



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday September 2, 2014
Case #15-6

The meeting was called to order by Chairman Noble at 7:00 P.M.

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

Absent: None

Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Melissa Miroballi, Building and Zoning / Planning and Zoning Secretary Janice Coglianesi, Mark Daniel, of Daniel Law Office, P.C., Attorney For the Petitioner, Allen Arthur, Vice President of Development, Angela Murphy, Manager of Store Development, Scott Meyer, Senior Project Manager of Turner Construction Company, Case Creal, LEED - AP of Gensler, Architect for Specialty's Café & Bakery, Inc., and Court Reporter Haley Goodwin

Chairman Noble said the first order of business was to approve the minutes of August 5, 2014, Case #15-4, the request by Chicago Title Trust Company /John Wendland, 17W626 Butterfield Road for the approval of "Site Plan" for parking lot, curbs, and utilities on Lot 3.

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

Chairman Noble asked for a motion.

MOTION Commissioner Almeroth entertained a motion to approve the minutes of August 5, 2014, Case #15-4, the request by Chicago Title Trust Company /John Wendland, 17W626 Butterfield Road for the approval of "Site Plan" for parking lot, curbs, and utilities on Lot 3.

Commissioner Myszkowski seconded the motion.

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

Nays: None

Absent: None

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

Chairman Noble said the second order of business was to approve the minutes of August 5, 2014, Case #15-5, 1S673 MacArthur Drive, the request by Jerzy Jablecki to allow for variations from the Zoning Code.

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

Chairman Noble asked for a motion.

MOTION Commissioner Almeroth entertained a motion to approve the minutes of August 5, 2014, Case #15-5, 1S673 MacArthur Drive, the request by Jerzy Jablecki to allow for variations from the Zoning Code.

Commissioner Schneider seconded the motion.

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

Nays: None

Absent: None

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

Chairman Noble said the third order of business was to consider the request by Specialty's Café & Bakery, Inc. ("Petitioner"), Case #15-6, 17W626 Butterfield Road, to approve special uses under Sections 156.024 (B) with variations authorized under 156.023 (B) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance"). He asked for a motion to waive the reading for the following request:

1. Pursuant to Section 156.024 (B) of the Zoning Ordinance, a special use with variations noted herein for outdoor dining with an area exceeding 25% of the indoor dining space pursuant to Section 156.087(C) (28) of the Zoning Ordinance for a single tenant on the Subject Property according to the plans on file with the City which reflect a gross

conditioned interior area of 5,013 sq. ft., an interior dining area of 1,550 sq. ft. and a patio dining area of 1,225 sq. ft., and as these plans may be modified during the hearing and meeting process through the City Council's decision;

2. Pursuant to Section 156.024 (B) of the Zoning Ordinance, a special use with variations for outdoor dining with aggregate and individual areas exceeding 25% of the total indoor dining space and of the area of each interior dining space, pursuant to Section 156.087(C) (28) of the Zoning Ordinance for two tenants on the Subject Property (areas provided in Item 1);
3. Pursuant to Section 156.024 (B) of the Zoning Ordinance, a special use with variations to allow business, service, repair and processing, storage and merchandise display to be conducted without an enclosed building pursuant to Sections 156.087 (A) (2) and 156.087 (C) (28) of the Zoning Ordinance to allow exterior sales, display and storage of merchandise on the patios at the Subject Property utilizing a mobile display case or a display fixed at a location approved by staff and the Fire Protection District;
4. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.104 reducing the number of loading zones required from one (1) to zero (0) for a building with a gross area of more than 5,000 sq. ft. but less than 6,000 sq. ft.;
5. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.087 (G) (2) reducing the required east side yard from ten (10) feet to five (5) feet;
6. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.087 (G) (3) reducing the required rear yard from thirty (30) feet to ten (10) feet and reducing the required separation of paved areas from the north lot line from five (5) feet to zero (0) feet;
7. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.087 (G) (4) to permit a common access drive to serve as more than one-half of the rear yard requirement;
8. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.035 (C) (3) and Section 156.045 (B) (30) of the Zoning Ordinance, limiting the height of accessory structures to sixteen (16) feet above grade, in order to permit the continuation, repair and maintenance

of the existing structures at the Subject exceed thirty (30) feet in height and (b) the use of existing freestanding signs (one situated near the southwest corner of the Subject Property and one situated on Lot 2 and along Summit Avenue) not to exceed their present height, while requiring new installations to comply with the Zoning Ordinance;

9. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.087 (I) and Section 156.049 waiving the interior and perimeter parking lot and other site landscaping requirements to permit that landscaping which is provided for in the Site Plan and Landscape Plan on file with the City, and as this plan may be amended through the City Council's consideration of this request, including but not limited to a variation from the area of landscape islands;
10. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from the prohibition in Section 156.035 (B) and Section 156.039 (B) (2) of the Zoning Ordinance against fences in the front yard in a business district in order to allow an opaque eight (8) foot high fence to extend from a point along the east lot line to the intersection of the east lot line with the required front yard line which is forty (40) feet north of Butterfield Road and roughly twenty (20) feet south of the south face of the proposed building;
11. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.101 (A) (2) (b) in order to permit the parking of vehicles of patrons, occupants or employees of Applicant on the adjacent Lot 2 which lies directly north of the Subject Property and on the west line of Summit;
12. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.101 (B) (1) in order to avoid the cessation of parking of vehicles of patrons, occupants or employees of Applicant on the adjacent Lot 2 directly north of the Subject Property along the west line of Summit in the event that they shall no longer be in the same right of possession or ownership as the Subject Property;
13. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation under Section 156.101 (C) to allow a joint parking facility on Lot 2 two north of the Subject Property and along the west line of Summit for the parking of vehicles of patrons, occupants or employees of Applicant on Lot 3;

14. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.045 (B) (3), note 2, in order to permit porches (the patios) to extend more than four (4) feet into the required east side yard, not beyond a line that is five (5) feet from the east lot line;
15. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.045 (B) (4), note 1, in order to permit canopies to extend more than four (4) feet into the required east side yard, not beyond a line that is five (5) feet from the east lot line;
16. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.045 (B) (14) in order to permit driveways in the required rear yard of the Subject Property;
17. 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; and
18. Pursuant to Section 156.023 (B), a variation from Section 156.023 (E) imposing a time limit on the variation, if any, allowed for the side yard fence extension south of the building face in order to permit the application for building permit for the fence on a date not later than five (5) years from the date a variation is approved in order to permit petitioner to consider the effect of existing and proposed alternative buffering techniques.

Petitioner and Owner seek the above relief in order to allow the improvements and use of the Subject Property according to the landscape plan by Robert Mowat Associates last revised on August 4, 2014 (subject to the City Council's determination of a pending application for variations relating to landscape buffering of the transformer pad) and the site plan and elevations by Gensler last revised on August 4, 2014 (bearing various revision dates by sheet), both of which are on file with the City of Oakbrook Terrace.

MOTION Commissioner Smurawski entertained a motion to waive the reading of the legal notice.

Commissioner Almeroth seconded the motion.

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

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

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

Mark Daniel, of Daniel Law Office, P.C., Attorney for the Petitioner, Allen Arthur, Vice President of Development, Case Creal, LEED - AP of Gensler, Architect for Specialty's Café & Bakery, Inc., were sworn in by Building and Zoning / Planning and Zoning Secretary Coglianese.

Chairman Noble asked the Petitioner to state his case.

Attorney Daniel took the floor and introduced himself and two (2) others that will be speaking this evening.

Mr. Arthur took the floor and gave a brief history of Specialty's Café & Bakery, Inc., which has been in existence since 1987 primarily on the west coast from Seattle down to San Diego. They have fifty (50) chain stores today in which three (3) are in the downtown Chicago for the last 10 ½ years. They came to Oakbrook Terrace primarily due to the daytime business population.

Mr. Arthur continued to say that the prototype building encompasses a number of their design elements including natural materials, trim materials (stone cladding), some different wood elements, and a courts view. The patio elements incorporate both a coffee component, which is in partnership with Peet's Coffee & Tea and Specialty's Café & Bakery, Inc. Mr. Arthur stated that they have natural light from the windows along with skylights giving you the feeling as you were part of outdoor elements.

Mr. Arthur mentioned that all their products are made fresh daily from pastries, sandwiches, salads, and soups; they have a central dough facility in Redwood, California where they make the doughnuts, and ship them out each day to the Chicago stores. Their business is 40% catering primarily to the business community, and 60% of the business transactions are conducted online or electronically.

Attorney Daniel took the floor and commented on the minutes that were approved previously of the subdivision of the three (3) lots a few years back, and the curbs, gutters, and parking surface area which went before the Commission on August 5, 2014. Attorney Daniel continued to comment that one (1) of the lots houses the Gardner School, another for Specialty's Café & Bakery, Inc., and the vacant lot which is undeveloped, but is a small part of this application because they are asking permission to allow offsite cooperative parking by Specialty's Café & Bakery, Inc. in an overflow situation. Attorney Daniel stated that the surrounding buildings, Summit Oaks, Terrace Oaks, and the Oakbrook Terrace Office Center are in favor of the application including the area of the patio.

Attorney Daniel stated when the three (3) lot subdivision came through, the City gained more commercial frontage along two (2) of its streets. Specialty's Café & Bakery, Inc. is proposing development of stormwater that flows from the northwest to the southeast towards a detention pond along Butterfield Road. They have done some core boring around the site and determined there was no hydric soil, and no concerns with groundwater, except in the area where water passes the detention area. Certain conditions on the way the stormwater flows across the site forced them to move the building to the north which led to the variance requests which is a rear yard setback. The prior building was 30 - 40 feet in front of the Jiffy Lube; the proposed building is setback in addition to the 19 - 20 feet which adds to the view scape to the office building to the west, some for the Gardner School, and some view scape to the proposed building up to Summit Oaks.

Attorney Daniel stated that the general traffic in the area has been subject to interruption only when someone is misguided or lost. Specialty's Café & Bakery, Inc. will be open from 6:00 A.M. till 6:00 P.M. with deliveries before the building opens.

Attorney Daniel stated that the focus of their discussion this evening was relief on the site plan mostly in the eastern portion of the property along the north line, and landscape relief, which at the present time exceeds the total points, but not in the exact location where the City would like it, including some plantings around the transformer.

Mr. Creal mentioned they made a couple of improvements since the site plan was configured previously. Much of the parking was fronting along the access road, but now only five (5) parking stalls will be pulling out onto the access road. Mr. Creal commented that they have combined interior and exterior seating which totals 2,775 square feet of dining, equating to

28 required parking spaces, they have 39 parking spaces at the moment, which is separate from the request to allow parking on the north parcel, and on the south side two (2) handicap parking spaces with an attendant aisle adjacent to them. He continued to state that they have the standard dimensions 22 foot aisles, drive aisles, and standard parking 9x19. There will be markings for fire lanes on the south side, ten minute parking on the west, and on the southwest corner is priority pickup for online orders with an attendant ready to hand out the order allowing traffic to move in a timely manner. On the northwest side there is a small loading area and a trash area with an underground contained grease trap.

Mr. Creal proceeded saying that the vestibule is on the south and the entry door on the left and Specialty's Café & Bakery, Inc.'s seating is on the east and Peet's Coffee & Tea on the west, both having terraces, in which Peet's Coffee & Tea terrace may be more active in the mornings and Specialty's Café & Bakery, Inc.'s terrace more active at lunchtime. There is some constraint on the parking, seating and dining areas due to the oversize kitchen needed to make all the food that is made from scratch. Mr. Creal rehashed what Attorney Daniel mentioned about the landscaping, parking and underground grease trap. He continued to state that landscape will be provided along the access aisle / the perimeter that will be adjacent to the patios. The landscape will be rather low in character, the existing trees on the northeast corner will remain, and site lighting will be provided. The only area that will not have landscaping is the existing detention pond.

Mr. Creal commented that the overall footprint of the heated interior is 5,015 square feet, which is just 15 square feet above the threshold for the 12 x 55 foot loading dock. Mr. Creal mentioned that Specialty's Café & Bakery, Inc. is serviced before business hours by panel vans or smaller trucks, nothing that would require a 65 foot loading bay. The overall interior square footage for the dining areas is 1,255 square feet.

Attorney Daniel mentioned that both Chief Holakovsky, of the City of Oakbrook Terrace Police Department, and Deputy Chief Ralph DeLuca, of the Oakbrook Terrace Fire Protection District, both agreed with having signs posted dedicating the fire lane, and the curb line on the north side of the south drive aisle, loading will most likely occur on the west side of the building, and trash operations are on the northwest corner. There is a double frontage site with a three (3) lot subdivision where the access road becomes a street and the two (2) frontage roads now become Butterfield Road and the access road. On the west side is a small logo sign, and a double-sided sign that says priority pickup. On the south side there is a second priority pickup sign. When they take the areas of the signs along

with the signage on the north side of the building, none of it is more than 25% of the wall area. The bulk of the signage is currently on two (2) freestanding signs which are still below the maximum signage.

Mr. Creal commented that they tried to integrate the patios. On the Peet's Coffee & Tea side there is a large overhanging roof, and at the front is a lower one-story volume that projects like a porch, which may have heat lamps in the winter and fans in the summer for multiple seasons.

Attorney Daniel continued to comment that there is only one (1) register which is at the main entrance, and only one (1) business, which features Peet's Coffee & Tea and Specialty's Café & Bakery, Inc. that have transitions back and forth during the day. Attorney Daniel wanted to make sure that the patio variances were clear for allowing the additional square footage for the outdoor dining for both uses viewed individually and separately, but separately and together. Attorney Daniel discussed the variation regarding the size of the loading zone being longer than the building, which presents practical difficulty, and could obstruct the view of the handicap spaces, and the reason for the front of the building being a little bit forward, as discussed previously, is due to stormwater issues.

Attorney Daniel spoke of the east lot line, a patio, and parking aisles that extend a little bit closer to the lot line, and to Jiffy Lube, and the need for landscaping or fencing to buffer the east lot line to mitigate noise for people using the patios. Attorney Daniel asked the Commission to allow Specialty's Café & Bakery, Inc. to proceed down the path of potentially not having a fence. Attorney Daniel commented on the size of the patios being within scale of the building, and having parking for the entire dining area with multiple points of access. There will be no alcohol served, no broadcasting, and no live music.

Attorney Daniel mentioned that the lighting follows all the metric standards and there are three (3) existing poles on the west lot line that they would like to preserve, and the generator will have a landscaping screening. Attorney Daniel discussed the north side of the building where the Summit Avenue lot begins, and possible passage through two (2) areas. He pointed out that their plan was to get under construction before the winter conditions set in then he thanked the Department Heads for all their assistance.

Chairman Noble asked if Building and Zoning Administrator Dragan would like to make any comments.

Building and Zoning Administrator Dragan stated that the applicant was seeking approval for special use permits, and variations from the Zoning Code to allow construction of the proposed restaurant. The Commission received the plan review memo of August 26th from Dan Lynch, of Christopher Burke Engineering, and the July 25th memo from Assistant Fire Chief Ralph DeLuca, of the Oakbrook Terrace Fire Protection District. The engineering plans for this project are approved, and the Oakbrook Terrace Fire Protection District confirmed that Specialty's Café & Bakery, Inc. meets all requirements for the hearing and they have worked out all the details concerning the fire lane.

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

Commissioner Schneider asked on an average how many people pick up orders during the lunch hour.

Mr. Arthur commented that it depends on the location, but on a daily basis 60 - 80 people; 20% mornings, 60% lunch, and 20% the rest of the afternoon.

Commissioner Donoval's asked why two (2) separate restaurants, Peet's Coffee & Tea and Specialty's Café & Bakery, with only one (1) application, why the two (2) entities didn't apply for a variation.

Attorney Daniel stated that there was only one (1) corporate entity Specialty's Café & Bakery, Inc. that runs two (2) portions of their restaurant with only one (1) cash register. Peet's Coffee & Tea is a portion of Specialty's Café & Bakery, Inc. dedicated to coffee and tea which is based on the mark of the product sold. Customers are still ordering from the same kitchen, using the same register, and it is the same entity with two (2) different areas.

Commissioner Donoval mentioned that he has seen Peet's Coffee & Tea in Chicago by themselves, but has not heard of Specialty's Café & Bakery, Inc. in Chicago.

Attorney Daniel continued to explain that it was one (1) entity and what they are looking at is just the division, flow, and intensity of use in the building. Specialty's Café & Bakery, Inc. is just one (1) entity operating the entire building; it's their business.

Mr. Arthur stated that it was a licensed relationship with the type of coffee they serve in that location, and out of their fifty (50) locations, thirty-seven (37) of those has a Peet's Coffee & Tea, which is not subleased from Specialty's Café & Bakery, Inc., they simply pay a royalty to buy their coffee products.

Building and Zoning Administrator Dragan used Pete's Fresh Market and Lotus Café as an example, using the same indoor and outdoor dining space, which are still the same entity.

Commissioner Almeroth asked that being a café and bakery, could he go in and order a loaf of bread or any other type of bakery goods, and were they going to offer coffee or other specialty coffees.

Mr. Arthur commented that they have eight (8) varieties of bread and pastries, muffins, croissants, cookies, and sweet pastries that they make fresh every day. They will be offering coffee, express drinks, teas, and Frappuccino type of drinks.

Commissioner Almeroth asked if there was only one (1) ingress into the parking lot or is there a second on the north side of the lot.

Mr. Creal stated that there was nothing on the north lot just on the access aisle.

Commissioner Almeroth asked the name of the street.

Mr. Creal said it was called an access street.

Commissioner Almeroth asked if Gardner School had a Summit Avenue address.

Mr. John Wendland said all three (3) lots had Butterfield addresses.

Commissioner Almeroth asked why they were asking for shared parking with another lot if they only require 24 spaces and they have 39.

Attorney Daniel described a condition that may occur with the Gardner School, in which parents dropping off their kids, may leave their cars in the Gardner School parking lot, Lot 1, to go over to Lot 3, Specialty's Café & Bakery, Inc. to get coffee, creating an issue with the Gardner School. Attorney Daniel mentioned that Mr. Wendland doesn't have a use for Lot 2 at this time, and this lot has an envelope with a certain number of parking

spaces that the City could rely on; however, there is always the possibility of someone utilizing this property at a later time.

Commissioner Almeroth indicated that at some point Lot 2 will be occupied by another entity and may have a real high parking necessity.

Commissioner Ventura commented that it would depend on whoever will be purchasing this piece of property.

Commissioner Almeroth said that was correct and it will depend on whether or not that business will require more parking then they will need to ask for a variance since the property was given to Specialty's Café & Bakery, Inc. for parking.

Attorney Daniel pointed out that if they know how many parking spaces are to be utilized by Specialty's Café & Bakery, Inc. then based on the area, floor area ratio, and lot area, you can predict what size office may be going in per square footage on the interior, and the lot size will regulate the parking demand.

Building and Zoning Administrator Dragan commented that she understood Commissioner Almeroth's concern regarding the shared parking; however, thought it was good for the development, and due to traffic patterns makes sense in case Specialty's Café & Bakery, Inc. requires additional parking during the lunchtime period. When a proposed development is interested in Lot 2, they will be required to meet the parking standards, and if they need a parking variation, it will be evaluated at that time.

Commissioner Almeroth expressed his concerns of a shared parking and the possibility of hurting any potential developer of Lot 2; he would rather see customers take it upon themselves to find parking.

Building and Zoning Administrator Dragan asked Commissioner Almeroth if he would rather see shared parking between Lot 1 & Lot 3.

Commissioner Almeroth stated that the City has been hit by shared parking agreements before and feels uncomfortable with giving shared parking agreements since Specialty's Café & Bakery, Inc. has more spaces than they require now.

Attorney Daniel discussed again the possibility of a dozen people leaving their cars and walking from the Gardner School to Specialty's Café

& Bakery, Inc. to get coffee, and possibly cross parking between the Gardner School and Specialty's Café & Bakery, Inc. There is going to be some relationship between Specialty's Café & Bakery, Inc. with the Gardner School.

Commissioner Almeroth stated that they still don't know what is going in on Lot 2.

Commissioner Ventura mentioned that if they excluded Lot 2 from the shared parking agreement, it would hurt Lot 2 and that Lot 2 may like a shared parking agreement with Lot 1 & Lot 3. Commissioner Ventura sees it that 60% of Specialty's Café & Bakery, Inc.'s business is on-line and customers will not be there for long periods of time.

Attorney Daniel cited different ratios of office space, capping off parking spaces, and the impact on further development.

Building and Zoning Administrator Dragan interjected and said if the development would be addressed as a planned unit development, the City would require the shared parking under planned developments. It worked well with the Oakbrook Terrace Square shopping center, which is a common parking lot. Building and Zoning Administrator Dragan thinks they can all benefit from shared parking. Building and Zoning Administrator commented that people will park next door if needed; however, the Gardner School has the right to hire a towing company to have the vehicles towed.

Commissioner Almeroth expressed his concerns once again and mentioned other locations that shared parking had been issued and had problems.

Commissioner Donoval stated that Specialty's Café & Bakery, Inc. can work out an agreement with each other.

Commissioner Smurawski asked how many people would they be able to seat between the two (2) areas and were they open on weekends.

Mr. Arthur stated 115 on the inside, 72 on the outside.

Commissioner Almeroth chimed in and said they were open on the weekends.

Chairman Noble asked if there were to be any liquor or live music inside the restaurant.

Attorney Daniel commented if there were to be live music, it would have to be a special occasion and there would be no amplified sounds beyond the lot lines; music is not planned nor liquor as mentioned earlier.

Attorney Daniel discussed once again the shared parking issues, and the possibility of Gardner School and Specialty's Café & Bakery, Inc. sharing each other's parking lot, for example if Gardner School was having a special event after 7:00 P.M. they may ask for permission to use Specialty's Café & Bakery, Inc.'s parking lot under the condition that they clean up after themselves and vice-a-versa. Attorney Daniel was looking at Lot 2 in the same respect and mentioned that shared parking is sometimes done informally and usually doesn't cause anybody aggravation unless it is done without permission. He said the key was to get everything out in the open under different circumstances since there is such close proximity uses with the same shared drive aisle across what could be three (3) separately owned lots. Further discussion continued between Attorney Daniel and Commissioner Almeroth regarding the effects shared parking may have on potential development for Lot 2 and the possibility of not being able to issue a variance to the next business.

Chairman Noble opened the floor to the public and asked for any positive or negative testimony. There was no audience participation.

Building and Zoning Administrator Dragan mentioned, prior to the meeting Attorney Daniel received comments from neighboring property owners for the proposed restaurant and asked if these comments should be taken into consideration under correspondence testimony.

City Attorney Miroballi and Commissioner Almeroth both stated it was appropriate to use it as testimony.

Chairman Noble accepted the comments as positive testimony.

Chairman Noble closed the public portion of the meeting.

Chairman Noble asked for any further comments or questions from the Commissioners.

Commissioner Schneider asked if the following request was going to be voted on as a whole or with the parking separate.

Building and Zoning Secretary Dragan said it should be voted on separately.

Attorney Daniel was concerned about code enforcement if Mr. Wendland should apply for a permit to pay for a lot for shared use with Specialty's Café & Bakery, Inc. before any building is built on Lot 2 without their permission.

Building and Zoning Administrator Dragan stated that in the event the businesses agreed to have shared parking they could definitely do it and if they don't and Specialty's Café & Bakery, Inc.'s customers should park on the neighbor's property, the City would not get involved with the enforcement; however, the Gardner School would have the right to enter into an agreement with a towing company and have the vehicles towed.

Mr. Wendland stated that he was not involved in any of the conversations.

Attorney Daniel commented if the same owner of Specialty's Café & Bakery, Inc. were to pave and fully improve enough parking to allow Specialty's Café & Bakery, Inc. to use that space with no use on the property then what.

Building and Zoning Administrator Dragan stated that this would not be possible, a parking lot is not a permitted use in the B3 general retail district and a primary use must be established before a parking lot could be constructed.

Commissioner Schneider asked if they had other properties with shared lots with other businesses.

Mr. Arthur commented every freestanding building they have has reciprocal parking agreements for shared parking; it is essential to sales whether the restaurant is two million or five million dollars.

Commissioner Schneider asked if there were any feuding neighbors on other properties or towing issues.

Mr. Arthur mentioned they did have an issue in their Pleasanton, California restaurant where a neighbor threatened to do private towing. They had signs on their property, his property, and they had shared parking, but there is only so much control that you can exhibit over the customers. The police are alerted to the towing so if someone reports their car stolen, they know

what exactly happened. Mr. Arthur specified in the 20 years that they had this type of property; they have never had a private towing.

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

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

City Attorney Miroballi stated that she prepared a motion to exclude items 11, 12, and 13 to vote on as a second motion.

Commissioner Almeroth remarked that it should state for giving them 5 years on the fence.

City Attorney Miroballi said it was included, and went through and then read the first motion to approve the request by Petitioner Specialty's Café & Bakery, Inc. to approve special uses under Section 156.024 (B), with variations authorized under Section 156.023 (B) of the Zoning Ordinance of the City of Oakbrook Terrace, as specifically identified with paragraphs 1-10, and 14 through 18 of the legal notice regarding the instant request by the Petitioner.

Chairman Noble asked for a motion to vote on the first motion that was read by City Attorney Miroballi, in which further discussion followed, regarding paragraphs 1 -10 and the subsequent paragraphs 14 - 18.

MOTION Commissioner Ventura entertained a motion to vote on the Petitioner's request as follows:

1. Pursuant to Section 156.024 (B) of the Zoning Ordinance, a special use with variations noted herein for outdoor dining with an area exceeding 25% of the indoor dining space pursuant to Section 156.087(C) (28) of the Zoning Ordinance for a single tenant on the Subject Property according to the plans on file with the City which reflect a gross conditioned interior area of 5,013 sq. ft., an interior dining area of 1,550 sq. ft. and a patio dining area of 1,225 sq. ft., and as these plans may be modified during the hearing and meeting process through the City Council's decision;

2. Pursuant to Section 156.024 (B) of the Zoning Ordinance, a special use with variations for outdoor dining with aggregate and individual areas exceeding 25% of the total indoor dining space and of the area of each interior dining space, pursuant to Section 156.087(C) (28) of the Zoning Ordinance for two tenants on the Subject Property (areas provided in Item 1);
3. Pursuant to Section 156.024 (B) of the Zoning Ordinance, a special use with variations to allow business, service, repair and processing, storage and merchandise display to be conducted without an enclosed building pursuant to Sections 156.087 (A) (2) and 156.087 (C) (28) of the Zoning Ordinance to allow exterior sales, display and storage of merchandise on the patios at the Subject Property utilizing a mobile display case or a display fixed at a location approved by staff and the Fire Protection District;
4. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.104 reducing the number of loading zones required from one (1) to zero (0) for a building with a gross area of more than 5,000 sq. ft. but less than 6,000 sq. ft.;
5. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.087 (G) (2) reducing the required east side yard from ten (10) feet to five (5) feet;
6. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.087 (G) (3) reducing the required rear yard from thirty (30) feet to ten (10) feet and reducing the required separation of paved areas from the north lot line from five (5) feet to zero (0) feet;
7. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.087 (G) (4) to permit a common access drive to serve as more than one-half of the rear yard requirement;
8. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.035 (C) (3) and Section 156.045 (B) (30) of the Zoning Ordinance, limiting the height of accessory structures to sixteen (16) feet above grade, in order to permit the continuation, repair and maintenance of the existing structures at the Subject exceed thirty (30) feet in height and (b) the use of

existing freestanding signs (one situated near the southwest corner of the Subject Property and one situated on Lot 2 and along Summit) not to exceed their present height, while requiring new installations to comply with the Zoning Ordinance;

9. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.087 (I) and Section 156.049 waiving the interior and perimeter parking lot and other site landscaping requirements to permit that landscaping which is provided for in the Site Plan and Landscape Plan on file with the City, and as this plan may be amended through the City Council's consideration of this request, including but not limited to a variation from the area of landscape islands;
10. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from the prohibition in Section 156.035 (B) and Section 156.039 (B) (2) of the Zoning Ordinance against fences in the front yard in a business district in order to allow an opaque eight (8) foot high fence to extend from a point along the east lot line to the intersection of the east lot line with the required front yard line which is forty (40) feet north of Butterfield Road and roughly twenty (20) feet south of the south face of the proposed building;
14. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.045 (B) (3), note 2, in order to permit porches (the patios) to extend more than four (4) feet into the required east side yard, not beyond a line that is five (5) feet from the east lot line;
15. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.045 (B) (4), note 1, in order to permit canopies to extend more than four (4) feet into the required east side yard, not beyond a line that is five (5) feet from the east lot line;
16. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.045 (B) (14) in order to permit driveways in the required rear yard of the Subject Property;
17. 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; and

18. Pursuant to Section 156.023 (B), a variation from Section 156.023 (E) imposing a time limit on the variation, if any, allowed for the side yard fence extension south of the building face in order to permit the application for building permit for the fence on a date not later than five (5) years from the date a variation is approved in order to permit petitioner to consider the effect of existing and proposed alternative buffering techniques.

Commissioner Almeroth seconded the motion.

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

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 7-0.

City Attorney Miroballi read the second motion to approve the requests by Petitioner Specialty's Bakery & Café Inc. to approve variations authorized under Section 156.023 (B) of the Zoning Ordinance of the City of Oakbrook Terrace, as specifically identified in paragraphs 11 - 13 of the legal notice regarding the instant request by Petitioner.

Chairman Noble requested a motion to vote on the second motion that was read by City Attorney Miroballi for the request of the Petitioner specifically for paragraph's 11 - 13.

MOTION Commissioner Smurawski entertained a motion to vote on the Petitioner's request as follows:

11. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.101 (A) (2) (b) in order to permit the parking of vehicles of patrons, occupants or employees of Applicant on the adjacent Lot 2 which lies directly north of the Subject Property and on the west line of Summit;
12. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation from Section 156.101 (B) (1) in order to avoid the cessation of parking of vehicles of patrons, occupants or

employees of Applicant on the adjacent Lot 2 directly north of the Subject Property along the west line of Summit in the event that they shall no longer be in the same right of possession or ownership as the Subject Property;

13. Pursuant to Section 156.023 (B) of the Zoning Ordinance, a variation under Section 156.101 (C) to allow a joint parking facility on Lot 2 two north of the Subject Property and along the west line of Summit for the parking of vehicles of patrons, occupants or employees of Applicant on Lot 3;

Commissioner Myszkowski seconded the motion.

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

MOTION PASSED WITH A VOTE OF 5-2.

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 September 23rd City Council agenda. Building and Zoning Administrator Dragan asked the Commission if they wished to cancel the September 16th Planning and Zoning Commission meeting as there are no hearings scheduled.

Chairman Noble asked for a motion to cancel the September 16, 2014 Planning and Zoning meeting.

MOTION Commissioner Almeroth entertained a motion to cancel the September 16, 2014 Planning and Zoning meeting.

Commissioner Schneider seconded the motion.

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

Chairman Noble asked to make a motion to adjourn the meeting.

MOTION Commissioner Schneider entertained a motion to adjourn the meeting.

Commissioner Almeroth seconded the motion.

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

Chairman Noble adjourned the meeting at 8:28 P.M.

Respectfully submitted by,

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

Janice Coglianese
Building and Zoning / Planning and Zoning Secretary