



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, June 21, 2016  
Case #17-3

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

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

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

Absent: None

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Michelle Bossle, Building and Zoning / Planning and Zoning Secretary, Ross Duncan of BR Design & Architecture, Loran Eatman of DDL Property, LTD, Mark Daniel of Daniel Law Office, P.C., Javier Millan of KLOA, Inc., Raj Patel of The Hari Group, and Eric Carlson of ECA Architects.

Chairman Noble said the first order of business was to approve the minutes of June 7, 2016, Case #17-2 for Anyway's Pub and Restaurant located at 5 East Roosevelt Road for Petitioner 5 East Roosevelt, LLC for a Variation For Signage.

Chairman Noble asked if there was any final discussion.

MOTION Commissioner Jackson entertained a motion to delay approval for the minutes of June 7, 2016, Case #17-2 for Anyway's Pub and Restaurant until the July 5, 2016 Planning & Zoning Meeting.

Commissioner Schneider seconded the motion.

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

Ayes: Chairman Noble, Commissioners Schneider, Ventura, Jackson,  
Cardenas, Donoval, Smurawski  
Nays: None  
Absent: None

MOTION PASSED WITH A VOTE OF 7-0.

Chairman Noble asked for a motion to table the minutes of June 7, 2016, review of Plat for Bernardo Subdivision at the SW Corner of 16<sup>th</sup> Street and Luther Avenue for approval at the July 5, 2016 Planning & Zoning Meeting.

MOTION Commissioner Jackson entertained a motion to delay approval for the minutes of June 7, 2016, review of Plat for Bernardo Subdivision until the July 5, 2016 Planning & Zoning Meeting.

Commissioner Smurawski seconded the motion.

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

Ayes: Chairman Noble, Commissioners Schneider, Ventura, Jackson,  
Cardenas, Donoval, Smurawski  
Nays: None  
Absent: None

MOTION PASSED WITH A VOTE OF 7-0.

Chairman Noble said the second order of business was to consider the request by Oakbrook Terrace Retail Investors, LLC ("Petitioner"), to approve special uses relating to a new building 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 that includes a restaurant with a drive-through window authorized under Section 156.087(C)(35) of the Zoning Ordinance.
2. 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.

3. 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 pylon sign along the Midwest Road frontage between the driveways of the Subject Property which is not taller than twelve (12) feet, and (b) a pole sign at the entry to the drive through not taller than eleven (11) feet.
4. A variation from Section 156.051(D)(1) (requiring above ground service facilities to be situated three feet from the side lot line and five feet from the rear lot line), 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 three (3) feet of the south lot line and within 250 feet of another existing above ground service facility and to allow such facility to exist without screening except for that provided by the refuse area screen.
5. A variation from Section 156.087(G)(1) requiring a minimum front yard (north) to pavement of ten (10) feet in order to permit the location of parking stalls as close as three (3) feet from the lot line.
6. A variation from Section 156.087(G)(2) requiring a minimum side yard (south) to pavement of five (5) feet in order to permit the loading area and drive-through lane by pass to be situated not closer than zero (0) feet north of the lot line.
7. A variation from Section 156.087(G)(3) requiring a minimum rear yard (west) to pavement of five (5) feet in order to permit paved areas for parking spaces two (2) feet east of the lot line.
8. A variation from Section 156.087(G)(4) limiting the use of a common access drive to one-half of a side yard requirement in order to permit the location of the drive through lane bypass on the south side of the building to occupy an area that is as close as zero (0) feet to the south lot line and extends across the side yard required by ordinance as many as thirteen (13) feet.
9. A variation from Section 156.087(I), Section 156.049(H) and Section 156.049(I) in order to permit perimeter, parking lot and general landscaping relief with the required landscaping reflected in the landscape plan on file with the City which contemplates reductions in the requirements along the south and west lot lines as well as within the interior of the parking area and drive aisles.

10. A variation from Section 156.101(E) limiting widths of commercial district driveway flares to five feet on each side of every driveway in order to permit driveway flares at the north driveway not to exceed 20 feet (north curb) and 20 feet (south curb), and driveway flares at the south driveway not to exceed 20 feet (north curb) and 16 feet (south curb).
11. 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.

Ross Duncan of BR Design & Architecture, Loran Eatman of DDL Property, LTD, Mark Daniel of Daniel Law Office, P.C., and Javier Millan of KLOA, Inc., were sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

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

Representing the ownership of the property, Eatman of DDL Property, LTD took the floor and stated that the development in the Summit corridor has been positive and they are hoping to add to that and make it as inviting as it has already become.

Attorney Daniel of Daniel Law Office, P.C. then took the floor with his presentation. Next door to the OTB is a Burger King that has been vacant for quite some time, a bit of a black mark on a block that has really gone through a good deal of change. At this point in time, they are proposing a drive through operation at the south end of what would be a mixed-retail use building. As far as the request before the Commission, there is a request for a sign variation issue, a request for the drive through special use permit, and certain requests relating to the configuration of the property in relation to abutting properties. Presently, to the north is a non-dedicated public street that would be the eastern access from Summit/Midwest Road into the Home Depot. That is a private drive that has a narrow strip, in part because of necessity, but years ago the City approved that form of access at that location. That is one frontage for the property on the Summit side, and the main frontage for the property at which there are two points of ingress and egress. DuPage County has been consulted and the Division of Transportation at the County has no problem with the preservation of access as proposed. They do not have a problem with the drive through.

KLOA out of Rosemont was retained and has confirmed a number of key points in their traffic study that relate to the drive through special use request. First and foremost, the drive through operation works. It is a similar counter clockwise fashion to every other drive through that has been approved and food is given out on the driver's side window. There will be 9-10 stacking spaces because there is some flexibility in how cars may line up, but the City requires only six. The drive through starts stacking around the rear of the building so as to preserve access to the parking spaces that have direct visibility from the street. The drive through provides for a continuous bypass. With respect to the drive through itself, there is not a particular plan for placing a menu board or the size of the menu board.

Attorney Daniel continued stating that the site will draw significantly less traffic than what the Burger King generated; another significant conclusion that KLOA has provided in the traffic study. As far as the turn movements, the County's satisfaction has jurisdiction over Summit/Midwest Road and the County is satisfied that full access points at each location are appropriate. There are hours in the day where traffic is admittedly congested in the area, it has been that way for decades. Site plans and preliminary engineering plans are available and the Oakbrook Terrace Fire Protection District and Dan Lynch have been consulted. Both have provided some thoughts and comments and any requirements can be met during the permitting process. Flagg Creek has typical concerns in regards to handling the waste from the buildings and the type of piping based on the type of restaurant, but all of this is planning and permitting, not necessarily a zoning issue.

Attorney Daniel continued with discussion on the variance for the sign height. According to the ordinance, an increased sign height is allowed along 22<sup>nd</sup> Street, but the height shrinks as you move away from 22<sup>nd</sup> Street. A pylon sign that extends towards the sidewalk is being proposed. That pylon sign needs to be visible to traffic coming from the north, coming from the south, traffic on the private drive, and possibly during the right time of day, traffic coming in from the bank or McDonald's. The proposed sign height is above the allowable sign height and the tenant features will be prominently displayed high above the pylon. There is no attempt to gain extra sign are whatsoever. The purpose is to just try and get the sign above the traffic.

Attorney Daniel discussed the conceptual elevations that can be expected with what would be a mixed use retail building with a blend of restaurants and the drive through on the south end. The building is broken up in color and tone as well as the elevations on the front walls. The height of the building is proposed to be respectful of the surrounding areas. There are a handful of traditional signs in respect to the drive through that are proposed similar to other drive through locations in town.

Attorney Daniel also stated that when it comes to the site plan itself, relief from the side yard requirements, the distance to paving requirements on the west and landscape relief on the south are being requested. Legal notice was provided and the sign postings were within the time period required by state law. People were notified out to about 300 feet and probably to a broader area than required. With that he spoke about the practical difficulty and particular hardship. In order to create a drive through with a bypass lane and maintain parking spaces that meet code according to the department requirement, there is some pressure on the yards. The thin strip of narrow landscaped area along the private street will be preserved and enhanced with some plantings although they don't meet the code for overall plantings. The same is true with the narrow distance from the parking curb on the west to the west lot line. Landscape relief on the south is also being requested. Landscaping for the green space and yard space is being provided; it's just not quite enough. With respect to particular hardship on the signage, the sign should be in a way of convenience to drivers in the area and it's important with the turn movements in the area to have the right site identification.

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

Building and Zoning Administrator Dragan took the floor and stated that the Petitioner's Attorney made a detailed presentation concerning the proposed redevelopment to allow the construction of a multi-unit commercial center. Since so many documents were received in advance of this public hearing meeting, she asked if Attorney Daniel could specify the size of the building, lot area, and building height which will be in conformance with the code. For example, the property is zoned B-3 General Retail and building height is allowed to be up to 35 feet, however the drawings received show that building height is subject to be determined. In approving the plan, they will have some possibility to change a little bit in case they want some ornamental features that may actually increase the height of the building. Also, one of the public hearing document submittal requirements is to submit two building elevations. Building and Zoning Administrator, Dragan asked if Attorney Daniel could refer to the building elevations and specify the proposed construction materials that will be used on the west and the south side of the building.

Attorney Daniel stated that they are seeking an approval relating to the sign and the site components relating to the site plan so that the drive through is fixed, the flares for the driveways are fixed, but there could be flexibility in the building. Examples of that could be a slight increase in height; it could be that the building shrinks back and somebody would like to have a patio outdoors. But, what the Petitioner is trying to do is fix the components relating to the drive through and the matters related to the drive through.

Architect Duncan took the floor and stated that the premise of the building was to bring an attractive building to the site. The building is not anywhere near the height limitation. No tenant driven piece would bring them close to the 35 feet that would be allowed. They just don't have the physical dimension and volume for this building; it is not very big so it would start to look a little bit lopsided. The entire building will have either masonry or some stone component. They might use an architectural panel system on two of the façade areas, probably more of a metal-type that would have a more current look, would wear-weather better and won't get dirty so fast. In between will be typical store fronts. The store fronts are set up in a way so that it's possible that the divisions won't be perfectly in three components. The center component might make up two smaller retail spaces. All the code issues would be addressed in those interior build outs with the tenant permitting at that time. At this point, the back will have masonry and stone coping to match the return on the sides. The sides wrap around so that from the street view, the majority of the building in view matches the front exposure. There may be a need for potential variations because with a national tenant, they are going to want to see possibly some of their trade dress, so they have not been real specific about type of brick or exact colors. The maximum height of the building is currently at 23 feet at the front, the height for the return around is at 16 feet 6 inches. The reason for that is, even though there may be a shorter ceiling height inside, the parapet walls can be brought up to help shield any roof top equipment. In that regard, the sample elevations give a general idea of what would happen with the caveat that there may be a change depending on how some tenants may look at it. The rendering gives an idea of what the ownership developers have been looking at. The signs might end up on a raceway in order to maintain the condition of the building. Whatever is done on the front, the general idea is to wrap it around. There will be some general ornamental lighting on the building and then the site lighting will be providing the safety lighting for the drive through and parking and pedestrians.

Attorney Daniel touched on some of the material in the packet. The commercial site data is in one sheet where the ordinance is being met, where it is not being met, and by how much it has fallen short. Also included is a parking tabulation spreadsheet that shows different tenant mixes. The parking requirement is 31 to 32 at the low end and 39 at the high end including two handicapped spaces regardless of the number of tenants. With respect to the size of the property, the frontage on Midwest Road is 195 feet and the square parcel is about 37,500 square feet. The building is not going to be utilized in its current format. The developer has been around the City for some time and knows the market well. In conclusion, Attorney Daniel asked that the Commission recommend the project favorably to the City Council.

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

Commissioner Smurawski asked if they have any idea who their tenants might be yet.

Attorney Daniel stated that this is a step in the process. There are a lot of fluid negotiations going on, a lot of parcels in town. Looking anywhere on 22<sup>nd</sup> Street, that is the case. They have a certain mix in mind; the drive through user could very likely be one of those morning intensity users. But this is an important step in the process because with or without the drive through affects 15-30 answers that would be given to a prospective tenant. So, the plan needs to get approved first.

Commissioner Donoval then asked about the curb cut on the west end of the property that could help a lot with the congestion of the traffic there.

Attorney Daniel stated that the curb cut to the private street that comes from the Home Depot side would require quite a bit of work and other tenants are not interested in interrupting that access because they all have easement rights. It is something that has proven to be impossible in the past. It is probably one of the reasons why the County approved the access they had and the County is happy with the two access points.

Commissioner Donoval stated that now all the traffic coming in and coming out is through Summit/Midwest Road and with the back entrance, half of the traffic could be eliminated.

Attorney Daniel agreed stating that as far as the public benefit, there really isn't one because it is less than one car-length to turn out of a location 20 feet north.

Commissioner Schneider asked if they are able to put some landscaping on the west side of the property by the OBT.

Attorney Daniel stated that they were able to get some landscaping in. The landscaping falls short in a lot of respects of the height required to qualify for landscape points.

Architect Duncan stated that the existing pavement edge went beyond the property line; it almost goes to the retaining wall curb from the Off Track Betting. The existing line goes beyond the property line to the north as well. It is an evolution of maintenance and repaving. So even though the request is for some relief along the landscape line, there is virtually none right now. The green space that is left would be maintained but there would be no additional planting on the other private property.

Commissioner Schneider asked about the number of cars stacking in the drive through without knowing who will be the tenant.

Attorney Daniel stated that six is the required minimum in the ordinance but more will be provided. In the table, ten was noted, but if someone is lagging way behind, it will be nine.

Chairman Noble asked Attorney Daniel if they are trying to get three units in that space because it looks like it might be crowded.

Attorney Daniel responded stating that there is a national trend of quick service restaurants that like to locate in these centers. It is one of the preferences for a range of restaurants that doesn't necessarily exist in the area right now. They are not going to go to Oakbrook Center, they are not going to locate on their own like Specialty's did, but they will co-locate in shopping strips like this. The balance of signage by the tenants will avoid the appearance of clutter. With respect to traffic, that is the only other sign of congestion on a property, there will be substantially less traffic than the Burger King had. The heaviest peak typically around this area is during the lunch hour for all of its restaurants and the traffic during that period is still going to be less than what Burger King brought in. So this development should have less impact assuming there are two restaurants in the strip. Some examples on the parking numbers when it comes to congestion, the ordinance requires the calculation of parking spaces based on the square footage of the area where the diners sit at a table or a bar. Assuming 50 percent of the restaurant would be used for dining when it is actually more commonly 25-35 percent, so they were conservative in their approach so that they did not come up short on parking.

Building and Zoning Administrator Dragan mentioned that she recently had a meeting with representatives from one of the larger office buildings in Oakbrook Terrace and they noted how building codes have nothing to do with the zoning in the office building, however; many single tenants occupy the entire floors. There is a big demand for multiple tenants to occupy a single floor. So it is the same in the retail as in the office use.

Chairman Noble asked if they have any prospective tenants.

Attorney Daniel replied that there have been discussions and negotiations, but certain questions cannot be answered. The hearing is a key step. The corridor is changing as far as tenants go and they are not necessarily signing leases until they know exactly what's there so they know what their share is.

Chairman Noble opened the floor for public participation.

Resident Robert Shanahan asked if they had stated the total square footage of the building and if the drive through is only to service one of the tenants.

Attorney Daniel replied that the building is at 8,000 square feet right now. That would be the cap because the drive through wraps around it, but it might be smaller. The drive through would be for the south tenant.

Building and Zoning Administrator Dragan made a comment that the Petitioner's request is comparable to a previously approved multi-tenant center at the southwest corner of Butterfield and Midwest Road. The previously approved project is approximately 9,700 square feet and the lot area is 41,000 square feet. The Petitioner's proposed commercial structure at 1S722 Midwest Road is 8,000 square feet and the lot area is approximately 37,500 square feet; very comparable and the variations from the zoning ordinance are very comparable as well. At the time a special use for the drive through for one of the units was also approved as well as variations for yards, landscaping, signage, driveways and fencing. The Applicant's request tonight includes approval for the special use permit for the drive through window, also variations requested from the zoning code for paved area, yards, signage and landscaping.

Chairman Noble asked for any positive or negative testimony.

Chairman Noble noted that there was none.

Chairman Noble closed the public portion of the hearing.

Chairman Noble asked if the Commissioner's had any other questions or comments.

Commissioner Schneider asked what type of material and lettering will be used for the sign and whether the printing will be all the same color.

Attorney Daniel stated that the sign by code is to have some connection with the building's architecture and building features. The sign area is reflective in the proposed sign as in the variation exhibit up to 12 feet. There could be four tenants listed on the sign, but the area will be shared whether it is three or four tenants.

Building and Zoning Administrator Dragan stated that it will also be dependent on the tenant's request. As long as it is compatible with the building, the sign permit will be approved.

Architect Duncan continued stating the sign right now is shown with three equal portions. A major tenant that has the drive through might occupy the top two-thirds and two signs below; that all comes into negotiation factor with each tenant and what their expectations are and representation. A large national tenant might drive the rest of the signage in terms of its style and in terms of its type. Continuity helps signs from being confusing and sends a quick message; for someone driving by in their car, a simple informational piece that lets them know what business is located there.

Commissioner Schneider requested clarification that the tenants would be allowed to choose the color of lettering.

Architect Duncan replied that if they have one major tenant they would probably drive the design of the signage panels. The sign itself is designed and will use similar or the same materials that the building will be done in. So it would only be the panel area, the 60 square feet allowed.

Building and Zoning Administrator Dragan stated that as long as the total permitted signage area for the building is not exceeded, it would be approved.

Architect Duncan stated that the best answer he can give is that if they have a national tenant that would drive the color scheme on the panel itself, but it would not change the design of the pylon.

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

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

City Attorney Pacione had no comments.

Chairman Noble asked for a motion to approve Case #17-3 the request by Oakbrook Terrace Retail Investors, LLC ("Petitioner"), to approve special uses relating to a new building 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 that includes a restaurant with a drive-through window authorized under Section 156.087(C)(35) of the Zoning Ordinance.
2. 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.

3. 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 pylon sign along the Midwest Road frontage between the driveways of the Subject Property which is not taller than twelve (12) feet, and (b) a pole sign at the entry to the drive through not taller than eleven (11) feet.
4. A variation from Section 156.051(D)(1) (requiring above ground service facilities to be situated three feet from the side lot line and five feet from the rear lot line), 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 three (3) feet of the south lot line and within 250 feet of another existing above ground service facility and to allow such facility to exist without screening except for that provided by the refuse area screen.
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7. A variation from Section 156.087(G)(3) requiring a minimum rear yard (west) to pavement of five (5) feet in order to permit paved areas for parking spaces two (2) feet east of the lot line.
8. A variation from Section 156.087(G)(4) limiting the use of a common access drive to one-half of a side yard requirement in order to permit the location of the drive through lane bypass on the south side of the building to occupy an area that is as close as zero (0) feet to the south lot line and extends across the side yard required by ordinance as many as thirteen (13) feet.
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10. A variation from Section 156.101(E) limiting widths of commercial district driveway flares to five feet on each side of every driveway in order to permit driveway flares at the north driveway not to exceed 20 feet (north curb) and 20 feet (south curb), and driveway flares at the south driveway not to exceed 20 feet (north curb) and 16 feet (south curb).
11. 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.

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11. 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 Ventura seconded the motion.

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

Ayes: Chairman Noble, Commissioners Schneider, Ventura, Jackson,  
Cardenas, Donoval, Smurawski  
Nays: None  
Absent: None

MOTION PASSED WITH A VOTE OF 7-0.

Chairman Noble asked Building and Zoning Administrator Dragan when the petition would be presented to the City Council.

Building and Zoning Administrator Dragan stated that the Letter of Recommendation will be placed on the July 12, 2016 City Council meeting agenda.

Chairman Noble closed Case #17-3 at 6:55 P.M. and called for a five (5) minute recess.



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, June 21, 2016  
Case #17-4

The meeting continued and called to order by Chairman Noble at 7:05 P.M.

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

Absent: None

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Michelle Bossle, Building and Zoning / Planning and Zoning Secretary, Mark Daniel of Daniel Law Office, P.C., Raj Patel of The Hari Group, and Eric Carlson of ECA Architects.

Chairman Noble said the third order of business was to consider the request by OBT Donuts, Inc., as authorized by JRC Investments, LLC, for an amendment pursuant to Section 156.025(C)(4)(a) of the Zoning Ordinance to the current plan for planned unit development for JRC Plaza East to allow a special uses under Section 156.087(C)(35) and Section 156.051(D)(4) to allow a restaurant with a drive through in a building with a pre-existing above-ground service facility situated in the buildable area between the building and the Karban Road front yard line, all in order to permit the development of a restaurant with a drive through on the easternmost portion of JRC Plaza East. The development will occupy a portion of the existing Tilted Kilt and involve the following exceptions under Section 156.025(B)(2)(f):

1. Exception from Section 156.039(B)(1) prohibiting fences in the required north front yard in order to allow maintenance and repair to the existing fence along Karban Road;
2. Exception from Section 156.043(B)(1) and Section 156.043(B)(3) to permit an increase in overall site signage within JRC Plaza East from 1,600 square feet currently allowed to 1,800 square feet in order to accommodate new wall signs on the south and west elevations, a new freestanding sign on the west side of the central entrance, new periodic window signage and such other signage as planned within the sign package submitted by the Applicant;

3. Exception from Section 156.043(F)(7) to permit the installation of a westerly-facing preview menu board and a primary menu board in an area that is visible from 22nd Street at the locations shown in the sign package submitted by Applicant;
4. Exception from Section 156.043(F)(5)(limiting the height of exempt directional signs and from Section 156.043(C)(2)(prohibiting signs from obstructing drives) to permit the installation of two height limitation signs suspended from a pole system at a height not to exceed 12 feet according to the sign package submitted by Applicant;
5. Exception from Section 156.043(C)(5) and Section 156.043(B)(2) to permit (a) the maintenance, repair and replacement of the existing pole signs at a height not to exceed twenty (20) feet and the gross sign area for the existing sign not to exceed 164 square feet (82 square feet per sign face); (b) a pole or pylon sign for Dunkin Donuts not to exceed 15 feet in height at the north line of the west driveway for JRC Plaza East; and (c) two pole signs mentioned in Item 4 according to the sign package submitted by Applicant;
6. Exception from Section 156.043 to permit the maintenance, repair and replacement of all other existing signs at JRC Plaza East at their current dimensions and area and of their current type, provided that this exception shall not prevent owner or a tenant from changing the message or depiction on the sign faces and provided further that the maximum area of all signs shall not exceed 1,800 square feet;
7. Exception from note 16 in Section 156.045(B) which requires dumpsters to be located only in the required side and rear yards in order to allow dumpsters at the current locations in JRC East and as depicted in the site plan submitted by Applicant as lying within the defined front yard abutting Karban Road (existing conditions);
8. Exception from Section 156.087(I), Section 156.049(H) and Section 156.049(I) to permit the continuation of existing landscaping within JRC Plaza East with a reduction of only the area necessary to construct the drive through as depicted in the plans, provided that ground cover landscaping and shrubs where possible be planted in the islands at the north entry to the drive through (also applicable to existing conditions);

9. With a special use under Section 156.051(D)(4) to allow an above-ground service facilities situated in the buildable area between the building and the Karban Road or private street (central drive) front yard lines, an exception 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 pre-existing above ground service facilities within 250 feet of another existing above ground service facility (applicable to the existing conditions);
10. Exception from Section 156.087(B)(54) which limits the dining area on patios to 25% of the interior dining area in order to permit the currently-approved outdoor dining on Tilted Kilt's patio at its current size notwithstanding the decrease in interior dining area, provided that it is not to be increased beyond its current limits or a dining area of 1,000 square feet whichever is less (applicable to existing patio dining area);
11. Exception from Section 156.087(G)(1) which requires minimum front yards of forty (40) feet and prohibits paved areas within ten (10) feet of streets in order to permit the following structures within proximity to 22nd Street, Karban Road and the central private street area (existing conditions):
  - a. Paved areas that are one (1) foot or less from the front lot lines along the north front yard line along Karban Road (applicable to the existing conditions);
  - b. Paved areas as close as two (2) feet to the front lot line for the existing southernmost parking spaces on the easternmost 260 feet of JRC Plaza East (applicable to the existing conditions);
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12. Exception from Section 156.087(G)(2) which prohibits paved areas within five (5) feet of the side lot line in order to permit the continuation of paved areas that are zero (0) feet or less from the west side lot line and from the east side lot line of JRC Plaza East (applicable to the existing conditions);
13. Exception from Section 156.087(G)(1), Section 156.087(G)(2) and Section 156.087(G)(3) of the Zoning Ordinance to permit the continuation, repair, maintenance and replacement of structures in the front, side and rear yard of JRC Plaza East along Karban Road and abutting the Karban Road residential rear yards for the easternmost 277 feet of JRC Plaza East (measured westerly from the easternmost extension of the east line of JRC Plaza East along and south of the north line of JRC Plaza East (applicable to the existing conditions);

14. Exception from Section 156.087(G)(4) which allows a common access drive to serve as one-half of a side or rear yard requirement in order to allow common access drive crossing the west lot line where depicted in the site plan submitted by Applicant (applicable to the existing conditions);
15. Exception from Section 156.100(A)(3) and Section 156.101(D) which sets the minimum dimensions of required parking spaces and drive aisles in order to permit parking spaces and drive aisles at their current length and width and in general throughout the JRC Plaza East PUD, including (a) parking spaces in the north parking field of the Bennigan's Parcel which are 8.5 feet in width and 18 feet in depth while supported by a drive aisle that is generally 20 feet wide but narrow to 18-19 feet at various locations; (b) parking spaces in the south parking fields for the mainline center that are of varying dimensions below those required and which are supported by drive aisles with widths of 18 feet; and (c) parking spaces in the south parking fields for the mainline center that are of varying dimensions below those required and which are supported by drive aisles with widths of 18 feet for some 90-degree spaces and 11 feet for some angled spaces (applicable to existing conditions);
16. Exception 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 two existing drives to remain substantially as constructed with widths that exceed 40 feet between the faces of curbs at 22nd Street, as previously determined by the Illinois Department of Transportation (applicable to existing conditions);
17. Exception from Section 156.100(A)(2) and Section 156.104 in order to permit the development of the drive-through restaurant while continuing present loading practices.
18. Such other exceptions and forms of relief necessary in order to permit the development of the drive through restaurant according to the site plan, elevations, preliminary engineering and sign package as well as in the plans and ordinances approved by the City for existing JRC East improvements.

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

Mark Daniel of Daniel Law Office, P.C., Raj Patel of The Hari Group, and Eric Carlson of ECA Architects were sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

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

Franchisee Patel of The Hari Group took the floor and stated that his company currently has 25 Dunkin locations in the Chicagoland area and they have been looking for a location in Oakbrook Terrace for a while now. There was a location they were interested in, but corporate rejected. They began working on this location, it has finally come to fruition and corporate approval has been obtained.

Attorney Daniel on behalf of OBT Donuts, Inc. took the floor stating that some of the tax revenue that might come in for a development with a drive through operation in a high intensity use could be \$1 million to \$2 million in sales a year; there is definitely an economic benefit to the City in regard to these operations. During the Butterfield Point process the owner of the Dunkin Donuts on Roosevelt Road was concerned about whether or not there could be cannibalization between the two store's customers. With that challenge, Franchisee Patel found another location; converting 1,800 square feet of the current Tilted Kilt location to a Dunkin Donuts. At this point in time, indication from the franchisor is that there is no cannibalization. At this location, there was a Dunkin Donuts in the mainline JRC East portion of the shopping center. It did not survive because there was no drive through; plain and simple, a drive through is a must for these operations. Being part of a PUD, all improvements for JRC East must be contemplated along with all sign applications within the PUD to make sure it fits. All dining areas for all the different uses in both JRC East and JRC West were contemplated for parking and signage. Nothing changes along the north line of either JRC Plaza East or JRC Plaza West; the fence stays the same, the elevations stay the same, the drainage stays the same, the landscaping and planting stay the same.

Attorney Daniel continued stating that current operations are planned for 5am-9pm. JRC Plaza East includes the mainline shopping center from Devon which is the first tenant after moving west from the Holiday Inn site. The approximately 7,800 square feet Tilted Kilt building is situated on the western portion of JRC East. JRC West starts right where the parking spaces are along the American Mattress store and continue all the way down to the steakhouse. Based on observations, Tilted Kilt is not doing terribly well right now and hasn't been for years mainly because the interior of the restaurant is not designed well for a sports bar atmosphere.

Attorney Daniel noted that the interior of the Dunkin Donuts will take 1,800 square feet of the 7,800 square foot building. This particular franchise bakes the goods off site and they are shipped on site, but it cannot be said that they will never cook anything on site. The dining area will be limited to about 150 square feet. No outdoor dining is being contemplated as part of this request. The existing Tilted Kilt patio is staying the same which is one of the variation requests. Tilted Kilt is shrinking in size, but the patio is staying the same so the percentage is adjusting. With respect to elevations, the stone appearance is going to remain consistent across the façade of the building. The entrances side-by-side will be distinct.

Attorney Daniel commented on the current parking spaces in that they do not comply with the accessibility code. So in dealing with the drive through, four parking spaces have been eliminated directly north of the dumpster and ten parking spaces have been eliminated along the west side of the building. Four of the ten parking spaces that are handicapped spaces will be moved to where they should have been and where they previously were by the main entrance. So the handicapped accessible parking spaces will be directly in front as they should have been. Nothing changes on the perimeter to the south or on the north line by the residents near Karban Road. There will be room for seven cars stacking. The Fire Protection District will have some comments during the permitting phase in relation to the kitchen. Flagg Creek would need to know what is being made on site and disposing of any sanitary issues. None of the storm water is going to shift to any alternate location and the engineering impact is minimal. Dan Lynch essentially confirmed everything and any comments will be addressed during permitting. There will be a continuous bypass around the drive through. With respect to parking numbers, they are well in excess of the required on site by over 100 spaces and anything touched will be in compliance with code. Towards the east end of JRC East there will always be congestion because there is a great restaurant and a busy salon.

Attorney Daniel noted that one of the hardships faced is the amount of signage. Not all of the tenants have access to monument signs. JRC was capped at 1,600 square feet for its signage. The request for additional signage to 1,800 square feet which allows for the signage of the building, two faces, the west face and the south face, and a coffee cup freestanding sign that will be on the north side of what is the central entrance into JRC. The building will not change to create any unnecessary prominence. The proposed and existing features were provided so that both how the building appears now and how it will appear in the future can be seen. With respect to the traffic generated by Dunkin Donuts, the number of parking spaces required is minimal. Because of the fluctuation of the parking demand in the area during the afternoon and evening, there is almost 500 parking spaces available giving plenty of opportunity for a morning user in the location.

Attorney Daniel continued stating that Tilted Kilt still has ample dining room space. They still have a larger dining area than they have lounge area and they still have their outdoor patio leaving the space attractive to a morning user. With traffic coming in for these two uses, the remainder of the shopping center benefits because there is traffic and people coming in adding to the generation of energy for sales and retail leverage. When it comes to signage on site, a freestanding sign will be added. Currently Tilted Kilt has a freestanding main sign with a changing message board. Other tenants share that sign when they can and Dunkin Donuts did not want to take that away from the other tenants. So there is a need for an additional freestanding sign east of the Tilted Kilt sign along the north side of the entrance in the middle of JRC East and West. There is a lot of practical difficulty that comes into play with respect to all the existing conditions that is 80 percent of the variance requests. They have been approved previously as variances that they would like to get all under one PUD to make it easier from a regulatory perspective. They are technically not variances even though they were approved as variances previously. Nothing is being changed except for the drive through and additional signage for Dunkin Donuts; otherwise it's just trying to preserve existing conditions. The benefit to the community lies in the sales tax revenue, the draw to the shopping center during the morning hours and the opportunity for consumers to gather. As far as the continued use for the restaurant, there is plenty of opportunity for the use of the space there. There is ample space in the remaining 6,000 square feet of the building for a solid restaurant operation.

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

Building and Zoning Administrator Dragan took the floor and stated that the Petitioner's Attorney made a detailed presentation concerning the proposed Dunkin Donuts. In summary, the Applicant is specifically requesting approval for a special use permit for the multi-tenant building that includes Tilted Kilt Restaurant and the proposed Dunkin Donuts with a drive through window. The Applicant also seeks approval for the amended PUD plan with a list of exceptions from the PUD. In the legal notice, the new exceptions that are requested tonight are listed under items 2, 3, 4, 5b, 6, 8, 10, 17, and 18. All these exceptions are required in order to permit the development of the Dunkin Donuts with a drive through window. All the other exceptions show existing conditions.

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

Commissioner Schneider asked about the monument sign concerning the preview menu board and primary menu board, questioning whether it would be visible on 22<sup>nd</sup> Street.

Attorney Daniel replied that it should not be visible on 22<sup>nd</sup> Street. The preview menu board at the head of the island on the west side of the drive through entry is not in the ordering area and does not contain a full menu; just some key information about what is available. The issue of the 6' 9" tall menu board at that location will be discussed with the City Engineer during permitting to determine if it creates an issue. Looking down the drive aisle between the proposed Dunkin Donuts building and American Mattress, generally the sign will not be seen.

Commissioner Ventura had a comment about the dumpsters abutting Karban Road and if Attorney Daniel could elaborate and provide some more information on the location.

Attorney Daniel stated that the dumpster locations are not going to change. There may be some separation within the dumpster locations but existing conditions will be preserved. A resident did raise an issue on the dumpsters in regards to closing operations of the Tilted Kilt Restaurant and some noises generated. The issue of broken bottles getting tossed into a dumpster as part of the late night inventory will be addressed with the current owners of the Tilted Kilt Restaurant.

Commissioner Ventura questioned whether there would be enough room in the dumpster anticipating that Dunkin Donuts will create more garbage.

Attorney Daniel replied that they would not be sharing the dumpster, they would have separate dumpsters. They are required by ordinance to have trash hauled off and not allowed to accumulate over the top so that the lid stays open.

Commissioner Jackson asked Attorney Daniel if he is aware of any plans by Tilted Kilt to close based on the current conditions.

Attorney Daniel stated that he is not. Tilted Kilt is extremely slow and discussions have been with it being a possible gaming location. Their options are limited due to bookend restaurant operations. The future use could be a small pub, deli, lunch-time use if it is going to stay a restaurant. Nothing particular in mind but other options have been gaming related.

Commissioner Donoval stated that he is concerned about the parking and congestion in the area. The customers tend to park wherever they want and the area is already congested right now.

Attorney Daniel stated that during the lunch hour there could be an issue. In his observations sometimes employees may not use the intended employee parking area, so if businesses have parking issues, they really need to start with their employees. When it comes to comparison to the Ordinance, they are well in excess of the required parking. There has been cooperation with the Holiday Inn and there is also valet service. Taking out a significant amount of dining area from Tilted Kilt does minimize parking demand at the site during the lunch hour and the evening rush. Adding morning energy to the area will hopefully lead to cleaning it up since currently there is not activity in the morning.

Commissioner Cardenas agreed that the drive though will alleviate some of the parking problems stating that 70-80% of patrons will be using the drive through.

Chairman Noble opened the floor for public participation.

Chairman Noble asked for any positive or negative testimony.

Chairman Noble noted that there was none.

Chairman Noble closed the public portion of the hearing.

Chairman Noble asked if the Commissioner's had any other questions or comments.

Commissioner Schneider commented that each time they are presented with something it is more and more signage and that the next party that wants to be in Tilted Kilt will want to up the signage once again.

Commissioner Ventura stated that Tilted Kilt has pretty good signage now and doesn't see a problem with a new tenant coming into that space. She also questioned whether the location could be a large steakhouse or a Gibson's type restaurant.

Attorney Daniel responded that no one sees it as a large steakhouse location opportunity since they have two bookend restaurants already.

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

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

City Attorney Pacione had no comments.

Chairman Noble asked for a motion to approve Case #17-4 the request by OBT Donuts, Inc., as authorized by JRC Investments, LLC, for an amendment pursuant to Section 156.025(C)(4)(a) of the Zoning Ordinance to the current plan for planned unit development for JRC Plaza East to allow a special uses under Section 156.087(C)(35) and Section 156.051(D)(4) to allow a restaurant with a drive through in a building with a pre-existing above-ground service facility situated in the buildable area between the building and the Karban Road front yard line, all in order to permit the development of a restaurant with a drive through on the easternmost portion of JRC Plaza East. The development will occupy a portion of the existing Tilted Kilt and involve the following exceptions under Section 156.025(B)(2)(f):

1. Exception from Section 156.039(B)(1) prohibiting fences in the required north front yard in order to allow maintenance and repair to the existing fence along Karban Road;
2. Exception from Section 156.043(B)(1) and Section 156.043(B)(3) to permit an increase in overall site signage within JRC Plaza East from 1,600 square feet currently allowed to 1,800 square feet in order to accommodate new wall signs on the south and west elevations, a new freestanding sign on the west side of the central entrance, new periodic window signage and such other signage as planned within the sign package submitted by the Applicant;
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16. Exception 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 two existing drives to remain substantially as constructed with widths that exceed 40 feet between the faces of curbs at 22nd Street, as previously determined by the Illinois Department of Transportation (applicable to existing conditions);
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18. Such other exceptions and forms of relief necessary in order to permit the development of the drive through restaurant according to the site plan, elevations, preliminary engineering and sign package as well as in the plans and ordinances approved by the City for existing JRC East improvements.

MOTION

Commissioner Jackson entertained a motion to approve Case #17-4 the request by OBT Donuts, Inc., as authorized by JRC Investments, LLC, for an amendment pursuant to Section 156.025(C)(4)(a) of the Zoning Ordinance to the current plan for planned unit development for JRC Plaza East to allow a special uses under Section 156.087(C)(35) and Section 156.051(D)(4) to allow a restaurant with a drive through in a building with a pre-existing above-ground service facility situated in the buildable area between the building and the Karban Road front yard line, all in order to permit the development of a restaurant with a drive through on the easternmost portion of JRC Plaza East. The development will occupy a portion of the existing Tilted Kilt and involve the following exceptions under Section 156.025(B)(2)(f):

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16. Exception 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 two existing drives to remain substantially as constructed with widths that exceed 40 feet between the faces of curbs at 22nd Street, as previously determined by the Illinois Department of Transportation (applicable to existing conditions);
17. Exception from Section 156.100(A)(2) and Section 156.104 in order to permit the development of the drive-through restaurant while continuing present loading practices.
18. Such other exceptions and forms of relief necessary in order to permit the development of the drive through restaurant according to the site plan, elevations, preliminary engineering and sign package as well as in the plans and ordinances approved by the City for existing JRC East improvements.

Commissioner Cardenas seconded the motion.

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

Ayes: Chairman Noble, Commissioners Schneider, Ventura, Jackson,  
Cardenas, Donoval, Smurawski  
Nays: None  
Absent: None

MOTION PASSED WITH A VOTE OF 7-0.

Chairman Noble asked Building and Zoning Administrator Dragan when the petition would be presented to the City Council.

Building and Zoning Administrator Dragan stated that the Letter of Recommendation will be placed on the July 12, 2016 City Council meeting agenda. The next Planning and Zoning meeting is scheduled for July 5, 2016 at 6:00 P.M.

Chairman Noble asked for 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 7-0.

Chairman Noble adjourned the meeting at 8:00 P.M.

Respectfully submitted by,

Michelle Bossle  
Building and Zoning / Planning and Zoning Secretary