 18 watched the morning traffic because I 19 drive to the office, and then 20 watched the evening traffic because I 21 drive from the office. If Mihaela 22 calls for a meeting, I'll stop ahead 23 of time, spend five minutes at the 24 site.</p>	<p style="text-align: center;">79</p> <p>1 close to the actual building like 2 that?</p> <p style="text-align: center;">MR. DANIEL: Typically</p> <p>4 the drive-thru will be 2 to 4 feet 5 from the building. What we -- is 6 make sure it meets the building and 7 fire code standards, and so far this 8 one has met those standards.</p> <p style="text-align: center;">COMMISSIONER VENTURA:</p> <p>10 Okay.</p> <p style="text-align: center;">MR. DANIEL: The Fire</p> <p>12 Protection District has reviewed this 13 and had no concerns about the rear 14 doors.</p> <p style="text-align: center;">And, also, on a light</p> <p>16 note on the monument sign, one of 17 the things that we've got an issue 18 with is when you take a look at the 19 signage you do have traffic passing 20 in front of the view scapes of the 21 drivers. You've got to be in an 22 SUV or a van of some kind to see 23 down towards the bottom two tenants 24 in your ordinary view study of that</p>
<p style="text-align: center;">78</p> <p>1 And then I think 2 what's more important is what are 3 the gaps in the traffic. Any of 4 the busy streets, what you'll notice 5 is that there are a lot of gaps. 6 The busiest hours are between 7:00 7 and 9:00, and between 4:00 and 6:00. 8 The peak afternoon --</p> <p style="text-align: center;">COMMISSIONER VENTURA:</p> <p>10 They will get busier, too. We have 11 to keep that in mind, too, with 12 Specialty Cafe across the street, but 13 more than that where the current 14 property is someday that will all be 15 developed and it will be a very, 16 very busy intersection. But I -- 17 and, you know, I guess you adjust 18 that the best that you could.</p> <p style="text-align: center;">This -- the other is</p> <p>20 the drive lane in itself. It's 2 21 feet from the building. That's 22 tight even though there's the 23 retention pond there. Is that 24 typical for a drive-thru to be that</p>	<p style="text-align: center;">80</p> <p>1 sign, okay. And if you think about 2 those two tenant slots that I showed 3 you on the monument sign plan, 4 trying to get those up above causes 5 a bit of the increase in the height.</p> <p style="text-align: center;">Could you shrink the</p> <p>7 tenant signage? You possibly could 8 do that, but then all the sudden 9 you've got these tiny panels that 10 don't quite match up with logos and 11 it's --</p> <p style="text-align: center;">COMMISSIONER VENTURA:</p> <p>13 Mostly the sign is facing northeast 14 down Butterfield Road where they 15 would have most visibility anyway 16 versus if you were traveling down 17 Midwest Road or headed eastbound on 18 Butterfield Road.</p> <p style="text-align: center;">So, it's a large</p> <p>20 variance to go from 9 feet to 12 21 feet.</p> <p style="text-align: center;">MR. DANIEL: I</p> <p>23 understand that, but it is still 24 below a lot of the views -- or a</p>

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<p style="text-align: center;">81</p> <p>1 lot of the signs that are in 2 existence in that intersection. And 3 they've had signs raised at a higher 4 level because of the same -- 5 concerns of a view from a high speed 6 road at Butterfield and a busy 7 Midwest/Summit Avenue. That's been 8 the same concern when you look up 9 and down that street. 10 COMMISSIONER VENTURA: 11 Moogie's is 9 feet you were -- 12 MR. DANIEL: Moogie's 13 is above 9 from what I understand as 14 is the plaza sign on the northeast 15 corner. Jiffy Lube is above 9, then 16 you've got the monument signs for 17 the -- on each side, and those 18 freestanding signs are significantly 19 above 9 feet. 20 COMMISSIONER VENTURA: 21 And, lastly, where would the lighting 22 be, the parking lot lighting? 23 MR. FRY: I just have 24 one more comment I want to make to</p>	<p style="text-align: center;">83</p> <p>1 City's name up there, too. I didn't 2 want to bring that up, but -- 3 COMMISSIONER VENTURA: 4 I think that is nice. That is a 5 nice thing to do. 6 MR. FRY: Go ahead, 7 Mark. Please show her where the 8 lights are. 9 MR. DANIEL: The light 10 standards for the freestanding lights 11 are situated on each side of the 12 entrances as you would expect, and 13 between the entrances we have two on 14 the north line of the property to 15 cover the north parking row and the 16 north east parking row, and then we 17 have one in the center of the west 18 parking row. The rest of the 19 lighting on the site is building 20 lighting. All the lighting is 15 21 feet in height, so we've complied 22 with that 16-foot standard. The 23 front entrances reflect compliance 24 with the lighting requirements of the</p>
<p style="text-align: center;">82</p> <p>1 you about the sign in that we have 2 a peak sign, and we did that for 3 design purposes, okay. We just 4 thought it looked better, and that's 5 what took it from actually 9 to 10 6 feet to 12 feet, that -- if we took 7 that peak off, we would lose 2 feet. 8 But do you want to take off? I 9 think it looks better. That was the 10 only reason we did it. And it goes 11 to an arch, so you really don't see 12 the 12 feet. You know, what I 13 mean? It kind of comes to a point. 14 You follow me? 15 So, if you -- 16 COMMISSIONER VENTURA: 17 That's a good point. Thank you for 18 bringing that -- 19 MS. DRAGAN: Not 20 everybody can see the proposed 21 signage. On the triangle is 22 Butterfield Point at Oakbrook 23 Terrace. 24 MR. FRY: We put the</p>	<p style="text-align: center;">84</p> <p>1 village ordinance. They're going to 2 be screened. They're going to be 3 LED lighting as the village -- City 4 prefers, and we've got some of the 5 specks that were on file with staff. 6 COMMISSIONER VENTURA: 7 Thank you. 8 MR. FRY: You're 9 welcome. 10 CHAIRMAN NOBLE: Any 11 other comments from the 12 Commissioners? 13 COMMISSIONER SCHNEIDER: 14 I would like to a make comment just 15 for the record. 16 I think Oakbrook 17 Terrace is becoming a problem with 18 the signage getting larger and larger 19 every project -- I mean, the project 20 is great, but I think it's becoming 21 a problem throughout Oakbrook 22 Terrace. The Gardner School sign is 23 humongous. It's looks coming to 24 daylight when you're approaching that</p>

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<p style="text-align: center;">85</p> <p>1 sign.</p> <p>2 That's it.</p> <p>3 CHAIRMAN NOBLE: Last</p> <p>4 question, Mark.</p> <p>5 Those signs, are they</p> <p>6 going to be digital or are they</p> <p>7 going to be lighted or how are they</p> <p>8 going to be?</p> <p>9 MR. DANIEL: They're</p> <p>10 going to be lighted signs, but they</p> <p>11 will not be digital.</p> <p>12 And one other point</p> <p>13 that I might make, Mr. Chairman, if</p> <p>14 I could, we did leave copies of the</p> <p>15 legal notice in the back aisle of</p> <p>16 the room tonight. With respect to</p> <p>17 the recommendation this evening, and</p> <p>18 I think you know my practice,</p> <p>19 typically if a few Commissioners have</p> <p>20 asked or expressed concerns about a</p> <p>21 portion of the project that they</p> <p>22 separate out that issue somehow so</p> <p>23 that it's clear to the City Council</p> <p>24 the recommendation on the substance</p>	<p style="text-align: center;">87</p> <p>1 the Commissioners?</p> <p>2 Any comments from the</p> <p>3 City Attorney?</p> <p>4 MR. PACIONE: Only to</p> <p>5 follow what Mark said. I would</p> <p>6 recommend if there's going to be</p> <p>7 issues with particular variances that</p> <p>8 we take a separate vote. I know we</p> <p>9 have fourteen of them, but if</p> <p>10 there's any variances in particular</p> <p>11 that somebody has an issue with</p> <p>12 maybe we could identify that number</p> <p>13 and when somebody makes that motion</p> <p>14 we can exclude -- if that's okay</p> <p>15 with Mark, we'll do them -- unless</p> <p>16 you want to do them individually, we</p> <p>17 could just exclude the one.</p> <p>18 MR. FRY: We would</p> <p>19 prefer to do them all at once,</p> <p>20 unless there's something --</p> <p>21 CHAIRMAN NOBLE: What</p> <p>22 do you think, Commissioners?</p> <p>23 COMMISSIONER SMURAWSKI:</p> <p>24 I have a problem with the signage,</p>
<p style="text-align: center;">86</p> <p>1 of the project went one direction</p> <p>2 but there was a concern over the</p> <p>3 other, at least it would show the</p> <p>4 division of votes, for example, on</p> <p>5 those two aspects and the Council</p> <p>6 was aware of the concern.</p> <p>7 I don't know if there</p> <p>8 were questions from anyone in the</p> <p>9 audience tonight either, but we would</p> <p>10 be happy to answer those.</p> <p>11 CHAIRMAN NOBLE: Thank</p> <p>12 you, Mark.</p> <p>13 I would like to open</p> <p>14 up the public portion of the hearing</p> <p>15 is now open to the public. Any</p> <p>16 positive testimony?</p> <p>17 There's none. Let the</p> <p>18 record show none.</p> <p>19 Any negative testimony?</p> <p>20 Let the record show</p> <p>21 none.</p> <p>22 The hearing is now</p> <p>23 closed for the public portion.</p> <p>24 Any other comments from</p>	<p style="text-align: center;">88</p> <p>1 too. I think we're -- we're getting</p> <p>2 carried -- I mean, something the</p> <p>3 size of Moogie's, you know, but 12</p> <p>4 feet is kind of high. My thoughts.</p> <p>5 COMMISSIONER VENTURA:</p> <p>6 Well, I know. I had a problem with</p> <p>7 the signage, too, but with pointing</p> <p>8 out the point I would like the point</p> <p>9 to stay on top of the sign. And I</p> <p>10 do like that it has the name</p> <p>11 Oakbrook Terrace on it, so that's</p> <p>12 had an impact on, you know, my</p> <p>13 feelings on it on the 12-foot.</p> <p>14 MR. PACIONE: I'm okay</p> <p>15 with that being one vote, unless</p> <p>16 there was a distinction from the</p> <p>17 Petitioner if they wanted it</p> <p>18 individually. I'm okay with it.</p> <p>19 MS. DRAGAN: Jon, are</p> <p>20 you in favor with the sign, the</p> <p>21 monument sign as to --</p> <p>22 COMMISSIONER DONOVAL:</p> <p>23 I think we should vote on the whole</p> <p>24 thing, and whatever the City Council</p>

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<p style="text-align: center;">89</p> <p>1 decides what they want to do. 2 MS. DRAGAN: Well, 3 they will have the minutes at the 4 time that they will discuss the 5 letter of recommendation. They would 6 know the discussion at tonight's 7 meeting as well as a couple of 8 concerns that were addressed, Items 2 9 and 5 concerning signage and location 10 of the dumpster. 11 COMMISSIONER DONOVAL: 12 Yes, yes. 13 MS. DRAGAN: Okay. 14 COMMISSIONER VENTURA: 15 Well -- 16 CHAIRMAN NOBLE: Can I 17 get a motion on the -- 18 COMMISSIONER VENTURA: 19 To not separate out any of the 20 variances then means that when we're 21 taking the vote we're approving the 22 whole thing. And what if you -- you 23 know, you're in -- you don't want to 24 say no to the whole thing, but that</p>	<p style="text-align: center;">91</p> <p>1 I feel more comfortable with that, 2 if that's okay. 3 MR. PACIONE: It's 4 whatever portion it is. 5 CHAIRMAN NOBLE: Can 6 we just -- so, separate that one for 7 the garbage and the rest of it? 8 MS. DRAGAN: Dumpster 9 is under Item 2 I believe, and 10 signage is under Item 5. So, I 11 think someone will need to make a 12 motion to approve the request for 13 legal notice excluding Items 2 and 5 14 concerning dumpster and signage. 15 MR. DANIEL: Mr. 16 Chairman, might I ask for a 17 clarification on 5? Would it be 2 18 and 5A, the second height variance 19 is simply for that height restriction 20 in the drive-thru? 21 MS. DRAGAN: Which is 22 absolutely needed, the 11 feet. 23 MR. PACIONE: I don't 24 want to separate them because then</p>
<p style="text-align: center;">90</p> <p>1 you just want to say with the 2 exception of -- I'm still not a 3 hundred percent comfortable with the 4 garbage being so close to Midwest 5 Road, that I just don't believe 6 businesses have their garbage right 7 on a roadway like that. 8 MS. DRAGAN: Then I 9 think it is best to -- 10 COMMISSIONER VENTURA: 11 Is that I don't want to say no to 12 the -- 13 MR. PACIONE: Well, 14 that's what I was saying is if you 15 want to parcel them out that's 16 perfectly fine. Normally you do 17 them all as one -- 18 MS. DRAGAN: For 19 everything without 2 and 5, and 20 maybe it is best to make separate 21 motions for Items 2 and 5. 22 CHAIRMAN NOBLE: Can 23 we just make -- 24 COMMISSIONER VENTURA:</p>	<p style="text-align: center;">92</p> <p>1 it makes things complicated. We can 2 do 5A and B, so if we can keep 5 3 together -- 4 MS. DRAGAN: Let's go 5 with the first motion. 6 Who is ready to make 7 the first motion? 8 COMMISSIONER SCHNEIDER: 9 I would like to make a motion to 10 exclude Items 2 and 5 -- 11 MR. PACIONE: Make the 12 motion -- so, name the ones that you 13 want to approve, and don't name the 14 ones that you don't want to. 15 COMMISSIONER SCHNEIDER: 16 I would like to make a motion to 17 approve No. 1, 3, 4, 6, 7, 8, 9, 18 10, 11, 12, 13, and 14. 19 CHAIRMAN NOBLE: Any 20 second? 21 COMMISSIONER DONOVAL: 22 Second. 23 CHAIRMAN NOBLE: Second 24 by Jon.</p>

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93	95
1 Any final discussion?	1 positive. Do not make the motion if
2 Janice, could you	2 you're not going to vote for that
3 please call the roll?	3 motion.
4 SECRETARY COGLIANESE:	4 COMMISSIONER VENTURA:
5 Commissioner Schneider?	5 Oh, okay. Thank you for pointing
6 COMMISSIONER SCHNEIDER:	6 that out.
7 Yes.	7 COMMISSIONER SMURAWSKI:
8 SECRETARY COGLIANESE:	8 Okay. So, I'll make the motion that
9 Ventura?	9 we approve -- make the motion to
10 COMMISSIONER VENTURA:	10 approve Section 2 here of the --
11 Yes.	11 MS. DRAGAN: Request.
12 SECRETARY COGLIANESE:	12 COMMISSIONER SMURAWSKI:
13 Myszkowski is absent.	13 -- of the request.
14 Donoval?	14 CHAIRMAN NOBLE: Any
15 COMMISSIONER DONOVAL:	15 second?
16 Yes.	16 Jon, do you want to
17 SECRETARY COGLIANESE:	17 make the second?
18 Smurawski?	18 COMMISSIONER DONOVAL:
19 COMMISSIONER SMURAWSKI:	19 Yes.
20 Yes.	20 MR. PACIONE: Jon made
21 SECRETARY COGLIANESE:	21 the second.
22 And Chairman Noble?	22 CHAIRMAN NOBLE: Second
23 CHAIRMAN NOBLE: Yes.	23 by Jon.
24 SECRETARY COGLIANESE:	24 Any discussion?
94	96
1 Motion passed.	1 Janice, could you
2 MR. PACIONE: And then	2 please call the roll?
3 at this point 2 and 5 would be	3 SECRETARY COGLIANESE:
4 taken separate, so there would be	4 Commissioner Schneider?
5 two separate motions.	5 COMMISSIONER SCHNEIDER:
6 MS. DRAGAN: 2 is	6 No.
7 concerning location of the dumpster,	7 SECRETARY COGLIANESE:
8 so it's a motion to approve and then	8 Ventura?
9 you will --	9 COMMISSIONER VENTURA:
10 CHAIRMAN NOBLE: Any	10 No.
11 motion on the floor to approve No.	11 SECRETARY COGLIANESE:
12 --	12 Okay. Myszkowski is absent.
13 COMMISSIONER VENTURA:	13 Donoval?
14 I'll make a motion to approve a	14 COMMISSIONER DONOVAL:
15 variance No. 2 --	15 No.
16 COMMISSIONER SMURAWSKI:	16 SECRETARY COGLIANESE:
17 Well, wait a minute. Timeout. One	17 Smurawski?
18 of us has got to make the motion	18 COMMISSIONER SMURAWSKI:
19 who are going to approve or go along	19 Yes.
20 with it; in other words, if you're	20 SECRETARY COGLIANESE:
21 going to go against it you can't	21 And Chairman Noble?
22 make the motion.	22 CHAIRMAN NOBLE: Yes.
23 MR. PACIONE: If	23 SECRETARY COGLIANESE:
24 you're going to -- yes, in the	24 Okay. Well --

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<p style="text-align: center;">97</p> <p>1 COMMISSIONER VENTURA: 2 That's a tie; right? 3 SECRETARY COGLIANESE: 4 It's a tie. 5 MS. DRAGAN: It's 6 actually two yes, three noes. 7 SECRETARY COGLIANESE: 8 Three noes, sorry. Three noes. 9 MR. PACIONE: It's 10 just a recommendation. 11 And then we have one 12 outstanding now. 13 MS. DRAGAN: We need a 14 motion for Item 5. 15 CHAIRMAN NOBLE: Item 16 5. 17 Any motion on the 18 floor for Item 5? 19 MR. PACIONE: 5 is 20 regarding the sign. 21 COMMISSIONER VENTURA: 22 Can you make a comment? 23 MR. PACIONE: During 24 discussion after you make the motion.</p>	<p style="text-align: center;">99</p> <p>1 final discussion? 2 COMMISSIONER VENTURA: 3 I would love to see the point with 4 Butterfield Point in Oakbrook Terrace 5 on the sign, but just on a lesser 6 of 12 feet. It's just huge. 7 Can't you just scale 8 that down some and still have a 9 point? In other words, you don't 10 have to cut the point off, just to 11 make the sign a little smaller. 12 MR. PACIONE: And just 13 to clarify the record just so 14 everybody understand, it's only the 15 tip -- it's only the point that 16 reaches 12 feet, and then it tapers 17 off just so everybody understands. 18 CHAIRMAN NOBLE: That's 19 the only comments you have for that? 20 Any other comments? 21 Please call the roll. 22 SECRETARY COGLIANESE: 23 Okay. Commissioner Schneider? 24 COMMISSIONER SCHNEIDER:</p>
<p style="text-align: center;">98</p> <p>1 COMMISSIONER VENTURA: 2 I can't make the motion. 3 MR. PACIONE: Is there 4 anybody just to make the motion so 5 we can get a recommendation for City 6 Council? 7 COMMISSIONER SMURAWSKI: 8 I'll go ahead and make the motion. 9 I make the motion for 10 Item 5, a variation for -- from 11 Section 156.043. 12 MR. PACIONE: To 13 approve it; correct? 14 COMMISSIONER SMURAWSKI: 15 To approve it. 16 CHAIRMAN NOBLE: Any 17 second? 18 COMMISSIONER DONOVAL: 19 Second, yes. 20 CHAIRMAN NOBLE: Second 21 by Jon. 22 MR. PACIONE: Now 23 discussion. 24 CHAIRMAN NOBLE: Any</p>	<p style="text-align: center;">100</p> <p>1 Yes. 2 SECRETARY COGLIANESE: 3 Ventura? 4 COMMISSIONER VENTURA: 5 No. 6 SECRETARY COGLIANESE: 7 Myszkowski is absent, okay. 8 Donoval? 9 COMMISSIONER DONOVAL: 10 Yes. 11 SECRETARY COGLIANESE: 12 Smurawski? 13 COMMISSIONER SMURAWSKI: 14 I have to vote yes. 15 SECRETARY COGLIANESE: 16 And Chairman Noble? 17 CHAIRMAN NOBLE: Yes. 18 MS. DRAGAN: Four yes 19 -- 20 SECRETARY COGLIANESE: 21 Four yeses, one no. 22 MR. DANIEL: Mr. 23 Chairman, could I ask for a 24 procedural clarification on Item 2?</p>

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<p style="text-align: center;">101</p> <p>1 I'm not sure what the practice is of 2 the Planning Commission in 3 considering -- or reconsidering a 4 matter. 5 I gave a very detailed 6 presentation during the portion of 7 the public hearing, and I'm not sure 8 the discussion about where you placed 9 these items if you're adjusted the 10 setbacks was lost, but I might ask 11 for reconsideration on that. I'm 12 not sure if you would like to have 13 more hearing testimony on it, but I 14 don't know if the Planning and 15 Zoning Commission has considered the 16 issue of the location of that trash 17 enclosure if you put it behind the 18 building away from the streets, 19 because you're not going to get a 20 truck in there. You're going to 21 have a 35-foot deep building, and 22 it's just not going to work, and 23 that's probably the most glaring 24 portion of hardship when it comes to</p>	<p style="text-align: center;">103</p> <p>1 and by having the drive as far away 2 from everything as possible and by 3 having a nice long line for the 4 drive-thru that is the only other 5 area it could be put. And if we 6 put it there, it ruins the whole 7 concept for the building. And that 8 was the technical problem we had in 9 doing the design to start with is 10 that we -- by moving that building 11 back into the corner, did the best 12 thing humanly possible for the 13 property. It present the property 14 the best, it gave it the most 15 professional look, it gave us a real 16 upscale feel. 17 But we had no other 18 place to put it, so we spent an 19 inordinate amount of time figuring 20 out how we could hide it, how we 21 could police it, how we could 22 protect it, and I believe in my 23 heart anyway as an owner of 24 properties we will not allow garbage</p>
<p style="text-align: center;">102</p> <p>1 trash service to the property. It's 2 got to go in one front yard or the 3 other or else you're going to lose a 4 significant part of the -- floor 5 area of that building. 6 And maybe I -- it was 7 glossed over in passing on my part, 8 but I believe that decision on Item 9 2 is a serious significant concern 10 that we have going forward with the 11 Council. I don't want to have any 12 confusion on that if that point was 13 indeed lost. 14 COMMISSIONER DONOVAL: 15 Is there any other place you can put 16 it? 17 MR. FRY: No. We 18 tried really hard -- I mean, we 19 looked around, and the only other 20 place we can put it would be to 21 chop off a whole root portion of the 22 building which ruins everything. 23 The geometrics of the 24 lot kind of dictate what we can do,</p>	<p style="text-align: center;">104</p> <p>1 to spill onto the street. It's just 2 not going to happen. That's number 3 one. Number two, you're not going 4 to know it's even there. It's going 5 to look landscaped. 6 COMMISSIONER DONOVAL: 7 But in summertime when it's a 8 hundred outside and there is a lot 9 of walking traffic there and you're 10 going to have two, three restaurants, 11 it's going to smell. 12 MR. FRY: It's going 13 to smell without question, but it's 14 not -- we are going to demand, you 15 know, that it be cleaned out all the 16 time -- I mean, nothing is perfect, 17 you know, and then we can't be 18 perfect either. But -- and that's 19 the best I can tell you -- 20 COMMISSIONER VENTURA: 21 A joint garbage like with Wendy's 22 being right there, like maybe you 23 could have a deal? I'm just 24 wondering if that's ever a</p>

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<p style="text-align: center;">105</p> <p>1 possibility anywhere that where you 2 have a situation like this -- it 3 looks like a beautiful building, and 4 I would really love to see it come 5 to fruition.</p> <p>6 MR. DANIEL: I think 7 on the joint facility option we have 8 made attempts at that in the past. 9 When there's one owner, it's possible 10 to do that. In this case you have 11 one owner, but even when you have 12 one owner or -- typically as an 13 enforcement nightmare when there are 14 problems with those being disclosed 15 on those containers.</p> <p>16 And I know recently 17 there's been some trash issues in my 18 office building with fly dumping and 19 that kind of thing. You want to 20 have owner you can go to without the 21 finger pointing, and that's an 22 important enforcement issue.</p> <p>23 I think conditions 24 might be appropriate given the</p>	<p style="text-align: center;">107</p> <p>1 COMMISSIONER DONOVAL: 2 Oh, okay.</p> <p>3 MR. FRY: And we also 4 have another shopping center of ours 5 out on Route 59 where I have a 6 Chipotle. We have a garbage 7 dumpster within 15 feet -- well, 8 within 15 to 20 feet of the entry 9 to Chipotle and the outdoor seating 10 area of Chipotle, okay, and it's a 11 brick enclosure. And here, again, 12 we police it all the time, and 13 people are out there, and that place 14 is packed all the time. And I 15 think it's a matter of us doing our 16 job as owners and to keep it clean 17 and keep it policed properly.</p> <p>18 I wish there was 19 someplace else, I swear to God I do, 20 and we've tried -- and we've spent 21 -- I can't tell you how many man 22 hours have been spent on this, but 23 we can't do any better than that. 24 But we have to -- I think the City</p>
<p style="text-align: center;">106</p> <p>1 location of the structure, but -- 2 COMMISSIONER VENTURA: 3 Because they have such a large -- it 4 looks like a large trash dumpster 5 for Wendy's, and what you have looks 6 so much smaller from -- no?</p> <p>7 MR. DANIEL: Well, 8 it's smaller in all of its 9 dimensions than the length of the 10 Wendy's enclosure, yes. That's a -- 11 it's a very large enclosure for 12 Wendy's.</p> <p>13 COMMISSIONER DONOVAL: 14 This is not just about trash. Each 15 restaurant have to have grease traps. 16 You know what, they store the 17 grease, you know, frying oil, and 18 all that stuff, and it have to be 19 all enclosed inside.</p> <p>20 MR. FRY: It doesn't 21 go into the sink. They're going to 22 go into the traps, so it will go 23 into the ground. There will not be 24 grease out there.</p>	<p style="text-align: center;">108</p> <p>1 has to look at the issue that can 2 be protect it and the answer is yes. 3 Can we hide it in front of you with 4 landscaping? Yes, we sure can. We 5 can make it not even -- you won't 6 know it's there, you honestly won't.</p> <p>7 And is there going to 8 be a day where it's 120 degrees and 9 you're going to smell something? I 10 would be lying if I said it wouldn't 11 be, but it's not going to be 12 something normal. And the foot 13 traffic along there, I have to tell 14 you that we looked at that very 15 carefully, and there is very little 16 of any foot traffic along there, 17 very little at all. So, those 18 people not going to smell anything.</p> <p>19 And the -- it's just 20 so important for a whole development 21 because I don't know where else to 22 put it, I honestly don't, and I --</p> <p>23 COMMISSIONER DONOVAL: 24 So, Mihaela, what we can do now?</p>

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<p style="text-align: center;">109</p> <p>1 MS. DRAGAN: You can 2 reconsider the motion. 3 COMMISSIONER DONOVAL: 4 Reconsider? Okay. 5 MR. PACIONE: There's 6 a request from the Petitioner for 7 your reconsideration which I think is 8 appropriate for them. 9 COMMISSIONER DONOVAL: 10 So, let's talk about it and 11 reconsider. 12 CHAIRMAN NOBLE: I 13 would like to get a motion on the 14 floor to reconsider No. 2. 15 COMMISSIONER SCHNEIDER: 16 Are you ending the questions and 17 comments? 18 CHAIRMAN NOBLE: Yes. 19 MR. PACIONE: It will 20 be open during - when the motion is 21 made. 22 CHAIRMAN NOBLE: When 23 the motion is made, and then we'll 24 discuss it.</p>	<p style="text-align: center;">111</p> <p>1 that piece of -- 2 MR. PACIONE: I think 3 he's referring to the patio area. 4 MR. DANIEL: With a 5 patio you have two tables and a 6 fence, a landscape island and the 7 entryway which has to be unobstructed 8 to the point leading to the ramp, 9 the handicapped ramp, and then an 10 accessible stall. 11 COMMISSIONER SCHNEIDER: 12 Okay. My other thought is can you 13 photograph your dumpsters with these 14 vines growing on them and bring them 15 to the City Council meeting? 16 MR. FRY: We don't 17 have any with vines on them. We 18 said that we would make this one. 19 We have masonry ones that we do all 20 the time. We can certainly 21 photograph that, but the vines and 22 the planting was something we did 23 for this project because we knew it 24 was an issue that should be taken</p>
<p style="text-align: center;">110</p> <p>1 COMMISSIONER VENTURA: 2 I'll make a motion then to 3 reconsider No. 2. 4 CHAIRMAN NOBLE: Any 5 second? 6 COMMISSIONER DONOVAL: 7 I second. 8 CHAIRMAN NOBLE: Second 9 by Jon. 10 Rollcall? 11 MR. PACIONE: There's 12 discussion. 13 CHAIRMAN NOBLE: Any 14 discussion? 15 COMMISSIONER SCHNEIDER: 16 Yes. 17 Unit - in front of 18 Unit 1, what is the portion that 19 arches out in front of - 20 MS. DRAGAN: Excuse me 21 -- yes, that. 22 COMMISSIONER SCHNEIDER: 23 And the Unit 1, what is the portion 24 that arches out in front of Unit 1,</p>	<p style="text-align: center;">112</p> <p>1 care of and we knew we had the 2 plant for it. 3 And Wrigley Field is 4 the only thing that could come to 5 mind as a little boy and the vines 6 and the whole thing, and that's 7 where that came from. But I've - 8 we've never done it before, but I 9 know I've done it on houses my whole 10 life. And all of us have seen 11 vines that grow on buildings like 12 this, all of us have. You go 13 downtown Chicago and they're all over 14 the buildings and the libraries and 15 they look beautiful, they look 16 gorgeous. And you don't even know 17 what's behind them, you don't know. 18 COMMISSIONER DONOVAL: 19 The biggest problem is you want to 20 justify the cause. You're seeking 21 too many businesses to small a 22 property because the property is 23 expensive, then the building, and you 24 have to justify the rents, you know.</p>

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<p style="text-align: center;">113</p> <p>1 So, that's, you know, the best use 2 of the property. 3 CHAIRMAN NOBLE: Any 4 other comments, final discussion? 5 Janice, please call the 6 roll. 7 MR. PACIONE: You had 8 something else? 9 COMMISSIONER SCHNEIDER: 10 Yes. 11 You keep talking about 12 policing your garbage facilities, and 13 this is something you seriously, 14 seriously take care of? 15 MR. FRY: Yes, sir. 16 MR. DANIEL: Can I 17 make a couple comments? 18 CHAIRMAN NOBLE: Yes. 19 MR. DANIEL: The 20 dumpster and enclosure, the masonry 21 enclosure located near the exit for 22 the drive-thru which is a special 23 use, you're able to condition the 24 approval of a special use and if you</p>	<p style="text-align: center;">115</p> <p>1 you really wouldn't. You don't 2 smell the Starbucks ones when you're 3 in the Starbucks drive-thru behind -- 4 or in front of Pete's or behind the 5 Starbucks on 22nd. 6 There are those 7 exceptional circumstances where it 8 does arise, but if it's taken care 9 of quickly things are handled. But 10 those are possible conditions that 11 you could impose on the special use. 12 MR. FRY: Yes. And in 13 response to that, we can state 14 exactly that we will agree at all 15 times to never allow garbage to 16 overflow and the lids always be shut 17 on all dumpsters in the enclosure. 18 We have a drain in 19 there, and we will power wash that 20 inside, okay, every month during the 21 summer months. I don't think we're 22 going to wash the snow out, but 23 during the summer months we will 24 guarantee to power wash it every</p>
<p style="text-align: center;">114</p> <p>1 need conditions relating to that exit 2 area of the drive-thru which is near 3 the dumpster they can relate to 4 anything including conditions that 5 the tops of the dumpsters be closed 6 at all times and if necessary to 7 accomplish that there would be a 8 mechanism there so that they're not 9 laying open. That's your smell, or 10 a box blowing out into the 11 drive-thru of some kind. But you're 12 entitled to put those types of 13 conditions on it. 14 Additionally, there 15 could be a condition about cleaning 16 upon demand of code enforcement -- 17 if there's a complaint and they 18 haven't noticed something. I've 19 worked with Lee Fry Enterprises for 20 some time and have dealt with their 21 developments on a personal level, and 22 when they mentioned the Chipotle 23 situation you wouldn't know it's 24 there when you're dining next to it,</p>	<p style="text-align: center;">116</p> <p>1 month, okay, and I'm happy to agree 2 to that. 3 COMMISSIONER VENTURA: 4 And can there be some assurance, 5 too, that any cars traveling on 6 Midwest Road would not see any sign 7 of any garbage can? 8 MR. FRY: Yes. 9 COMMISSIONER VENTURA: 10 There's no landscaping in front of 11 it, or -- 12 MR. FRY: If the door 13 is open with a truck in there, 14 they're going to see something. But 15 under normal conditions, you know, 16 they're not going to see anything. 17 COMMISSIONER VENTURA: 18 Because, Mr. Fry, it would be 19 wonderful to have you have your 20 building here in Oakbrook Terrace, 21 and a vast improvement from the 22 empty lot that now sits there for 23 many, many years. 24 MR. FRY: Well, the</p>

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<p style="text-align: center;">117</p> <p>1 only thing I can't guarantee you is 2 I can't guarantee you that Ernie 3 Banks is going to be running up that 4 wall to catch a fly ball, but I can 5 guarantee you that it will look like 6 it. 7 MR. PACIONE: Mark, 8 are those conditions, is that 9 something we can leave to the City 10 Council since we've already agreed on 11 the special use? I don't want to put 12 the conditions with the variance for 13 something that's going to go with 14 the special use. 15 MR. DANIEL: No, I 16 understand. 17 I guess I think I have 18 some concern over the vote as it 19 reaches the City Council and whether 20 it changes on the variance as 21 opposed to the special use, which I 22 why I asked for the reconsideration 23 on this particular issue in light of 24 the circumstances and the locational</p>	<p style="text-align: center;">119</p> <p>1 Wendy's? 2 MR. FRY: No. I don't 3 want to do anything with Wendy's. 4 We have a problem right now because 5 of that light, and if you -- and 6 we're in the business with fast-food 7 companies. By the time I get an 8 answer back from Wendy's, I don't 9 know, it will be a year from now. 10 CHAIRMAN NOBLE: So -- 11 COMMISSIONER VENTURA: 12 I just thought we -- you know, we're 13 reconsidering it if it went through 14 now, but maybe someday, you know, 15 that you would do what you could to 16 get it -- 17 MR. FRY: The answer 18 to that is yes, but that's -- I'm 19 not asking that that go in the 20 motion. But -- 21 COMMISSIONER VENTURA: 22 Maybe Wendy's will sell; right? 23 MR. FRY: You know 24 what, that would be nice, wouldn't</p>
<p style="text-align: center;">118</p> <p>1 difficulties. 2 Those conditions as 3 they were stated would appear in the 4 record, but having a vote on Item 2 5 concerning those would at least 6 reflect the Commission's -- 7 MR. PACIONE: Would 8 you like to make a motion on the 9 variance? 10 MR. DANIEL: Yes. 11 MR. FRY: I'm willing 12 to agree to those. 13 MR. PACIONE: If 14 you're okay with it, I'm okay with 15 it. 16 MR. DANIEL: As long 17 as those are -- to the special use 18 the right way that you normally do 19 it. 20 MR. PACIONE: Correct. 21 COMMISSIONER VENTURA: 22 And can there be some -- any 23 assurance that you could pursue the 24 possibility of joining garbage with</p>	<p style="text-align: center;">120</p> <p>1 it? 2 MR. PACIONE: All 3 right. 4 So, right now we have 5 the motion to reconsider. No 6 further discussion. We can take a 7 vote on the motion to reconsider -- 8 but then we have to make another 9 motion. 10 CHAIRMAN NOBLE: Could 11 you call the -- 12 MS. DRAGAN: They made 13 the motion. 14 MR. PACIONE: We got a 15 vote on the motion to 16 reconsideration, and then we got 17 another vote -- another motion needs 18 to be made to -- 19 CHAIRMAN NOBLE: Yes, 20 it was seconded by -- 21 MR. PACIONE: Yes. 22 CHAIRMAN NOBLE: Could 23 you please call the roll? 24 SECRETARY COGLIANESE:</p>

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<p style="text-align: center;">121</p> <p>1 Yes. 2 Commissioner Schneider? 3 COMMISSIONER SCHNEIDER: 4 Yes. 5 SECRETARY COGLIANESE: 6 Ventura? 7 COMMISSIONER VENTURA: 8 Yes. 9 SECRETARY COGLIANESE: 10 Myszkowski is absent. 11 Donoval? 12 COMMISSIONER DONOVAL: 13 Yes. 14 SECRETARY COGLIANESE: 15 Smurawski? 16 COMMISSIONER SMURAWSKI: 17 Yes. 18 SECRETARY COGLIANESE: 19 Chairman Noble? 20 CHAIRMAN NOBLE: Yes. 21 MS. DRAGAN: Five yes. 22 SECRETARY COGLIANESE: 23 All yeses. 24 CHAIRMAN NOBLE: I</p>	<p style="text-align: center;">123</p> <p>1 SECRETARY COGLIANESE: 2 Ventura? 3 COMMISSIONER VENTURA: 4 Yes. 5 SECRETARY COGLIANESE: 6 Myszkowski is absent. 7 Donoval? 8 COMMISSIONER DONOVAL: 9 Yes. 10 SECRETARY COGLIANESE: 11 Smurawski? 12 COMMISSIONER SMURAWSKI: 13 Yes. 14 SECRETARY COGLIANESE: 15 Chairman Noble? 16 CHAIRMAN NOBLE: Yes. 17 SECRETARY COGLIANESE: 18 Motion passed. 19 MR. DANIEL: Thank 20 you. 21 CHAIRMAN NOBLE: 22 Mihaela? 23 MS. DRAGAN: And the 24 letter of recommendation will be</p>
<p style="text-align: center;">122</p> <p>1 would like to get a motion – 2 COMMISSIONER SCHNEIDER: 3 I would like to make a motion to 4 pass No. 2. 5 MR. PACIONE: With 6 conditions as discussed? 7 COMMISSIONER SCHNEIDER: 8 With conditions as discussed. 9 CHAIRMAN NOBLE: Any 10 final discussion? 11 MR. PACIONE: Was 12 there a second? I'm sorry. 13 CHAIRMAN NOBLE: Oh, 14 second? 15 COMMISSIONER SMURAWSKI: 16 I'll second. 17 CHAIRMAN NOBLE: Second 18 by Paul. 19 Any final discussion? 20 Please call the roll. 21 SECRETARY COGLIANESE: 22 Commissioner Schneider? 23 COMMISSIONER SCHNEIDER: 24 Yes.</p>	<p style="text-align: center;">124</p> <p>1 placed on the May 26 City Council 2 meeting agenda. 3 The Commission may want 4 to cancel the June 2nd meeting since 5 there are no public hearings 6 scheduled. 7 So, agreed to cancel 8 the June 2nd? 9 CHAIRMAN NOBLE: We 10 would like to get a motion to – 11 COMMISSIONER SCHNEIDER: 12 Motion to cancel the June 2nd 13 meeting. 14 CHAIRMAN NOBLE: Any 15 second? 16 COMMISSIONER VENTURA: 17 Second. 18 CHAIRMAN NOBLE: All 19 in favor? 20 (Chorus of ayes.) 21 CHAIRMAN NOBLE: 22 Opposed? 23 SECRETARY COGLIANESE: 24 Meeting was cancelled.</p>

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<p>125</p> <p>1 CHAIRMAN NOBLE: Motion 2 to adjourn? 3 COMMISSIONER SCHNEIDER: 4 Motion to adjourn. 5 CHAIRMAN NOBLE: Any 6 second? 7 COMMISSIONER DONOVAL: 8 Second. 9 CHAIRMAN NOBLE: 10 Meeting is adjourned. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 ***</p>	



AGENDA ACTION
MAY 26 2015

Interdepartmental Memo

To: Mayor Ragucci and City Council

From: Denise Mark, Assistant Finance Director

Re: BKD, LLC (formerly Wolf & Company) Audit Proposal For the Fiscal Year Ending April 30, 2015

Date: May 20, 2015

Attached is an engagement letter from BKD, LLC (formerly Wolf & Company) to provide auditing services for the fiscal year ending April 30, 2015. As most of you are aware, Wolf & Company has been the City's auditor for a number of years. Wolf and Company was acquired by BKD last fall.

Over the years, I have found their staff to be helpful and easy to work with, their audit recommendations constructive, and their final audit report professionally done. I believe it is helpful to continue to build on the relationship we have established with the existing auditing staff.

The cost for the City's Fiscal Year 2014 audit was \$34,500. The proposed cost for this audit is \$36,225. This is an increase of approximately 5% or \$1,725.

I would be happy to address any questions you may have at Tuesday's meeting.

RESOLUTION NO. 15-

**A RESOLUTION APPROVING AN ENGAGEMENT LETTER FOR PROFESSIONAL
AUDITING SERVICES BETWEEN THE CITY OF OAKBROOK TERRACE AND
BKD LLP FOR THE FISCAL YEAR THAT ENDED APRIL 30, 2015**

WHEREAS, the City of Oakbrook Terrace (the "City") is a home rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, in their continuing role as stewards of public funds, the City Council has determined to retain BKD LLP ("formerly Wolf") to provide professional auditing services for the City's fiscal year that ended April 30, 2015, pursuant to an engagement letter for such services directed to the City's Mayor from Jody A Gauthier, Partner, and dated May 18, 2015 (the "Engagement Letter"),

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Oakbrook Terrace, DuPage County, Illinois, as follows:

Section 1. The Engagement Letter for professional auditing services for the City's fiscal year that ended April 30, 2015, is hereby approved, and the Mayor is authorized to execute and attest the Engagement Letter in substantially the form attached hereto as Exhibit "A".

Section 2. All resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed to the extent of the conflict.

Section 3. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED This 9th Day Of June 2015.

AYES:

NAYES:

ABSENT:

ABSTENTION:

Tony Ragucci, Mayor

ATTEST:

Cheryl Downer, Deputy City Clerk

May 18, 2015

Mr. Tony Ragucci, Mayor
Members of the City Council
City of Oakbrook Terrace
17W275 Butterfield Road
Oakbrook Terrace, IL 60181

We are pleased to confirm the arrangements of our engagement and the nature of the services we will provide to the **CITY OF OAKBROOK TERRACE**.

ENGAGEMENT OBJECTIVES AND SCOPE

We will audit the financial statements of the governmental activities, the business-type activities, each major fund, budgetary comparison for the General Fund, and the aggregate remaining fund information, including the related notes to the financial statements which collectively comprise the basic financial statements of the City of Oakbrook Terrace (City) as of and for the year ended April 30, 2015.

Our audit will be conducted with the objective of expressing an opinion on the financial statements.

OUR RESPONSIBILITIES

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Those standards require that we plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by fraud or error. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS.

Mr. Tony Ragucci, Mayor
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In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit. Also, in the future, procedures could become inadequate because of changes in conditions or deterioration in design or operation. Two or more people may also circumvent controls, or management may override the system.

We are available to perform additional procedures with regard to fraud detection and prevention at your request, subject to completion of our normal engagement acceptance procedures. The actual terms and fees of such an engagement would be documented in a separate letter to be signed by you and BKD.

Jody Gauthier is responsible for supervising the engagement and authorizing the signing of the report or reports.

We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the members of the City Council. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis of matter or other matter paragraph(s), or withdraw from the engagement. If we discover conditions that may prohibit us from issuing a standard report, we will notify you as well. In such circumstances, further arrangements may be necessary to continue our engagement.

Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as the management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of the financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries with management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- Management's Discussion and Analysis
- Pension Funding

Mr. Tony Ragucci, Mayor
Members of the City Council
City of Oakbrook Terrace
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We will also express an opinion on whether the following supplementary information (supplementary information) is fairly stated, in all material respects, in relation to the financial statements as a whole. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- Combining Nonmajor Funds Statements
- Individual Nonmajor Funds Schedules

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or an assurance on that information:

- Introductory Section
- Statistical Section

YOUR RESPONSIBILITIES

Our audit will be conducted on the basis that management and, where appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; and
- c. To provide us with
 - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation and other matters;
 - ii. Additional information that we may request from management for the purpose of the audit; and

Mr. Tony Ragucci, Mayor
Members of the City Council
City of Oakbrook Terrace
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- iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from management and where appropriate, members of the City Council, written confirmation acknowledging certain responsibilities outlined in this engagement letter and confirming:

- The availability of this information
- Certain representations made during the audit for all periods presented
- The effects of any uncorrected misstatements, if any, resulting from errors or fraud aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole

With regard to supplementary information:

- Management is responsible for its preparation in accordance with applicable criteria
- Management will provide certain written representations regarding the supplementary information at the conclusion of our engagement
- Management will include our report on this supplementary information in any document that contains this supplementary information and indicates we have reported on the supplementary information
- Management will make the supplementary information readily available to intended users if it is not presented with the audited financial statements

OTHER SERVICES

We will provide you with the following nonattest services:

- Preparing a draft of the financial statements and related notes
- Preparation of the Illinois Comptroller Annual Financial Report

In addition, we may perform other services for you not covered by this engagement letter. You agree to assume full responsibility for the substantive outcomes of the services described above and for any other services that we may provide, including any findings that may result. You also acknowledge that those services are adequate for your purposes and that you will establish and monitor the performance of those services to ensure that they meet management's objectives. Any and all decisions involving management responsibilities related to those services will be made by you, and you accept full responsibility for such decisions. We understand that you will designate a management-level individual to be responsible and accountable for overseeing the performance of

Mr. Tony Ragucci, Mayor
Members of the City Council
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those services, and that you will have determined this individual is qualified to conduct such oversight.

ENGAGEMENT FEES

The fee for our services will be \$36,225, which includes an administrative fee of 4% to cover items such as copies, postage and other delivery charges, supplies, technology-related costs such as computer processing, software licensing, research and library databases and similar expense items.

The following new accounting standard is effective for your fiscal year ending April 30, 2015. The impact of this standard on your financial statements will depend on your facts and circumstances. You should evaluate the effect of this standard well in advance of your fiscal year to obtain any additional information necessary and effectively implement it. The new standard effective beginning for fiscal year 2015 is as follows:

- *GASB Statement No. 67, Financial Reporting for Pension Plans – an amendment of GASB Statement No. 25*

Our pricing for this engagement and our fee structure are based upon the expectation that our invoices will be paid promptly. We will issue progress billings during the course of our engagement, and payment of our invoices is due upon receipt. Interest will be charged on any unpaid balance after 30 days at the rate of 10% per annum.

Our engagement fee does not include any time for post-engagement consultation with your personnel or third parties, consent letters and related procedures for the use of our reports in offering documents, inquiries from regulators or testimony or deposition regarding any subpoena. Charges for such services will be billed separately.

Our fees may also increase if our duties or responsibilities are increased by rulemaking of any regulatory body or any additional new accounting or auditing standards.

If our invoices for this or any other engagement you may have with BKD are not paid within 30 days, we may suspend or terminate our services for this or any other engagement. In the event our work is suspended or terminated as a result of nonpayment, you agree we will not be responsible for any consequences to you.

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OTHER ENGAGEMENT MATTERS AND LIMITATIONS

BKD is not acting as your municipal advisor under Section 15B of the *Securities Exchange Act of 1934*, as amended. As such, BKD is not recommending any action to you and does not owe you a fiduciary duty. BKD is acting for its own interests. You should discuss this project, as well as any information and material provided by BKD, with any and all internal or external advisors and experts that you deem appropriate before acting on any information or material provided by BKD.

Our workpapers and documentation retained in any form of media for this engagement are the property of BKD. We can be compelled to provide information under legal process. In addition, we may be requested by regulatory or enforcement bodies to make certain workpapers available to them pursuant to authority granted by law or regulation. You agree that we have no legal responsibility to you in the event we provide such documents or information.

You agree to indemnify and hold harmless BKD and its personnel from any claims, liabilities, costs and expenses relating to our services under this agreement attributable to false or incomplete representations by management, except to the extent determined to have resulted from the intentional or deliberate misconduct of BKD personnel.

You agree that any dispute regarding this engagement will, prior to resorting to litigation, be submitted to mediation upon written request by either party. Both parties agree to try in good faith to settle the dispute in mediation. The American Arbitration Association will administer any such mediation in accordance with its Commercial Mediation Rules. The results of the mediation proceeding shall be binding only if each of us agrees to be bound. We will share any costs of mediation proceedings equally.

Either of us may terminate these services at any time. Both of us must agree, in writing, to any future modifications or extensions. If services are terminated, you agree to pay us for time expended to date. In addition, you will be billed travel costs and fees for services from other professionals, if any, as well as an administrative fee of 4% to cover items such as copies, postage and other delivery charges, supplies, technology-related costs such as computer processing, software licensing, research and library databases and similar expense items.

If any provision of this agreement is declared invalid or unenforceable, no other provision of this agreement is affected and all other provisions remain in full force and effect.

We may from time to time utilize third-party service providers, e.g., domestic software processors or legal counsel, or disclose confidential information about you to third-party service providers in serving your account. We remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures and safeguards to protect the confidentiality of your information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information. In the event we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider.

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Foster and Foster will assist us with your engagement by providing the actuarial reports for the police pension fund and the postemployment benefits program.

We will, at our discretion or upon your request, deliver financial or other confidential information to you electronically via email or other mechanism. You recognize and accept the risk involved, particularly in email delivery as the Internet is not necessarily a secure medium of communication as messages can be intercepted and read by those determined to do so.

You agree you will not modify these documents for internal use or for distribution to third parties. You also understand that we may on occasion send you documents marked as draft and understand that those are for your review purpose only, should not be distributed in any way and should be destroyed as soon as possible.

This engagement letter represents the entire agreement regarding the services described herein and supersedes all prior negotiations, proposals, representations or agreements, written or oral, regarding these services. It shall be binding on heirs, successors and assigns of you and BKD.

If you intend to include these financial statements and our report in an offering document at some future date, you agree to seek our permission to do so at that time. You agree to provide reasonable notice to allow sufficient time for us to perform certain additional procedures. Any time you intend to publish or otherwise reproduce these financial statements and our report and make reference to our firm name in any manner in connection therewith, you agree to provide us with printers' proofs or masters for our review and approval before printing or other reproduction. You will also provide us with a copy of the final reproduced material for our approval before it is distributed. Our fees for such services are in addition to those discussed elsewhere in this letter.

You agree to notify us if you desire to place these financial statements or our report thereon along with other information, such as a report by management or those charged with governance on operations, financial summaries or highlights, financial ratios, etc., on an electronic site. You recognize that we have no responsibility as auditors to review information contained in electronic sites.

Any time you intend to reference our firm name in any manner in any published materials, including on an electronic site, you agree to provide us with draft materials for our review and approval before publishing or posting such information.

BKD is a registered limited liability partnership under Missouri law. Under applicable professional standards, partners of **BKD, LLP** have the same responsibilities as do partners in a general accounting and consulting partnership with respect to conformance by themselves and other professionals in BKD with their professional and ethical obligations. However, unlike the partners in a general partnership, the partners in a registered limited liability partnership do not have individual civil liability, directly or indirectly, including by way of indemnification, contribution, assessment or otherwise, for any debts, obligations or liabilities of or chargeable to the registered limited liability partnership or each other, whether arising in tort, contract or otherwise.

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Members of the City Council
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Please sign and return the attached copy of this letter to indicate your acknowledgement of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities. If the signed copy you return to us is in electronic form, you agree that such copy shall be legally treated as a "duplicate original" of this agreement.

BKD, LLP

BKD, LLP

Acknowledged and agreed to on behalf of

CITY OF OAKBROOK TERRACE

BY _____
Tony Ragucci, Mayor

DATE _____

MAY 26 2015



Interdepartmental Memo

To: Mayor and City Council
Amy Marrero-City Administrator

From: Michael Sarallo- Assistant to the Mayor and Administrator

Re: Digital Sign

Date: May 26, 2015

Incorporated with the construction of the new Police Facility, a directional monument sign included with an electronic digital LED message sign is to be constructed. Staff has secured pricing and installation of the digital sign portion that is outside the responsibility of the Contract Manager.

Watchfire signage will supply the City with a 16mm color dual face LED sign with capabilities of up to six (6) lines of wording. This type of sign is a common display along the roadways in our area notably at Pete's Fresh Market, and Sal's Beverage along Roosevelt Road. Watchfire also has a private sign contractor that they work with that will be able to install the unit to operational mode per electrical and building codes. Of course, training, warranty and the like is included.

Pricing is as noted:

Watchfire (sign product)	\$23,807.25
Optional RF Broadband (annually)	\$ 250.00
Sign Installer (Doyle Signs)	<u>\$ 2,244.00</u>
TOTAL	\$26,301.25

There is a six (6) week lead way to order and process the sign and necessary materials. It is the recommendation to proceed with this proposal at this time, as well, to maintain the construction schedule.

ORDINANCE NO. 15 -

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO
LANDMARK FORD FOR TWO POLICE INTERCEPTORS FOR THE
CITY OF OAKBROOK TERRACE, ILLINOIS**

WHEREAS, the City of Oakbrook Terrace (the "City") is a home-rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs;

WHEREAS, the corporate authorities of the City have determined that funds are available and that it is necessary, desirable and in the best interests of the City that the City purchase two (2) 2015 Ford Utility Police Interceptors through the Illinois State Competitive Bid program from Landmark Ford of Springfield, Illinois;

WHEREAS, the price to be paid by the City has been established within one year preceding the issuance of the purchase order by the City, by open and competitive bidding through the Illinois State Competitive Bid program;

WHEREAS, pursuant to Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4) the corporate authorities of the City are expressly authorized to sell personal property in such manner as they may designate with or without advertising the sale when, in the opinion of a majority of the corporate authorities then holding office, the personal property is no longer necessary or useful to the City;

WHEREAS, the City owns one (1) 2011 Ford Crown Victoria Vehicle Identification Number 2FABP7BVXBX113700 and one (1) 2011 Ford Expedition Vehicle Identification Number 1FMJU1G50BEF52342, which, in the opinion of a majority of the corporate authorities of the City, expressly finds are no longer necessary, required for use or in the best interest of the City to maintain, and further finds that it is in the best interest of the City to dispose of the vehicles as hereinafter set forth; and

WHEREAS, in the opinion of the corporate authorities, it is advisable, necessary and in the public interest that the City waive advertising for competitive bids, waive the procedure prescribed for the submission of competitive bids and authorize the issuance of a purchase order to Landmark Ford of Springfield, Illinois, for two (2) 2015 Ford Utility Police Interceptors for the City;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Oakbrook Terrace, DuPage County, Illinois:

Section 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: It is hereby determined that it is advisable, necessary and in the public interest that the City waive advertising for competitive bids, waive the procedure prescribed for the submission of competitive bids and authorize the issuance of a purchase order to Landmark Ford of Springfield, Illinois, through the Illinois State Competitive Bid program for the following vehicles:

Two (2) 2015 Ford Utility Police Interceptors:

Standard Package	\$ 51,198
Options:	
Keyed Alike	100
Rear Cloth Seat	120
Delivery Multiple Units	450
Sync Basic/Hands Free	576
Blind Spot Monitor	1,482
Ignition Override	578
License Titles & Fees	350
Total for Two (2) 2015 Police Interceptors	54,854
Less: Trade-In Value (2011 Ford Crown Victoria)	(3,300)
Less: Trade-In Value (2011 Ford Expedition)	(11,500)
Adjusted Total	\$ 40,054

Section 3: The City Administrator on behalf of the City shall be and is hereby authorized to issue a purchase order, or in the alternative, the action of the City Administrator is hereby ratified in executing and issuing a purchase order to Landmark Ford of Springfield, Illinois, through the Illinois State Competitive Bid program for two (2) 2015 Ford Utility Police Interceptors for the City.

Section 4: In the opinion of a majority of the corporate authorities of the City, it is hereby determined and expressly found that one (1) 2011 Ford Crown Victoria VIN # 2FABP7BVXBX113700 and one (1) 2011 Ford Expedition VIN # 1FMJU1G50BEF52342 owned by the City are no longer necessary, required for use, or in the best interest of the City to maintain and further find that it is in the best interest of the City to dispose of the vehicles. Accordingly, the City Administrator shall be and is hereby authorized and directed to trade in one (1) 2011 Ford Crown Victoria VIN # 2FABP7BVXBX113700 and one (1) 2011 Ford Expedition VIN # 1FMJU1G50BEF52342 to Landmark Ford of Springfield, Illinois, for amounts not less than \$3,300 and \$11,500, respectively, and that the proceeds of the trade-in shall be applied to the purchase price of the vehicles to be purchased by the City.

Section 5: All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

[THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY.]

Section 6: This ordinance shall be in full force and effect upon its passage, approval and publication in accordance with law.

ADOPTED this 9th day of June 2015, pursuant to a roll call vote as follows:

AYES:

NAYES:

ABSENT:

ABSTENTION:

APPROVED by me this 9th day of June 2015.

Tony Ragucci, Mayor of the City of
Oakbrook Terrace, DuPage County, Illinois

ATTESTED and filed in my office,
this 9th day of June 2015.

Cheryl Downer, Deputy Clerk of the City of
Oakbrook Terrace, DuPage County, Illinois



Interdepartmental Memo

To: Amy Marrero, City Manager
From: Chief Wayne Holakovsky
Re: Request for City Council Action: Vehicle Purchases
Date: May 12, 2015

The police department is requesting replacement of (1) One 2011 Ford Crown Victoria marked squad, and (1) One 2011 Ford Expedition marked squad with (2) Two 2015 SUV Ford Interceptors. These are budgeted items for FY 15/16. The State of Illinois competitive bid went to Landmark Ford of Springfield, Illinois.

The police department requests that the City Council authorize the purchase of (2) Two 2015 SUV Ford Interceptors with options from Landmark Ford of Springfield, Illinois costing \$54,854.00. The trade in and options sheets are attached, total cost for both SUV vehicles will be \$40,054.00.

Delivery of the two vehicles will take 8-12 weeks.

If you have any questions, please let me know.

ADDITIONAL OPTIONS AND ORDER FORM

PLEASE ENTER THE FOLLOWING

FORD FLEET NUMBER _____

CONTACT NAME CHIEF WAYNE HOLAKOVSKY

PHONE NUMBER 630-941-8320

PURCHASE ORDER NUMBER _____

STATE TAX EXEMPT NUMBER E999-4371-06

Quantity

2

Check desired options

Check desired options

3.5 V6 ECOBOOST AWD	99T	3120.00		Two-Tone Vinyl Package1	91A	764.00
*Interior Upgrade Package	65U	355.00		Vinyl Word Wrap Police	91D	751.00
**Front headlight housing	86P	120.00		Vinyl Word Wrap Sheriff	91G	751.00
Front headlamp Lighting Solution				Hidden door lock plunger & Rear		155.00
66A		845.00		door handles inoperable.	52P	
Tail Lamp Lighting Solution	66B	398.00		Rear door handles inoperable	68L	35.00
Rear Lighting Solution	66C	425.00		Rear view camera	21B	240.00
Cargo Wining Upfit Pkg	67G	1169.00	<input checked="" type="checkbox"/>	Sync Basic	53M	288.00
Ready For The Road Pkg	67H	2979.00		Rear console plate	85R	35.00
Engine Block Heater	41H	79.00		Hidden door lock plunger	52H	135.00
Daytime Running Lights	942	45.00		100 Watt Siren/Speaker	18X	285.00
Spot Lamp Driver only LED	51R	257.00		Remappable (4) switches	61R	150.00
Pre-wiring grille lamp, siren, & speaker	60A	50.00		Dome Lamp Red/White Cargo Area	17T	50.00
Spot Lamp Dual	51Z	185.00		Rear door handles & locks inoperable	68G	35.00
Spot Lamp Dual LED	51S	465.00		Rear window power delete	18W	35.00
Roof Rack Side Rails-Black	68Z	97.00		Prisoner partition front & rear		1495.00
Rustproof & Undercoat		289.00		18" Full Face Wheel Covers	65L	60.00
1 st & 2 ND Carpet	16C	120.00		Vinyl Word Wrap Police Reflective White Letters	91F	751.00
<input checked="" type="checkbox"/> Keyed alike		50.00		Vinyl Word Wrap Police Reflective Black Letters	91E	751.00
Lockable gas cap for easy fuel	19L	20.00		All Weather Mats		85.00
Remote keyless entry	595	250.00	<input checked="" type="checkbox"/>	Blis blind spot monitor	55B 21B	741.00
Reverse sensing	76R	260.00		Perimeter anti-theft alarm	593 595	365.00
Aux air conditioning	17A	578.00	<input checked="" type="checkbox"/>	Ignition override		289.00
<input checked="" type="checkbox"/> Cloth Rear Seat	FW	60.00		CD Rom Service Manual		245.00
Deliver one unit		275.00		16" Push bumper		611.00
<input checked="" type="checkbox"/> Deliver Multiple units, each		225.00		16" Push Bumper 2 LED lights		820.00
Delete Spotlight		(117.00)		Control Box		395.00
Airbag cutoff front passenger only		495.00				
Front Wire- Connector kit	47C	105.00	<input checked="" type="checkbox"/>	License title, & fees, police plate		175.00
Rear Wire-Connector Kit	21P	130.00		License title, transfer, & fees		180.00

PAYMENT REQUIRED AT TIME OF DELIVERY

Exterior Colors

<input type="checkbox"/> Arizona Beige	E3	<input type="checkbox"/> Deep Impact Blue	J4
<input type="checkbox"/> Medium Brown Metallic	BU	<input type="checkbox"/> Silver Grey Metallic	TN
<input type="checkbox"/> Dark Toreador Red Metallic	JL	<input type="checkbox"/> Ingot Silver Metallic	UX
<input type="checkbox"/> Smokestone Metallic	HG	<input checked="" type="checkbox"/> Ebony	UA
<input type="checkbox"/> Dark Blue	LK	<input type="checkbox"/> Oxford White	YZ
<input type="checkbox"/> Norsesea Blue Metallic	KR	<input type="checkbox"/> Medium Titanium Metallic	YG
<input type="checkbox"/> Light Blue Metallic	LN	<input type="checkbox"/> Royal Blue	LM
<input type="checkbox"/> Kodiak Brown Metallic	J1	<input type="checkbox"/> Sterling Grey Metallic	UJ
<input type="checkbox"/>		<input type="checkbox"/>	

Interior Colors

<input type="checkbox"/> Charcoal Black Vinyl	9W
<input checked="" type="checkbox"/> Charcoal Black Cloth	FW
<input type="checkbox"/>	

**IF WE HAVE MISSED AN OPTION THAT YOU NEED PLEASE CALL
(800) 798-9912 EXT 253**

CALL ABOUT MUNICIPAL FINANCING
Email lylesnow@msn.com

2015 SUV UTILITY POLICE INTERCEPTOR

2015 Standard Package	\$25,599.00
Blis Blind Spot Monitor	\$ 741.00
Ignition Override	\$ 289.00
Sync Basic	\$ 288.00
Delivery/Multiple Units	\$ 225.00
License title, transfer and police plate	\$ 175.00
Rear Cloth Seat	\$ 60.00
Keyed Alike	\$ 50.00
Total	\$27,427.00

OAKBROOK TERPARE

TRADE
VALUE
\$3300.00

POLICE CAR CONDITION REPORT

SQUAD #6

CITY/COUNTY: DUPAGE/OAKBROOK TERRACE

YEAR 2011	MAKE FORD	MODEL Police Interceptor	ENGINE SIZE 4.6L V8
BODY 4-DR	COLOR BLK/WHI	MILEAGE 79549	SERIAL # 2FABP7BVX113700

PLEASE CHECK THE APPROPRIATE BOX:

- AIR
- REAR DEFROST
- AUTOMATIC TRANSMISSION
- POWER STEERING
- AM/FM STEREO

- POWER WINDOWS
- POWER SEATS
- CRUISE
- TILT WHEEL
- POWER LOCKS
- FLOORING
 - CARPET
 - RUBBER
- INTERIOR COLOR
 - BLUE
 - GRAY
 - TAN

BODY METAL DAMAGE AMOUNT: \$ <u>0</u>
GLASS CONDITION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> CHIPPED <input type="checkbox"/> CRACKED
TRANSMISSION <input checked="" type="checkbox"/> OK <input type="checkbox"/> SLIPS <input type="checkbox"/> LEAKS
BRAKES <input checked="" type="checkbox"/> OK <input type="checkbox"/> REPLACE
ENGINE <input checked="" type="checkbox"/> OK <input type="checkbox"/> TUNE <input type="checkbox"/> KNOCKS <input type="checkbox"/> SMOKES <input type="checkbox"/> LEAKS
INTERIOR CONDITION FLOOR - <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> RIPPED SEATS - <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> RIPPED STEERING WHEEL - <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> CHEWED

TRADE
VALUE
\$ 11,500.00

POLICE CAR CONDITION REPORT

SQUAD #7

CITY/COUNTY: DUPAGE/OAKBROOK TERRACE

YEAR 2011	MAKE FORD	MODEL EXPEDITION	ENGINE SIZE 5.4 L V8
BODY 4-DR	COLOR BLK	MILEAGE 55522	SERIAL # 1FMDU1G50BEF52342

PLEASE CHECK THE APPROPRIATE BOX:

- AIR
- REAR DEFROST
- AUTOMATIC TRANSMISSION
- POWER STEERING
- AM/FM STEREO

- POWER WINDOWS
- POWER SEATS
- CRUISE
- TILT WHEEL
- POWER LOCKS
- FLOORING
 - CARPET
 - RUBBER
- INTERIOR COLOR
 - BLUE
 - GRAY
 - TAN

BODY METAL DAMAGE AMOUNT: \$ <u>0</u>
GLASS CONDITION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> CHIPPED <input type="checkbox"/> CRACKED
TRANSMISSION <input checked="" type="checkbox"/> OK <input type="checkbox"/> SLIPS <input type="checkbox"/> LEAKS
BRAKES <input checked="" type="checkbox"/> OK <input type="checkbox"/> REPLACE
ENGINE <input checked="" type="checkbox"/> OK <input type="checkbox"/> TUNE <input type="checkbox"/> KNOCKS <input type="checkbox"/> SMOKES <input type="checkbox"/> LEAKS
INTERIOR CONDITION FLOOR - <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> RIPPED SEATS - <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> RIPPED STEERING WHEEL - <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> CHEWED

ADDITIONAL OPTIONS AND ORDER FORM

SQUAD 4

PLEASE ENTER THE FOLLOWING

FORD FLEET NUMBER _____

CONTACT NAME CHIEF WAYNE HOLAKOVSKY

PHONE NUMBER 630-941-8320

PURCHASE ORDER NUMBER _____

STATE TAX EXEMPT NUMBER E 9997-4371-06

Quantity

Check desired options

Check desired options

3.5 V6 ECOBOOST AWD	99T	3120.00		Two-Tone Vinyl Package1	91A	764.00
*Interior Upgrade Package	65U	355.00		Vinyl Word Wrap Police	91D	751.00
**Front headlight housing	86P	120.00		Vinyl Word Wrap Sheriff	91G	751.00
Front headlamp Lighting Solution				Hidden door lock plunger & Rear		155.00
66A		845.00		door handles inoperable.	52P	
Tail Lamp Lighting Solution	66B	398.00		Rear door handles inoperable	68L	35.00
Rear Lighting Solution	66C	425.00		Rear view camera	21B	240.00
Cargo Wining Upfit Pkg	67G	1169.00	<input checked="" type="checkbox"/>	Sync Basic	53M	288.00
Ready For The Road Pkg	67H	2979.00		Rear console plate	85R	35.00
Engine Block Heater	41H	79.00		Hidden door lock plunger	52H	135.00
Daytime Running Lights	942	45.00		100 Watt Siren/Speaker	18X	285.00
Spot Lamp Driver only LED	51R	257.00		Remappable (4) switches	61R	150.00
Pre-wiring grille lamp, siren, & speaker	60A	50.00		Dome Lamp Red/White Cargo Area	17T	50.00
Spot Lamp Dual	51Z	185.00		Rear door handles & locks inoperable	68G	35.00
Spot Lamp Dual LED	51S	465.00		Rear window power delete	18W	35.00
Roof Rack Side Rails-Black	68Z	97.00		Prisoner partition front & rear		1495.00
Rustproof & Undercoat		289.00		18" Full Face Wheel Covers	65L	60.00
1 st & 2 ND Carpet	16C	120.00		Vinyl Word Wrap Police Reflective White Letters	91F	751.00
<input checked="" type="checkbox"/> Keyed alike		50.00		Vinyl Word Wrap Police Reflective Black Letters	91E	751.00
Lockable gas cap for easy fuel	19L	20.00		All Weather Mats		85.00
Remote keyless entry	595	250.00	<input checked="" type="checkbox"/>	Blis blind spot monitor	55B 21B	741.00
Reverse sensing	76R	260.00		Perimeter anti-theft alarm	593 595	365.00
Aux air conditioning	17A	578.00	<input checked="" type="checkbox"/>	Ignition override		289.00
<input checked="" type="checkbox"/> Cloth Rear Seat	FW	60.00		CD Rom Service Manual		245.00
Deliver one unit		275.00		16" Push bumper		611.00
<input checked="" type="checkbox"/> Deliver Multiple units, each		225.00		16" Push Bumper 2 LED lights		820.00
Delete Spotlight		(117.00)		Control Box		395.00
Airbag cutoff front passenger only		495.00				
Front Wire- Connector kit	47C	105.00	<input checked="" type="checkbox"/>	License title, & fees, police plate		175.00
Rear Wire-Connector Kit	21P	130.00		License title, transfer, & fees		180.00

PAYMENT REQUIRED AT TIME OF DELIVERY

Exterior Colors

<input type="checkbox"/> Arizona Beige	E3	<input type="checkbox"/> Deep Impact Blue	J4
<input type="checkbox"/> Medium Brown Metallic	BU	<input type="checkbox"/> Silver Grey Metallic	TN
<input type="checkbox"/> Dark Toreador Red Metallic	JL	<input type="checkbox"/> Ingot Silver Metallic	UX
<input type="checkbox"/> Smokestone Metallic	HG	<input checked="" type="checkbox"/> Ebony	UA
<input type="checkbox"/> Dark Blue	LK	<input type="checkbox"/> Oxford White	YZ
<input type="checkbox"/> Norsesea Blue Metallic	KR	<input type="checkbox"/> Medium Titanium Metallic	YG
<input type="checkbox"/> Light Blue Metallic	LN	<input type="checkbox"/> Royal Blue	LM
<input type="checkbox"/> Kodiak Brown Metallic	J1	<input type="checkbox"/> Sterling Grey Metallic	UJ

Interior Colors

<input type="checkbox"/> Charcoal Black Vinyl	9W
<input checked="" type="checkbox"/> Charcoal Black Cloth	FW

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2015 SUV UTILITY POLICE INTERCEPTOR

2015 Standard Package	\$25,599.00
Blis Blind Spot Monitor	\$ 741.00
Ignition Override	\$ 289.00
Sync Basic	\$ 288.00
Delivery/Multiple Units	\$ 225.00
License title, transfer and police plate	\$ 175.00
Rear Cloth Seat	\$ 60.00
Keyed Alike	\$ 50.00
Total	\$27,427.00

ADDITIONAL OPTIONS AND ORDER FORM

PLEASE ENTER THE FOLLOWING

FORD FLEET NUMBER _____

CONTACT NAME _____

PHONE NUMBER _____

PURCHASE ORDER NUMBER _____

STATE TAX EXEMPT NUMBER _____

Quantity

Check desired options

Check desired options

3.5 V6 ECOBOOST AWD 99T 3120.00	Two-Tone Vinyl Package1 91A 764.00
*Interior Upgrade Package 65U 355.00	Vinyl Word Wrap Police 91D 751.00
**Front headlight housing 86P 120.00	Vinyl Word Wrap Sheriff 91G 751.00
Front headlamp Lighting Solution 66A 845.00	Hidden door lock plunger & Rear door handles inoperable. 52P 155.00
Tail Lamp Lighting Solution 66B 398.00	Rear door handles inoperable 68L 35.00
Rear Lighting Solution 66C 425.00	Rear view camera 21B 240.00
Cargo Wining Upfit Pkg 67G 1169.00	Sync Basic 53M 288.00
Ready For The Road Pkg 67H 2979.00	Rear console plate 85R 35.00
Engine Block Heater 41H 79.00	Hidden door lock plunger 52H 135.00
Daytime Running Lights 942 45.00	100 Watt Siren/Speaker 18X 285.00
Spot Lamp Driver only LED 51R 257.00	Remappable (4) switches 61R 150.00
Pre-wiring grille lamp, siren, & speaker 60A 50.00	Dome Lamp Red/White Cargo Area 17T 50.00
Spot Lamp Dual 51Z 185.00	Rear door handles & locks inoperable 68G 35.00
Spot Lamp Dual LED 51S 465.00	Rear window power delete 18W 35.00
Roof Rack Side Rails-Black 68Z 97.00	Prisoner partition front & rear 1495.00
Rustproof & Undercoat 289.00	18" Full Face Wheel Covers 65L 60.00
1st & 2ND Carpet 16C 120.00	Vinyl Word Wrap Police Reflective White Letters 91F 751.00
Keyed alike 50.00	Vinyl Word Wrap Police Reflective Black Letters 91E 751.00
Lockable gas cap for easy fuel 19L 20.00	All Weather Mats 85.00
Remote keyless entry 595 250.00	Blis blind spot monitor 55B 21B 741.00
Reverse sensing 76R 260.00	Perimeter anti-theft alarm 593 595 365.00
Aux air conditioning 17A 578.00	Ignition override 289.00
Cloth Rear Seat FW 60.00	CD Rom Service Manual 245.00
Deliver one unit 275.00	16" Push bumper 611.00
Deliver Multiple units, each 225.00	16" Push Bumper 2 LED lights 820.00
Delete Spotlight (117.00)	Control Box 395.00
Airbag cutoff front passenger only 495.00	
Front Wire- Connector kit 47C 105.00	License title, & fees, police plate 175.00
Rear Wire-Connector Kit 21P 130.00	License title, transfer,& fees 180.00

PAYMENT REQUIRED AT TIME OF DELIVERY

Exterior Colors

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Medium Brown Metallic	BU	Silver Grey Metallic	TN
Dark Toreador Red Metallic	JL	Ingot Silver Metallic	UX
Smokestone Metallic	HG	Ebony	UA
Dark Blue	LK	Oxford White	YZ
Norsea Blue Metallic	KR	Medium Titanium Metallic	YG
Light Blue Metallic	LN	Royal Blue	LM
Kodiak Brown Metallic	J1	Sterling Grey Metallic	UJ

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Charcoal Black Vinyl	9W
Charcoal Black Cloth	FW

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PHONE NUMBER _____

PURCHASE ORDER NUMBER _____

STATE TAX EXEMPT NUMBER _____

Quantity

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Spot Lamp Dual	51Z	185.00		Rear door handles & locks inoperable	68G	35.00
Spot Lamp Dual LED	51S	465.00		Rear window power delete	18W	35.00
Roof Rack Side Rails-Black	68Z	97.00		Prisoner partition front & rear		1495.00
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1 st & 2 ND Carpet	16C	120.00		Vinyl Word Wrap Police Reflective White Letters	91F	751.00
Keyed alike		50.00		Vinyl Word Wrap Police Reflective Black Letters	91E	751.00
Lockable gas cap for easy fuel	19L	20.00		All Weather Mats		85.00
Remote keyless entry	595	250.00		Blis blind spot monitor	55B 21B	741.00
Reverse sensing	76R	260.00		Perimeter anti-theft alarm	593 595	365.00
Aux air conditioning	17A	578.00		Ignition override		289.00
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Airbag cutoff front passenger only		495.00				
Front Wire- Connector kit	47C	105.00		License title, & fees, police plate		175.00
Rear Wire-Connector Kit	21P	130.00		License title, transfer, & fees		180.00

PAYMENT REQUIRED AT TIME OF DELIVERY

Exterior Colors

Arizona Beige	E3	Deep Impact Blue	J4
Medium Brown Metallic	BU	Silver Grey Metallic	TN
Dark Toreador Red Metallic	JL	Ingot Silver Metallic	UX
Smokestone Metallic	HG	Ebony	UA
Dark Blue	LK	Oxford White	YZ
Norsea Blue Metallic	KR	Medium Titanium Metallic	YG
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Kodiak Brown Metallic	J1	Sterling Grey Metallic	UJ

Interior Colors

Charcoal Black Vinyl	9W
Charcoal Black Cloth	FW

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CAPITAL IMPROVEMENT PROGRAM PROPOSAL FORM

Department	Police	Fund & Fiscal Year	General & FY 2015/16
Date:	January 2015	Prepared By:	Chief Wayne Holakovsky
Capital Request Description: Replace Two (2) Marked SUV Police Squads.			
Capital Request Cost: \$71,054			
Account Number: 01-02-7130-00			

Current Status:

The Police Department must maintain a well running fleet of vehicles. This includes marked squads, special purpose marked squads, and unmarked vehicles.

Capital Request Description and Justification:

Vehicles are currently replaced on a two (2) year rotation basis, with administrative and supervisor vehicles replaced every five (5) years. Regular rotation of vehicles minimizes downtime, major repairs, and maximizes officer safety and comfort. At the two (2) year mark, most vehicles reach the 100,000 mile point, thereby also reaching the end of its useful life. However, in this case we were able to bypass the (2) two year rotation and were able to use these squads for a longer period of time, (4) four years.

Describe in detail the breakdown of the capital costs included in the estimate above.

	Ford Inceptor SUV (2)
Vehicle Cost	\$ 54,854
Light Equipment & Siren	16,200
Total	\$ 71,054

Capital Cost Savings or Increased Operating Costs in Future Budget Years (provide actual dollar amounts).

The 2011 Ford Crown Victoria (Marked CSO Squad #4) is over four years old and its current mileage is 66,675.
The 2011 Ford Crown Victoria (Marked Squad #6) is over four years old and its current mileage is 79,744.

Indicate if any grants will be used to purchase the proposed capital item.

As in the past DUI Tech fees will be used for these purchases.

Estimated Capital Costs for Five (5) Year Capital Improvement Plan & Brief Descriptions:

FY 2015/16: \$71,054 2 Marked SUV's	FY 2016/17: \$72,000 1 Marked Squad, 1 Marked SUV	FY 2017/18: \$72,000 2 Marked SUV's	FY 2018/19: \$72,000 2 Marked SUV's	FY 2019/20: \$72,000 1 unmarked Admin SUV 1 marked SUV
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MAY 26 2015

Resolution Number 13-27

2013-2015 Goals and Objectives Plan

May 2015 Update – new information is noted in red

Highest Priority Goals – Level 1

1.1 Develop vacant property and encourage businesses to remain in Oakbrook Terrace.

The following paragraph ranks the highest priority economic development projects.

1. Monitor the development of the Terra Vista Assisted Living Facility on the East side of Ardmore.

The new assisted living facility should open at the end of September 2015.

2. Monitor the development of the proposed BP Amoco at Butterfield and Summit (formerly Old Al's Standard).

A new development was proposed at the May 19, 2015 public hearing. The new development will include a one (1) story 10,000 square feet building with two (2) new restaurants.

3. Monitor the development of the Wendland properties – including Gardner School.

The Gardner School opened in the summer of 2014. Specialty Café and Bakery will begin construction in the summer of 2015.

4. Development of 18th Street, East of Luther.
5. Annex and develop the North side of Butterfield Road between Summit and Myrtle.
6. Development of Roosevelt Road East of Summit.
7. Development of the East side of Summit.

The Council approved Ordinance No. 15-21 on March 10, 2015 which increased the maximum building height from 15 feet to 25 feet, which should spur development.

Miscellaneous Economic Development

The City welcomed several new restaurants including: Butterfield's Pancake House, Millhurst Charhouse and Banquets, Penny's, Betty's Bistro on Roosevelt Road, Betty's Bistro on Butterfield Road, Stella's, Trugurt Yogurt, and Beppe's Italian Deli and Cafe. Some new restaurants will open in FY 2016 including: Twin Peaks, Ellie's

Coffee Bar, and Specialty's Café and Bakery. Greek Islands is set to open on Summit at the former Remedy's Pub location.

1.2 Continue to be fiscally sound.

- Keep the City financially sound and control excess spending.

The Executive Secretary position was eliminated in the FY 2015 budget. Also in FY 2015, the Tourism marketing line item was reduced saving the City \$58,000.

In FY 2016, the City modified the scope of the new Police Station and City Hall renovation project, by eliminating the full renovation of City Hall, which should save the City approximately \$2.2 million. Also in FY 2016, the City will no longer be financially contributing to the Greater Oak Brook Chamber saving the City \$35,000 annually. For FY 2016 the City switched to a PPO High Deductible Health Savings Plan saving the City approximately \$102,000 in future Cadillac taxes under the Affordable Care Act (ACA).

1.3 Monitor the development of Oakbrook Terrace Square Shopping Center.

- Finish the development of the shopping center and have more consistent communication with the developer.

Current stores include: Pete's Fresh Market, Starbucks, Yummy Buffet, Hokkaido, Betty's Bistro, Pearle Vision, Luxury Nails, Supercuts, Rainbow Cow, and Dental Town.

Starbucks opened in late April 2015. Pete's Fresh Market will expand their store by 830 square feet as approved by the Council on May 12, 2015 through Ordinance No. 15-40.

- Given the City's financial vested interest in Oakbrook Terrace Square, the developer shall address the Council with quarterly reports regarding the progress of the shopping center.

The developer is expected to attend a Council meeting in the spring of 2015 and report on a plan of action for the Business District. As discussed in the budget meetings, the City Attorney will also draft a letter to the developer in hopes to recoup the loss the Business District Fund will be facing this year.

1.4 Maintain viability of the City's Water System and continue to add residential and commercial customers.

- Extend the City's water system to the Old Al's Standard at Butterfield and Summit.

The new developer at the Old Al's Standard elected to receive their water service from the Village of Oak Brook instead. The Joint Commission connected to the City's water system in November 2014. Also, Butterfield's Pancake House connected to the City's water system in December of 2014. In addition, tap-on fees were received from the Oliviabrook Townhouse development in FY 2014 and FY 2015. An unincorporated

customer from the Westlands connected to the City's Water system in July of 2014. Lincoln One is expected to connect during FY 2016.

1.5 Implement Red Light Cameras at the intersection of 22nd Street and Route 83.

- The City will continue to work with SafeSpeed and IDOT to allow for the enforcement of these cameras.
- The Police Department will continue to provide traffic related studies to IDOT.
- The City will monitor legislation regarding traffic enforcement cameras at the state level.

An accident list will be compiled by the Police Department up and through the end of June 2015, and submitted to Safespeed. Safespeed will then submit all data needed to the State for another review of approval.

1.6 Encourage the current Off Track Betting (OTB) facility to remain within the City.

In August 2014 the City learned the OTB owners signed a three (3) year lease extension. In December of 2014, the OTB filed for bankruptcy. The OTB still owes the City a return for the month of October 2014 and a partial return for December 2014. The OTB remitted timely returns beginning in January 2015. The City has completed the necessary paperwork so that these claims are paid by the OTB.

1.7 Re-evaluate the City's contributions for the Chamber of Commerce and the DuPage County Visitors Bureau (DCVB).

- Review alternative marketing opportunities for the City's hotels beyond the DCVB.

Reduced the DCVB FY 2015 budget by \$58,000 to \$100,000. Requested the DCVB provide a budget based upon a project basis and informed the DCVB that the City will be auditing financial transactions on a quarterly basis beginning in July of 2014. The FY 2016 marketing budget remained at \$100,000. Even with this reduced line items, the hotels are outperforming prior years. Hotel taxes for FY 2016 are estimated to increase by 7% over the FY 2014 actual. In addition, the review of the Hotel Commission's financial transactions is going smooth.

Reduced the FY 2016 budget by \$35,000 because the City will no longer financially contribute towards the Greater Oak Brook Chamber of Commerce. However, the City will remain actively involved in Chamber activities.

1.8 Oversee the completion of the new Police Station and City Hall renovation.

The new Police Station should be completed in October 2015. In April of 2015, the Council amended the scope (Resolution No. 15-4) of the building project and eliminated the full remodeling of City Hall. The City Hall will only be slightly remodeled at this time. A walk through of the new Police Station will take place on Tuesday, May 26, 2015. A total of 34 contracts have been awarded for the new Police Station totaling \$6.5 million.

1.9 Oversee the installation of the Digital Billboard Sign at the Public Services Facility.

The Digital Billboard Sign became operational at the end of April 2014. The City receives \$90,000 in annual property rental fees.

Secondary Priority Goals – Level 2

- Fill the City Administrator position by the first quarter of 2014 and continue to attract and retain high quality City employees.

The former Finance Director formally accepted the City Administrator position in October 2014 through Resolution 14-12.

- Evaluate and continue to work with the City's lobbyist.

The City's lobbyist, Fidelity Consulting, has been very effective for the City in gaining approval for the new digital billboard sign at the Public Services facility. The lobbyist will continue to work on obtaining approval for the red light camera at the corner of Route 83 and 22nd Street when the information is remitted again to the State. The City's lobbyist secured a \$70,000 grant from the DCEO for additional curbs and gutters.

- Continue to add residential curbs and gutters, especially as grant funding becomes available.

In FY 2014 the City spent \$77,407 on curbs and gutters and \$103,073 in FY 2015. In FY 2015 the City received a \$70,000 grant from the DCEO to help defray the cost of these new curbs and gutters. For FY 2016 \$80,000 is budgeted, but grant assistance for this project is unlikely.

- Implement a Community Service Officer (CSO) program.

- A recommendation for a CSO program will be included in the Police Department's FY 2015 budget proposal.

The FY 2015 Budget included \$80,334 in salary and benefits for this new position. A CSO was hired in June of 2014.

- Maintain free residential garbage program.

The current contract expires August 31, 2017.

- Continue utilizing the GSB product as a roadway sealant.

- For aesthetic purposes the sealant shall be applied to all the roadways at the same time every three (3) years.

The GSB-88 sealant was applied to all City streets in the fall of 2014 for a total cost of \$139,608.

- Continue with the tree replacement program.

The tree care line item was increased \$11,000 in FY 2015 for a total of \$17,000. In FY 2016, \$16,000 is budgeted.

- Recognize and support a Youth Initiative Program.
 - Once the new building is completed, the City can hold monthly activities, such as movie night, and evaluate participation levels.

Third Priority Goals – Level 3

3.1 Preserve and cultivate a quality and safe community.

- Work with local schools and businesses on emergency plans.

3.2 Obtain grants for future projects, equipment, and new facilities.

A \$70,000 grant was received for additional curbs in gutter in FY 2015.

3.3 Approve an extension to facilitate the completion of the Oliviabrook townhomes by July 15, 2014.

An extension of one (1) year to July 15, 2016 was granted to Hartz at the May 12, 2015 meeting. Currently 10 townhomes have been sold and nine (9) are occupied.

3.4 Review and amend personnel and administrative policies.

Staff is currently reviewing the updates provided by Administrative Consulting Services. The Personnel Policy and Procedures Manual and past Administrative Policies were merged into one (1) document for ease of reference and should be coming before the Council for approval.

3.5 Implement an E-Pay system whereby citations, water bills, business licenses, etc. can be paid on-line.

Fourth Priority Goals – Level 4

4.1 Continue to work with local businesses to expedite hearings and permits.

4.2 Discuss the implementation of a residential aesthetics ordinance and a commercial and residential blight ordinance.

The City Council approved a property maintenance code ordinance in February of 2014. The City Council also approved a residential field inspection checklist to aid in the enforcement of the property maintenance code at the March 11, 2014 meeting. The Code Enforcement Officer is currently conducting field inspections and the goal is to inspect all residential

properties on an annual basis. In addition, the Council approved Ordinance 15-34 in April 2015 which allowed off-street parking of vehicles with visible ladders and tools.

4.3 Work with possible commercial sponsors on a City pride program including: banners, flags, and landscape enhancements.

4.4 Discuss improved lighting at Versailles.

4.5 Develop an electronic ticket program with mobile printer for the Code Enforcement Officer.

4.6 Continue to monitor the Krilich Development.

4.7 Establish a capital replacement fund for the Water Fund.

Staff Level Goals

Police

- Complete the policy and procedure manual.

The Police Department completed the policy and procedures manual update in September of 2014.

- Prosecute local ordinances at administrative hearings.

Upon further review it was determined that the City would continue to utilize the in-house prosecutor for DUI enforcement, administrative tows, and local code enforcement violations.

Building and Zoning

- Computerize the building permit process.

Executive Management

- Review all department organizational structures and operations.
- Develop a plan to increase resident and business communications.
- Create a wireless connection between City Hall and Public Services.

Staff received quotes for wireless connection project in March 2015. Project on hold due to the elimination of the City Hall renovation.

- Continue to update the City's website.
- Support finalization of the model natural gas franchise agreement.

Indications from the Negotiating Committee are that the matter should be completed soon.

Finance

- Earn GFOA Budget and CAFR awards.

The City received the GFOA Certificate of Achievement for Excellence in Financial Reporting for FY 2013 and FY 2014. The City also received the Distinguished Budget Presentation Award for FY 2014 and FY 2015.

- Computerize liquor licenses.