



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, November 21, 2017
Case #18-6

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:05 P.M.

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

Present: Chairman Caslin, Commissioners Ventura, Jackson, Cardenas (*arrived at 6:25 P.M.*), Donoval (*arrived at 6:15 P.M.*), Walberg

Absent: Commissioner Schneider

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Chairman Caslin said the first order of business was to approve the minutes of November 15, 2017, Case #18-4 for 17W729 Roosevelt Road, Petitioner JBP Oakbrook Terrace Property, LLC for Variations From Section 156.043 of the Zoning Ordinance Concerning Signage and Case #18-5 for 17W531 Roosevelt Road, Petitioner TCR Venture, LLC for Variations from the Zoning Ordinance For Yards, Dimensions Of Parking Spaces, Landscaping, And Dimensions For Driveway Flares.

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

Chairman Caslin asked for a motion to approve the minutes of November 15, 2017, Case #18-4 for 17W729 Roosevelt Road, Petitioner JBP Oakbrook Terrace Property, LLC for Variations From Section 156.043 of the Zoning Ordinance Concerning Signage and Case #18-5 for 17W531 Roosevelt Road, Petitioner TCR Venture, LLC for Variations from the Zoning Ordinance For Yards, Dimensions Of Parking Spaces, Landscaping, And Dimensions For Driveway Flares.

MOTION Commissioner Jackson moved and Commissioner Ventura seconded the motion to approve the minutes of November 15, 2017, Case #18-4 for 17W729 Roosevelt Road, Petitioner JBP Oakbrook Terrace Property, LLC for Variations From Section 156.043 of the Zoning Ordinance Concerning Signage and Case #18-5 for 17W531 Roosevelt Road, Petitioner TCR Venture, LLC for Variations from the Zoning Ordinance For Yards, Dimensions Of Parking Spaces, Landscaping, And Dimensions For Driveway Flares.

A VOICE VOTE WAS TAKEN AND PASSED 4-0.

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

Mark Daniel of Daniel Law Office, P.C., Mohammed N. Yaqoob, Petitioner, Jeff Miller of Watermark Engineering Resources, LTD, Maqbool Khan and George Simoulis, Architects were sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Chairman Caslin said the second order of business was to consider the request initiated by Mohammed N. Yaqoob for Oakbrook Terrace Holding, LLC ("Petitioner"), to approve a text amendment under Section 156.022(B) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance"), special uses authorized under Section 156.024(B) of the Zoning Ordinance, variations authorized under 156.023(B) of the Zoning Ordinance, and demolition of an existing structure under Title XV, Chapter 153 of the City's Municipal Code per the Legal Notice.

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

Petitioner Yaqoob took the floor stating that he has been in the gas station business for the last twenty-five years; they acquire land, putting a gas station, car wash and c-store. In the last two years, they have built a site in Mount Prospect, one in Roselle and recently just finished a project in Glendale Heights; a Shell Gas Station. Two additional projects going on right now, one in Steger, Illinois and one is in Evanston. In Chicagoland there are not too many new gas stations coming up, but their concept is totally new; they build a high-end building, beautiful store, beautiful fascia, and a state of the art car wash with a free vacuum system.

Attorney Daniel continued introducing Jeff Miller from Watermark as the engineer on the prior entitlement effort who is very familiar with this parcel. As he is very familiar with the site and this design, and has a very efficient design process, the only discussion in progress from an engineering perspective relates to reaffirming the county's commitment to the access on

Midwest Road and to the connection to the City's water system. They have to disconnect from the Village of Oak Brook and connect to the City of Oakbrook Terrace water system as a request from the Public Services Director since the beginning and that is in progress. The landscape plan before the Commission was prepared by Miller.

Attorney Daniel discussed the background of the surrounding area in relation to the subject parcel. Comar Properties is to the east of La Quinta and are a special neighbor because they own Comar Road. The Shell Gas Station on the northwest corner of 22nd and Midwest has had a monopoly on gasoline sales; there is one station that touches Butterfield and 22nd between 355 and 294. It is an Oak Brook parcel and there are some restrictions with how far forward they can build that affects the car wash in the back and the size of the convenience store. It is an inefficient location for a convenience store and it is somewhat a problem when trying to sell gas; it is not good to have such a small c-store. It is a Circle K and it sells Shell gasoline. The proposal for the north side of the site includes a much larger building and takes advantage of the fact they are on a private street that does not allow access. There will be no access to the north so in some respects, it is a corner lot from a planning perspective. In reality, because it is privately owned, there is no access and it is really an interior side yard from a neighbor's concern perspective.

Attorney Daniel stated that in the entire business district, there are a number of parcels that are either vacant and unimproved, or improved and unoccupied, or underutilized if they are occupied. There are some month-to-month tenancies while looking for new tenants and there are buildings that are vacant. Butterfield Point is fully entitled and they have many people with interest, but do not see activity. This property was initially set up for a retail center. In 2016, the City approved Ordinance No. 16-24 authorizing a four or five unit center with a drive-thru operation. With the volume of retail space that was available, it was very difficult to market the property over the past year. At the same time, Butterfield Point with vacant units that were being marketed, John Calfa at JRC Plaza with a couple of vacant units, and vacant land that is ready for retail. So, proceeding with retail at this location, that competed with all that retail, it is possibly hurting others that have their entitlements in place already. It's not to say that the market is over-saturated with available retail because it is a busy area and a great area to have retail. The proposed gas station keeps it a retail, but it is a different kind of retail. It is a high intensity retail that draws from existing traffic. In thinking about the road system, the intersection of 22nd and Midwest, 66,000 vehicles average daily traffic. Midwest Road passing in front of the property, 15,400 vehicles per day; Butterfield, 41,000 to 42,000 vehicles per day. So just within eyeshot of the front curb of this property, tens of thousands of vehicles and one inconvenient gas station. This property, historically when the Burger King was there, had the same entrance, for ingress and egress alignment being

proposed. For the shopping center, DuDOT authorized continuation of that entrance configuration knowing that there is a left turn out, knowing that there is a median just south of where the left turn would be made, and knowing that every now and then, when pulling out you might have to pause a little bit before tuning into to traffic; that is called a two stage turn. In this case, gas stations draw from existing traffic; they are not a destination location. Gas stations draw from people who are on the street system already, so it is actually a better situation for the property than the shopping center. The expectation is for DuDOT to continue the entrance configuration that has been approved historically for the Burger King and the retail center. When thinking about how hard it is to make a left turn at any intersection, the question is how many gaps are there. In submitting the information to DuDOT for review, traffic consultants, KLOA found that there was well in excess of 900 gaps available during the time of their study; that is more than enough, KLOA also considered something special in this case, showing how strong the daytime population is. The traffic volumes during the day between the 11:00 A.M. and 2:00 P.M. timeframe, are greater than the AM and PM peak hours because of the thriving commercial center that draws people in from their offices.

Attorney Daniel continued stating that there is a continuous drive aisle through the property that meets the City ordinance and there is nothing to block the traffic that is coming into property; nothing to back it up onto Midwest Road. In comparison to the prior development, there is a larger landscape area than before and the sign as it was previously is pushed south. Under the Zoning Ordinance, they are entitled to two monument signs because of the two frontages. The sign proposed is at the same height as the previous shopping center. When thinking about why there are variances, they come up when there are instances of practical difficulty or hardship. This is probably the only new building that has a public sidewalk in the right-of-way; the sidewalk extends from Comar all the way down to the Shell. Under the American with Disabilities Act, they are required to connect the main entrance via a walkway that is safe and designed the right way to the public sideway; otherwise, they are in violation of the ADA. The safest location is along the south side of the property, which creates a variance or two. No matter where they come from, they have to cross a drive aisle; the shortest drive aisle to cross is where they have placed the walkway. When it comes to parking, there will be parking spaces lining the entire south lot line; taking the parking away from Comar so as to not create a distraction with headlights or create a view conflict for Comar traffic.

Attorney Daniel stated that the building is situated in a way where the intensity is more toward the south. The Shell car wash is right along the south lot line with their entry right across. Ten cars can be stacked before getting to the car wash drive thru entrance sign; more than is necessary in the

ordinance. The bypass lane passes on the north side of the property and out; it is not going to be used very much. The first question that always comes up is what is happening with the access on to Comar; historically the owner has not wanted to have access. While this project is in existence there is not going to be as much pressure for access onto Comar. The height restriction sign for the car wash is an additional freestanding sign; it has to be tall enough to hang a height restriction sign from a pole, which is above maximum height for a directional sign. It is part of the sign area and because of that, there is a sign variance tied to that as well as the LED sign to tell when the car wash is closed. The box to enter the passcode for the car wash is like a menu board for any other drive thru, but there is nothing in the ordinance for a car wash; there is no real classification of that sign. So, another variance is to allow a menu board type sign for a car wash accessory to a gas station. The car wash has its entrance opening to the west and the exit to the east; opening to the intensity of the McDonalds and to a retaining wall on the west away from the hotel and away from Comar's building so that the sound from the car wash is going to go toward the east and going to go west. The vacuum system is located where the exit to the Shell car wash is which is louder than the vacuums are going to be. Seven vacuum systems will be along the south line of the property, and additional parking spaces for employees and other patrons. With respect to the building itself, the main entrance to the building is at roughly the center of the east wall. The car wash will screen any of the outdoor storage for propane, ice box, and stacked displays; out of view from the north on Comar or in Comar's building. The two ADA spaces will be right outside the entrance; the second space is not required but being provided voluntarily. There will always be two employees on site with the register being placed within eye view of the pumps and the interior of the store.

Attorney Daniel noted on the south end of the unit a gaming café is being proposed with five machines. For parking, the gross area of the entire building was used minus the area of the gaming café. That gross area is multiplied for the parking requirements for the interior of the c-store. For the gaming area, the area covered by the seats and number of seats is used. Instead of a rendering, actual pictures were provided from the Roselle store on the northeast corner of Gary Avenue and Lake Street. The window signage on the exterior of the building requested is 25% coverage on all the forty square foot signs, which is typical for a convenience store and a gas station. One aspect of the sign request is for the number of fake windows that run along the western part of the south face and the entirety of the west face of the building to allow posterized window coverings on the fake windows for signage to inform people going through the drive thru of what is available on site. When thinking about a gas station, there is no gas station in the world that can meet Oakbrook Terrace's sign regulations; it is simply impossible. Because they are busy site, proper directional signage is necessary.

Attorney Daniel added the number assigned to a pump or if it has a logo on it, it is a sign. The entire piece of each side of the pump can often be a sign; it's not because it is telling you anything or that it has BP or Shell across it, but it has their colors and that is trade dress. The canopy is an enormous amount of signage but there is not a gas station canopy in the world that is not going to carry their colors. None of that signage will ever comply with the City of Oakbrook Terrace sign ordinance. The variances for area in the number of signs on site for every single sign possible including window signs at 25% or 100% depending on if it is a fake window, dozens of signs under the canopy for pump number, posters for new gasoline on each station does not look out of place. The signage is not out of line with other area gas station locations. The west face of the building is proposed to have a car wash entrance sign, a wall sign that is on the building, the Olivia's Market sign for those coming from 22nd Street Plaza or the OTB. The VIP Café's sign is quite small in proportion to the dominant use of the property, which is the convenience store, gas station and car wash operation by Olivia's Market. The front side of the building, the signage is not out of place, the dominant land use takes account the bulk in signage. The exit sign for the car wash is a necessity, but it has the character of the VIP Café and Olivia's Market. With respect to the car wash, there is a sign on the north elevation. On the south elevation, the car wash sign is to let people in Oakbrook at that Shell know that there is something better in Oakbrook Terrace. Over time you find with gas stations is that it takes a while for people get comfortable with the location, know the traffic patterns and get used to the business being there. Business grows tremendously the first two or three years and then it grows about four percent and then maybe one to two percent ten years later. In this particular case, this particular location is expected to operate at about ten to twelve percent higher sales than Roselle just because of the traffic. Of the signage on the site, there are about ten key signs to pay attention to; the two monument signs and the wall signs are the bulk of the signage.

Attorney Daniel continued from a planning perspective some think about categories of use, that certain types of uses shouldn't aggregate near each other. Why two right next to each other; the site is available and is next to the one of the most successful gas stations in the state because it has had its monopoly. Gas stations are also a lot like McDonalds and Burger King, or 7-elevens and White Hens in that they co-locate and a competitor comes in right next door. It is not out of the ordinary for different gas stations to be on different corners in any city. With respect to utilities, the water is currently connected to the site on the south side of the property from Oak Brook water. This car wash recycles 60% of its water, 120 cars a day on average during the year, about 2,075 gallons of water usage and most of that is recycled. One of the questions that came up is will Oak Brook allow water service for a gas station and see its tax percent dissipate. The City has a water main to the north, towards the north end of the Comar building. It is in the Midwest

right-of-way and has a direct line with a slight jog to the property; it is serviceable. Flagg Creek reviewed the water usage; Flagg Creek is comfortable with the water usage. Turn templates show that the tanker can get in to fill the tanks, which are situated toward the southwest side of the canopy. Chief DeLuca also reviewed a turning plan for the fire truck and had no questions at all. If water is run in from the Comar building, two or three fire hydrants will need to be put in. There is a variance with respect to loading. The dumpster enclosure is on the southwest corner of the property. The width of the loading zone will not be striped. Area wise, the space is larger than what is required by the Zoning Ordinance, it is just not striped as wide.

Attorney Daniel then addressed the text amendment. When reading the ordinance about car washes, whether stand-alone or accessory to a gasoline service station, it is not as clear as it could be given modern car washes today. The height restriction takes away building creativity. The current ordinance quoted with redline is included in the narrative provided. The special use that is itemized for automobile service stations is one that is being sought. The text amendment on page nine of the narrative, is trying to draw a distinction between car washes that are an accessory to an automobile service station and car washes that are accessory to a retail use. There are a handful of things tied to the special use language for the automotive service stations that are dated in the ordinance, that are touched on in the text amendment. It is a text amendment of convenience that has been provided with this application; this application can survive without the text amendment. When it comes to the standards for text amendments, does it make common sense and meet with practical and reasonable judgement. In this case, it would be a good idea to recommend the adoption of the text amendment with the car washes. With the variations, the focus is on practical difficulty and particular hardship. The variation can be justified by the circumstances in one or the other. An example of practical difficulty is in complying with the ordinance and the ADA requirement for the walkway. Particular hardship in this case relates primarily to the juxtaposition of this property in the busy zoning district, a corner lot by appearance but an interior lot when it comes to street access. Practical difficulty comes into play with variances tied to the tapers on the drives. There may be a number of these variances, but a lot of them are common sense variations you would expect to exist. On the landscape side, it is fairly incredible what you can see happening on the site. With retail, the storefronts need visibility, but with a single user like Olivia's Market, the same amount of visibility is not needed. So, there are more trees in the front, more trees in the back, there are even trees planted on the interior to the right of the car wash entry and the building to soften the view of the building from Comar. There is an enormous amount of points compared to the prior approval of Ordinance 16-24. There are some tight spots, and predictably, that tight spot is going to be on Comar; the Comar side of the property has always had tight landscaping because when

Comar is plowed, attention has to be paid to what plants are going to be buried by that snow. The 2016 approval had zero lot line approvals on three sides; they do not have zero lot line approvals. They are within the paved area limitation; closer to five feet on the south, on the waste enclosure, and for a very small part of the car wash drive thru by-pass lane which is a passive use lane.

Engineer Miller took the floor to highlight some of the work that Watermark did to fill in a couple of things. To continue with the landscaping, there are 80 points more than what is required. With more room in the front than last year's proposal, plants were put where headlights will impact neighbors. Much year-round greenery has been added in the tight spaces and they have a much more diverse palate to choose from, including grasses, perennials, evergreens, shade trees and ornamental trees. On the engineering side of things, they have worked closely with Dan Lynch and came up with a storm water plan that is similar to what was approved last year. Because of the site and the way it is being developed, the landscaping being added is mostly on the perimeter from the street point of view. From a drainage standpoint, they are providing storage on the property to match what is there; actually, a little bit more than what was there before. In calculating what the volume is being collected today, they will not be sending any more downstream; the volume will be replicated in underground storage pipes so it will not be visible on the surface. The water main is something they are working on with Craig right now, as far as what is the best option to bring Oakbrook Terrace water to the property. For sanitary, they have worked with Flagg Creek and there is no issue with the proposed sewer flowage or capacity; they just need to go through the process of getting a permit.

Attorney Daniel added two things that he had missed; digital sign approval for this site include the already mentioned LED sign for the entrance to the car wash, a digital sign for the gas prices that could change twice a day, and a digital message board sign at the bottom of the north monument sign to advertise what is available on site. The car wash is situated close to the north lot line, one very important circumstance of this development is no matter how they try to cut the water issue, and solve questions on water, what is best for the property is probably a different route than what the City wants. They are committed to working with Craig Ward, the Director of Public Services, to look at alternatives. Attorney Daniel wrapped up the presentation by summarizing what was previous discussed.

Chairman Caslin opened the floor for public participation.

Chairman Caslin asked for any positive testimony or negative testimony.

Resident Shanahan asked if he could just ask a question.

Resident Shanahan introduced himself and asked about the pole sign and the digital pricing signs.

Attorney Daniel stated that the pole sign is located at the entrance to the drive thru. There are two monument signs, and the pole sign is situated at the southeast corner of the building. The digital pricing signs will be on the monument signs. One monument sign is situated about eighteen feet south of the north entrance and that one will have pricing and the digital message at the bottom. The south monument sign will only have pricing.

Resident Shanahan then asked about the identification on the canopy that is the brand of gas.

Attorney Daniel replied that right now in the package, the BP trade dress is shown. The canopy is essentially wrapped and it would be lit. This gas station would be open 24 hours a day, the café would be open only when the liquor ordinance allows, the car wash is not going to be open 24 hours a day, but will be evaluated from a business perspective. The canopy signage is light green / dark green wrap with the logo for BP.

Chairman Caslin closed the public portion of the hearing.

Chairman Caslin asked if there were any comments from Building and Zoning Administrator Dragan.

Building and Zoning Administrator Dragan took the floor stating that Mark Daniel and Jeff Miller made a detailed presentation for the proposed redevelopment of the property consisting of a gas station, car wash, convenience store, and a gaming café. In conclusion, the Applicant is requesting approval for text amendments, special uses, and variations from the Zoning Ordinance for yards, landscaping, signage, accessory buildings and structures, driveway flares, and loading zone. The Commission received plan review reports from Dan Lynch of Christopher Burke Engineering and Fire Chief DeLuca of Oakbrook Terrace Fire District and the Applicant responded to the issues addressed. Of course, further details are subject to be reviewed during the building permit process if the ordinance for the property will be approved. Mark Daniel mentioned about the gaming license and connection to the City's water system. These matters including the liquor licenses will be addressed before the City Council.

Chairman Caslin asked if there were any questions from the Commissioners.

Commissioner Ventura commented that Mark Daniel did give a very thorough presentation, but one of the first questions that always comes up is the access on to the Comar Road.

Attorney Daniel agreed that it would be more attractive for this site. Comar is subject to a number of easements and Comar is designed to serve the City's largest retailer. It is not just the Comar Road owner, but his duties to the others that are served by the easement; La Quinta, The Home Depot and 22nd Street Plaza.

Commissioner Ventura asked if he feels that the owner finds that as a negative if there was access. With the car wash there it was mentioned that it would eliminate future discussion about access on to that road. This is a lot too, a café, gambling, convenience store, gas station, vacuum; it is putting a lot in there and she would hate to see that door close of ever having access on to the road. More concerning is that the car wash would be blocking the future of ever having access on to that road which would increase business to have more turning opportunities.

Attorney Daniel responded in that when thinking about the road there are a few things remember, way back in the seventies when the road was created, initially the plan was to have it as a four-lane road. That is not what is out there now, and people have really grown accustom to having a one-lane road that splits into two lanes to go left or right at Midwest. If there was an entrance there, it would disturb the continuity of that traffic coming out of Home Depot. There are traffic patterns there that have been long standing and they have been fine; there are over 967 breaks in the gap study that offer the left turn out.

Commissioner Ventura added that she does not hold it against this property, but how much effort has been made to get access on to Comar Road.

Attorney Daniel replied that since he has been dealing with that block, every project is a discussion of it. There is a causerie arrangement and once an easement is created, that easement truly is intended to only serve the invitees, guest and owners of the beneficial rights to that easement; this property is not part of that pool. The view of opening Comar very recently was not favorable.

Chairman Caslin added that many years ago Burger King tried to get a cut in there, and they were not receptive to even Burger King at that time.

Commissioner Jackson asked if DuDOT approval needs to be sought again.

Attorney Daniel stated that a highway access permit needs to be obtained from the county so that the driveways can be improved and connect the new system. There is work in the right-of-way that will need to be done to connect the water because that is actually in county controlled right-of-way.

Commissioner Jackson asked if it is possible that they could object now when they didn't object before.

Attorney Daniel replied that they know about it now and have been given the traffic report and everything; same firms are involved and same engineers are involved. They will have to review it and it goes through their process just like the last one did; there is no reason to believe that this project is going to see a different fate.

Commissioner Jackson then asked if the water decision has been made to go to Oakbrook Terrace or if it is still an open question.

Attorney Daniel stated that he has made the decision; just has to figure out how to finance the decision. There is a \$145,000 connection fee and it gets a little bit beyond the planning side. They want to connect, and are actually to the point of mapping out how to accomplish it and discussing how long they will wait before final engineering is done. They are seriously looking at water and have spent a good deal of time and effort on it.

Commissioner Jackson asked if the appropriate authorities, the state and the City don't grant the liquor or the gaming licenses, does the deal fall apart.

Attorney Daniel stated that he thinks it does. This site has a long history and it is hard to come out of this long history without that additional protection. When thinking about these gaming cafés, it is a use question. Folks that game will do it if they are dining, and they just get the urge. Most people prefer a more private location, a more passive environment for gaming. It is a venue with tables and a lounge style seating arrangement. It is an important assurance for a challenged property. These types of locations and uses are being invited to municipalities; where it is a mix, an add-on, where there is already some traffic to capture some of the opportunity from a regulatory tax perspective. Looking at saturation in this case, there is not any indication that a gaming location suffers because another is opening in town or within a quarter mile. This will be the only location on Midwest Road which is an important component in looking at the application. Economically it is a very important part. The tax goes on between money bet and money paid out; 30% goes out in taxes, 25 to the state, 5 goes to the City, the property owner and machine owner split the rest. It's an important assurance that you have capital behind your project; it affects everything from your confidence in the deal to your lender's confidence in the deal.

Commissioner Jackson had one final question in regards to the false windows that have signs on them; it is the signs that cause the problem, even without a false window it would be the same problem. From the Commission's perspective, it doesn't matter if they are false windows or not.

Attorney Daniel replied that it is just an attractive wall sign in a window. The false window will be there no matter what, the question is whether they can have a sign on those false windows because technically it is a wall sign and not a window sign.

Chairman Caslin asked about the snow removal and where the snow will be dumped temporarily until they remove it.

Attorney Daniel noted that in theory they could temporarily use some back parking spaces. The other option is to use the drive by lane. There is sometimes a four-hour delay between the time the plow comes and the haul needs to occur.

Chairman Caslin continued asking about the variance on the text amendment for the height of the car wash. That ordinance was constructed that way for the Standard gas station when they put a car wash in the back of the building; it was an after-thought for that building. Chairman Caslin directed the question to City Attorney Pacione asking if there was a way in that text amendment to word it as free-standing building similar to the Mobil; if it's part of the structure it can be equal to that structure's roof line.

Attorney Daniel stated that he thinks the Mobil car wash is above sixteen feet. The dominant concern with today's car washes is the pumps required for recycling and high-powered blowers, you are not going to get a car wash in a sixteen-foot-tall structure. So, it's basically drafting an ordinance that says unless it is tied to a use like theirs, or somehow get Mobil into the picture, that they are not going to be able to have a car wash.

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

City Attorney Pacione had a couple of clarifications. The Petitioner indicated that he was the developer and owner of the Glendale Heights store.

Attorney Daniel responded that an affiliate.

City Attorney Pacione noted that he was involved in that and he was not the Petitioner and as far as he knows, is not the owner of the Roselle store either; which leads to the second question of whether the businesses are going to be bifurcated on this site; different ownership.

Attorney Daniel responded, yes, they will have an LLC that holds the property. Mohammad Yaqoob was the Applicant. The setup of the LLC which is Oakbrook Terrace Holding LLC; documents have been filed, the disclosure of interest, the reimbursement agreement executed by the LLC. Once the

property is developed, there will be tenants; one will be the gaming café tenant, the other will be the Olivia Market's tenant. They are two different businesses, two different liquor licenses, but they are both Illinois corporations.

City Attorney Pacione asked with the same shareholders, same members.

Attorney Daniel replied, yes.

City Attorney Pacione replied that he will have to look at the code as to whether Oakbrook Terrace considers that another use.

Chairman Caslin asked if there were any additional questions from the Commissioners; there were none.

MOTION Commissioner Jackson moved and Commissioner Walberg seconded the motion to approve Case #18-6, the request initiated by Mohammed N. Yaqoob for Oakbrook Terrace Holding, LLC ("Petitioner"), to approve a text amendment under Section 156.022(B) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance"), special uses authorized under Section 156.024(B) of the Zoning Ordinance, variations authorized under 156.023(B) of the Zoning Ordinance, and demolition of an existing structure under Title XV, Chapter 153 of the City's Municipal Code per the Legal Notice.

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

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

Nays: None

Absent: Commissioner Schneider

MOTION PASSED WITH A VOTE OF 6-0.

Chairman Caslin 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 December 12, 2017 City Council meeting agenda. The next Planning and Zoning meeting is scheduled for Tuesday, December 5, 2017 and the public hearing packets have been distributed to the Commission this evening.

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MOTION Commissioner Jackson moved and Commissioner Cardenas seconded the motion to adjourn the meeting.

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

Chairman Caslin adjourned the meeting at 7:50 P.M.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Michelle Bossle". The signature is written in a cursive, flowing style with large loops and a prominent initial "M".

Michelle Bossle
Building and Zoning / Planning and Zoning Secretary