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AGENDA

**PLANNING & ZONING
COMMISSION MEETING
City of Oakbrook Terrace
17W261 Butterfield Road**

**Tuesday, April 16, 2019
Council Chambers - 6:00 P.M.**

- I. Roll Call**
- II. Approval of the Minutes for Case #19-13
17W615 Butterfield Road, Unit B
Petitioner: Aura Dental Studio, Inc**
- III. Case #19-14
18W100 22nd Street / Midwest Office Center
Petitioner: Vequity, LLC**

to consider the request by Vequity, LLC (“Petitioner) to approve a text amendment under Section 156.022(B) of the Zoning Ordinance, special uses authorized under Section 156.024(B) of the Zoning Ordinance, an amended preliminary and an amended final planned unit development in three phases with exceptions authorized under Section 156.025(C) of the Zoning Ordinance of the City of Oakbrook Terrace (the “Zoning Ordinance”), as well as amended preliminary and final plat of subdivision (lot split) authorized under Section 159.08(D) and Section 159.07(A) of the City of Oakbrook Terrace Subdivision Regulations as follows:

NOTE: The City Council approved the original preliminary plat of subdivision in Ordinance No. 19-3. The City Council approved demolition and the preliminary and final planned unit development for Phase One (Lot 1 and portions of Lot 2 and Lot 3) as well as the preliminary planned unit development for Phase Two (Lot 2) and Phase Three (Lot 3) in Ordinance No. 19-4. The Public Hearing does not concern Phase One (Lot 1). In Ordinance No. 19-4 the City Council approved several matters within the relief noted below for Phase Two (Lot 2) and Phase Three (Lot 3) and these matters will be noted as “previously approved.”

1. **A text amendment to Section 156.101(D)(2) in order to identify its existing content as subparagraph (a) (or Section 156.101(D)(2)(a)) and to add the following subparagraph (b) (or Section 156.101(D)(2)(b)):**

(b) Alternatively, handicapped parking spaces shall meet the minimum requirements of Section 502 of the Illinois Accessibility Code or its successor provisions. Only in the case of 90-degree parking, may parking spaces share an access aisle. This alternative is adapted with the intent of allowing the owners of land subject to any form of parking site plan approval prior to May 14, 2019 to adjust their parking scheme without hearing to utilize shared aisles provided no parking reduction occurs.

The provisions of Section 502 of the Illinois Accessibility Code effective October 23, 2018 apply statewide and require handicapped parking spaces to be either eight (8) feet wide or eleven (11) feet wide and to have an adjacent access aisle that connects to an accessible route, such access aisle being eight (8) feet wide in the case of spaces that are eight feet wide or being five (5) feet wide in the case of spaces that are eleven feet wide.

2. **The following special uses authorized within the entire development:**

- a. **A special use pursuant to Section 156.051(D)(4) and Section 156.051(H) to allow above ground service facilities as follows:**
 - i. **On Lot 2 (the southwest lot), situated south of the building face to allow one or more transformers and a generator within a screen where shown in the plans approved by the City (previously approved in part); and**
 - ii. **On Lot 3 (the southeast lot), situated south of the building face to allow one or more transformers that are screened if there is no drive through or that are unscreened and near the menu board if there is a drive through (previously approved in part).**
- b. **A special use authorized by Section 156.024(C), Section 156.087(A)(2) and Section 156.087(C)(39) in order to permit, where reflected in the final plan for each phase, outdoor conduct of retail components of the businesses (dining and retail) on all lots and to permit the display of merchandise by a business conducted on all lots (previously approved);**

3. **The following special uses authorized within Lot 2:**

- a. **A special use authorized by Section 156.024(C), Section 156.051(D)(4) and Section 156.051(H) of the City of Oakbrook Terrace Zoning Ordinance**

authorizing above-ground service facilities without full screening and landscaping but otherwise according to the landscape plan approved by the City (previously approved);

- b. A special use authorized by Section 156.087(C)(39) to allow the conduct of business and provision of service (food and alcohol) and merchandise (apparel, Malnati's products) in areas that are unenclosed (by a building or a barrier other than that which is required by Section 111.028(I)(4) of the City Code of Ordinances), provided that at least lawful clearance for passage remains on all pedestrian ways and, further, that if alcohol is served outdoors, this relief does not authorize a waiver of barriers if any are required by the Liquor Control Ordinance (previously approved);**

4. The following special uses authorized within Lot 3:

- a. A special use authorized by Section 156.024(C), Section 156.051(D)(4) and Section 156.051(H) of the City of Oakbrook Terrace Zoning Ordinance authorizing above-ground service facilities without full screening and landscaping but otherwise according to the landscape plan approved by the City (previously approved);**
- b. A special use authorized by Section 156.024(C) and Section 156.087(C)(35) of the Zoning Ordinance authorizing a restaurant with not more than two (2) drive-through windows in the east unit (previously approved);**
- c. A special use authorized by Section 156.087(C)(39) to allow the conduct of business and provision of service (food and alcohol) in areas that are unenclosed (by a building or a barrier), provided that at least lawful clearance for passage remains on all pedestrian ways and, further, that if alcohol is served outdoors, this relief does not authorize a waiver of barriers if any are required by the Liquor Control Ordinance (previously approved);**

5. Amended preliminary plats of planned unit development pursuant to Section 156.025(C)(1) of the Zoning Ordinance for a three-lot planned unit development to occur in three phases with the exceptions approved in Ordinance No. 19-4 and, specifically for Phase Two (Lot 2) and Phase Three (Lot 3) under Section 156.025(B)(2) recited as follows for Lot 2 (the southwest lot) in Items 6(a) through 6(q) and 8(a) through 8(h), as well as for Lot 3 (the southeast lot) in Items 7(a) through 7(p) and 9(a) through 9(e).

6. Site development and occupancy exceptions for Lot 2 approved under Section 156.025(B)(2) recited as follows:

- a. An exception from Section 156.024(F)(1), which provides for the termination of special uses, in order to avoid the termination of special uses authorized hereby until the voluntary demolition or demolition compelled by the City under the laws of the State of Illinois (as opposed to casualty of any type**

arising other than through neglect of the owner or demolition as a result of such casualty) of the buildings contemplated in the development authorized in this ordinance (previously approved);

- b. An exception from Section 156.035(C)(4)(b) to allow a generator without a screen or landscaping other than as depicted in the landscape plan for the south side of the principal building (previously approved);
- c. An exception from Section 156.039(B)(1) in order to permit, in addition to the fences surrounding the Lot 2 patio area(s), a metal fence in the front yard if determined necessary for the protection of the accessible route from the public sidewalk to the building on Lot 2;
- d. An exception from Section 156.040, reinforcing Section 150.14 and Section 150.15 of the City Code of Ordinances to allow fire lane design, turning radii and other design elements according to the plans approved by the York Center Fire Protection District (previously approved);
- e. An exception from Section 156.045(B)(14), which does not allow a rear yard obstruction that is a driveway, in order to permit a driveway in the rear yard of the lot to allow vehicular access across the lot line (previously approved);
- f. An exception from Section 156.049(H) and Section 156.087(I) in order to permit landscaping reflected in the approved landscape plan (previously approved in substantial part);
- g. An exception from Section 156.049(I) and Section 156.087(I) in order to permit landscaping reflected in the approved landscape plan, provided that any prohibited vegetation under Section 156.049(J) shall be removed and replaced with non-prohibited species (previously approved);
- h. An exception from Section 156.087(B)(54) in order to permit an outdoor dining area with an area of greater than 25% of the indoor dining space to permit the future operation of a patio on Lot 2 and on Lot 3 (including an area on Lot 2 that may be accessible to Lot 3 patrons) (previously approved);
- i. An exception from Section 156.051(D)(5), which requires spacing of at least 250 feet between above ground service facilities, in order to allow ground service facilities within 250 feet of other such facilities as depicted in plans approved by the City (previously approved);
- j. An exception from Section 156.087(G)(1) and (2) which require a minimum of five (5) feet (east) or ten (10) feet (west) between paved areas and the east and west lot lines in order to allow a separation of zero (0) feet for any hard

surface areas, including patios, and five (5) feet for the building. (previously approved);

- k. **An exception from Section 156.087(G)(3) which requires a distance between paved areas and the rear lot line of five (5) feet in order to reduce the paved area spacing requirement to zero (0) (previously approved);**
- l. **An exception from Section 156.087(G)(4) in order to allow a common access drive to serve as more than one-half of the rear yard requirement (previously approved);**
- m. **An exception from Section 156.100(B), Section 156.101(A)(2)(b) , Section 156.101(B)(1) and Section 156.101(C) to permit parking and valet parking according to the shared and cooperative parking arrangement and covenants referenced in the final plat of subdivision and in the planned unit development for the parking spaces between the principal buildings on Lot 1, Lot 2 and Lot 3 (previously approved);**
- n. **An exception from Section 156.100(C), Section 156.100 and Section 156.101(D) in order to permit all of the parking spaces existing on the west and south parking rows of the lot at the time of application and shown in the plans on file with the City even if such spaces feature one or more inadequate dimensions provided that all handicapped parking spaces shall comply with Section 156.101(D)(2), as amended under Item 1 above (previously approved);**
- o. **An exception from Section 156.101(C), which provides that joint parking cannot be established unless total available spaces meet the total regulatory demand for spaces for all uses, in order to permit a total of 192 parking spaces on Lot 1 (which may be used by the south lots as agreed by Owner and Petitioner) and a total of 104 parking spaces on the south lots (which may be used by Lot 1 if agreed between Owner and Petitioner) (previously approved);**
- p. **An exception from Section 156.101(E) which limits driveways to a width of 35 feet measured at the lot line and flares to a length of five feet in order to permit the existing south driveway to remain at its current width of 36 feet served by flares with lengths of 27 feet (east) and 17 feet (west) or at such other dimensions as required by the Illinois Department of Transportation (previously approved); and**
- q. **An exception from Section 156.104 in order to permit the occupancy of Lot 2 without a loading zone, provided that the loading zone on Lot 3 shall remain available to the occupant(s) Lot 2 (previously approved);**

7. Site development and occupancy exceptions for Lot 3 approved under Section 156.025(B)(2) recited as follows:

- a. An exception from Section 156.024(F)(1), which provides for the termination of special uses, in order to avoid the termination of special uses authorized hereby until the voluntary demolition or demolition compelled by the City under the laws of the State of Illinois (as opposed to casualty of any type arising other than through neglect of the owner or demolition as a result of such casualty) of the buildings contemplated in the development authorized in this ordinance (previously approved);**
- b. An exception from Section 156.038(D) in order to allow a temporary trailer for purposes not related to construction to remain on Lot 3 provided that the trailer is used for personnel and hiring purposes for the principal use on Lot 2 (previously approved);**
- c. An exception from Section 156.040, reinforcing Section 150.14 and Section 150.15 of the City Code of Ordinances to allow fire lane design, turning radii and other design elements according to the plans approved by the York Center Fire Protection District (previously approved);**
- d. An exception from Section 156.045(B)(14), which does not allow a rear yard obstruction that is a driveway, in order to permit a driveway in the rear yard of the lot in order to allow vehicular access across the lot line (previously approved);**
- e. An exception from Section 156.045(B)(36) to permit a loading berth in an area other than the rear yard to allow a loading berth in the side yard (previously approved);**
- f. An exception from Section 156.049(H) and Section 156.087(I) in order to permit landscaping as reflected in the approved landscape plan (previously approved);**
- g. An exception from Section 156.049(I) and Section 156.087(I) in order to permit landscaping reflected in the approved landscape plan, provided that any prohibited vegetation under Section 156.049(J) shall be removed and replaced with non-prohibited species (previously approved);**
- h. An exception from Section 156.051(D)(5), which requires spacing of at least 250 feet between above ground service facilities, in order to allow above ground service facilities within 250 feet of other such facilities as depicted in plans approved by the City (previously approved);**

- i. An exception from Section 156.087(B)(54) in order to permit an outdoor dining area with an area of greater than 25% of the indoor dining space and to permit a restaurant user to use the patio reflected in the plans for Lot 2 approved by the City (previously approved);**
 - j. An exception from Section 156.087(G)(2) which require a minimum of five (5) feet between paved areas and the west side lot line as well as a west side yard of ten (10) feet in order to allow a separation of zero (0) feet and a west side yard of not less than five (5) feet (previously approved);**
 - k. An exception from Section 156.087(G)(3) which requires a distance between paved areas and the rear lot line of five (5) feet in order to reduce the paved area spacing requirement to zero (0) (previously approved);**
 - l. An exception from Section 156.087(G)(4) in order to allow a common access drive to serve as more than one-half of the rear yard requirement (previously approved);**
 - m. An exception from Section 156.100(B), Section 156.101(A)(2)(b), Section 156.101(B)(1) and Section 156.101(C) to permit parking and valet parking according to the shared and cooperative parking arrangement and covenants referenced in the final plat of subdivision and in the planned unit development for the parking spaces between the principal buildings on Lot 1, Lot 2 and Lot 3 (previously approved);**
 - n. An exception from Section 156.101(C), which provides that joint parking cannot be established unless total available spaces meet the total regulatory demand for spaces for all uses, in order to permit a total of 192 parking spaces on Lot 1 (which may be used by the south lots as agreed by the Owner and Petitioner) and a total of 104 parking spaces on the south lots (which may be used by Lot 1 if agreed between Owner and Petitioner) (previously approved); and**
 - o. An exception from Section 156.104 in order to permit one 10' x 35' loading zone to serve Lot 2 and Lot 3 if necessary provided the loading zone will be situated where indicated plans approved by the City (previously approved);**
 - p. An exception from Section 156.051(D)(5), which requires spacing of at least 250 feet between above ground service facilities, in order to allow ground service facilities within 250 feet of other such facilities as depicted in plans approved by the City (previously approved);**
- 8. Exceptions concerning signage for Lot 2 approved under Section 156.025(B)(2) recited as follows:**

- a. An exception from Section 156.043(B)(1) which restricts the total permitted area of all signs to 350 square feet to allow 786 square feet on Lot 2 (previously approved);
 - b. An exception from Section 156.043(B)(1), Section 156.043(C)(3)(B), Section 156.043(C)(4) and Section 156.043(C)(10) which allows two (2) freestanding signs on Lot 2 to allow: one (1) freestanding sign on Lot 2 serving Lot 2 and Lot 3, one (1) free standing sign on Lot 2 serving Lot 1, and one (1) freestanding sign on Lot 1 serving Lot 2 and Lot 3, provided that there shall be no freestanding sign on Lot 3 (previously approved);
 - c. An exception from Section 156.043(C)(5) which requires measurement of the height of a pole or monument sign from grade level adjacent to the sign and which restricts the height of signs along 22nd Street to fifteen (15) feet in order to allow measurement of the height of a sign from the highest elevation that exists between the location of the sign and the curb elevation of 22nd Street to the top of the sign which shall not exceed fifteen (15) feet unless the sign includes a digital sign and in such event, such sign shall not exceed eighteen (18) feet (previously approved);
 - d. An exception from Section 156.043(C)(8) which requires a monument sign to be situated ten (10) feet from 22nd Street in order to permit a sign setback of three (3) feet excluding the mechanical box which can be situated two (2) feet from the lot line (previously approved); and
 - e. An exception from Section 156.043(C)(7)(a), which does not allow digital signs, in order to permit a single digital sign on Lot 2 which shall be constructed according to specifications established during the approval of the final Phase Two plat of planned unit development (previously approved);
 - f. An exception from Section 156.043(C)(11)(b) and Section 156.043(A)(3) which limits the extension of a sign from the building to four (4) feet, in order to allow two signs on the smokestack which smokestack shall not exceed a height of thirty-five (35) feet;
 - g. An exception from Section 156.043(C)(11)(b) Section 156.043(A)(3), which limits the extension of a sign from the building to four (4) feet, in order to allow three signs to be placed on the steel structures at the northwest and southwest portions of the building which signs may extend above the top or to the side of the steel structures by not more than six (6) feet;
 - h. An exception from Section 156.043(C)(7)(d) and Section 156.043(C)(11)(c) in order to allow the illumination of the signs placed on the steel structure utilizing bulbs on lettering to illuminate the sign;
9. Exceptions concerning signage for Lot 3 approved under Section 156.025(B)(2) recited as follows:
- a. An exception from Section 156.043(B)(1) which restricts the total permitted area of all signs to 154 square feet to allow 426 square feet on Lot 3

(previously approved);

- b. An exception from Section 156.043(C)(10) to allow Lot 3 to benefit from two off-premises signs, with one (1) situated on each of Lot 1 and Lot 2 (previously approved);**
 - c. An exception from Section 156.043(F)(7) in order to allow a menu board at the southeast corner of the principal building on Lot 2 which may be visible from certain angles through landscaping along 22nd Street provided that Lot 3 install and maintain landscaping and fencing along the east lot line and landscaping along the south lot line as shown in the approved landscape plan (previously approved);**
 - d. An exception from Section 156.043(C)(7)(a), which does not allow digital signs, in order to permit a single digital sign on Lot 2 which shall be constructed according to specifications established during the approval of the final Phase Two plat of planned unit development and benefit Lot 3 (previously approved);**
 - e. An exception from Section 156.043(F)(5), which does not exempt directional signs above thirty (30) inches tall or containing a logo or service/trademark, in order to exempt a directional sign for a drive-through height limitation up to a height of thirteen (13) feet and to allow this directional sign a height limitation to contain a logo or service/trademark without accumulating area chargeable against allowable gross sign area (previously approved);**
- 10. In addition to the above exceptions in Items 6-9, such other exceptions that are necessary to the development of the property in a fashion that is in substantial accord with the preliminary plat of planned unit development, including the landscape plan, on file with the City.**
- 11. An amended final plat of planned unit development pursuant to Section 156.025(C)(2) of the Zoning Ordinance for Phase One which includes the partial demolition of an existing building on the north lot, improvements to the north lot as well as improvements outside of the building areas to each of the southeast and southwest lots (previously approved as to Phase One (Lot 1)).**
- 12. A final plat of planned unit development pursuant to Section 156.025(C)(2) of the Zoning Ordinance for Phase Two (Lot 2) and for Phase Three (Lot 3).**
- 13. Approval of an amended preliminary plat of subdivision and approval of a final plat of subdivision to create three lots pursuant to Section 159.07 of the Subdivision Regulations.**