



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, March 18, 2014
Case #14-11

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

Present: Chairman Noble, Commissioner's Ventura, Myszkowski, Almeroth, Donoval, DeVries
Absent: Commissioner Schneider
Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Peter Pacione, Planning & Zoning Commission Secretary Janice Coglianesse, Mark Daniel, Attorney for Daniel Law Office, Anthony Stella, President of Stellco Property, and Edward Urbas, Vice President of Creative Group.

Chairman Noble said the first order of business was to approve the minutes of February 27, 2014, Case #14-10, a request by the City of Oakbrook Terrace for an amendment to the final plans for the Planned Unit Development for the development of a Municipal Campus, Ordinance No. 13-45, and to consider the request of the City to grant variances from the Zoning Ordinance of the City of Oakbrook Terrace ("Zoning Code").

Chairman Noble asked for any discussion regarding the minutes.

There was none.

Chairman Noble asked for a motion to approve the minutes from February 27, 2014.

MOTION

Commissioner Myszkowski entertained the motion to approve the February 27, 2014 public hearing minutes, a request by the City of Oakbrook Terrace for an amendment to the final plans for the Planned Unit Development for the development of a Municipal Campus, Ordinance No. 13-45, and to consider the request of the City to grant variances from the Zoning Ordinance of the City of Oakbrook Terrace ("Zoning Code")

The motion was seconded by Commissioner Ventura.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE.

Chairman Noble said the second order of business was to consider the request by Oakbrook Terrace Business Center, LLC, 17W695 - 17W745 Butterfield Road, Case #14-11, to allow for variations as follows: from Section 156.043 (B) (1) (to allow three freestanding monument signs); from Sections 156.043 (B) (1) and 156.043(B) (3) (to determine the square footage of signage for each building, particularly for 17W725 and 17W735 Butterfield Road); from Section 156.043 (B) (1) (to allow the aggregation or accumulation of signage area for certain buildings with others); and from Section 156.043 (F) (5) (to permit the temporary maintenance, repair and replacement of two existing directional unit and tenant registries, in excess of three feet in area and more than thirty inches above grade, each of which is situated south of the west entrance and south of the middle entrance and on the interior parking areas).

Chairman Noble asked the petitioners and anyone else who wished to speak to be sworn in.

Mark Daniel, Attorney for Daniel Law Office, Anthony Stella, President of Stellco Property, and Edward Urbas, Vice President of Creative Group were sworn in by Planning and Zoning Secretary Coglianese.

Chairman Noble asked the petitioner's to state their case.

Attorney Daniel took the floor and commented that accompanying him this evening was Anthony Stella, President of Stellco Property, and Edward Urbas, Vice President of Creative Group, the designer of the signs. He continued to say that the application applies to an irregularly shaped parcel that combines with the pace of traffic along Butterfield Road, and the volume of traffic particularly by Home Depot and the most popular entrance is the property to the east, which is shared with one of their entrances pursuant to what is known as a well easement, not a simple access easement it actually says road easement on the plat of survey. This becomes a public road that services the primary access point for two (2) properties and is the nature of the petitioner's hardship.

Attorney Daniel indicated that he tendered the Affidavit of Service, and notified all properties concerned, but has not heard from any of those people who were sent notices, which Attorney Daniel thought was very unusual. The neighbors must view this as something that will not impact their properties.

Attorney Daniel continued to comment that the property is just west of the City off of Butterfield Road, (as he pointed to an aerial map showing that the property is maximizing office space), and he said by taking a look at the property it shows three (3) entrances along the south frontage of Butterfield Road; the plan is to place the monument signs at each of these entrances. By looking at the drawing, it is self-evident what happens if someone turns into the wrong lane; they turn right back unto Butterfield Road, which is going to happen at the middle entrance. The west entrance you might be meandering around the back of the building, which is also a loading area, and a surface area for the property. Even if they did make the turn and they are assuming they are going to get into the proper entrance without using Butterfield Road, they only have the one (1) set of buildings that faces the east side of the property that they could access without re-entering Butterfield Road, which leaves the middle section inaccessible without a re-entry unto Butterfield Road.

Attorney Daniel continued to say that there are projects on 22nd Street, along Butterfield Road where someone would need an access permit, so at this point who would they go to; it is not always the City, it could be IDOT. IDOT has this custom long time practice saying it is great that people want this access; however, they highly encourage the building of a frontage road to work on joint access with the neighbors to take the traffic off the street. People have fought to keep the access points that they had for a long time. He stated this is one (1) property we want to preserve the three (3) access points; consolidating would cause the loss of a building, the interior traffic would change and they would lose parking spaces. There would also be detention issues due to grade changes to the area. The three (3) entrances should be preserved and made an asset to the property. The way to do this is to have the entrances designed in the correct way, have the building phases visible, and sufficient signage available for the buildings and for the tenants of the buildings. They want to make sure they have signs for the drivers who are usually traveling at 40 plus miles per hour, and as they approach the Home Depot traffic driving east, they are looking for, at this point, wall signs, if they are not familiar with the property.

Attorney Daniel commented by adding these signs at the entrances will help with the directional traffic, and keeps traffic from making the wrong turn, and more convenient not only for the tenants and customers, but also for some pretty key components of Oakbrook Terrace as a business community; several law firms, financial firms and west of them is Home Depot. When the property west of Home Depot becomes active there will be issues with traffic coming out of it, and the City wants to make sure that the entrance on

the north side, the Butterfield Road / Home Depot entrance is somewhat protected.

Attorney Daniel stated that it is a long span from Butterfield Road and Summit Avenue down to Butterfield Road and 22nd Street with no stop light in between. If we double the traffic volume due to U-turns, or missed turns at the subject property being reviewed this evening, it will create interference not just on Butterfield Road in general, but right adjacent to one of the City's largest sales tax generators who want to see their entrance protected; these signs should eliminate the wrong turns.

Attorney Daniel cited that the signs are low profile, and they are in compliance with the Zoning Ordinance when it comes to height, size, and square footage. At this point and time the locations are generally described as adjacent to the entrances, because when it comes to perimetering, they want to know the grade, at the time they go in for the permit, because the City's signs are measured in height from grade point where the sign hits the ground; they want to find the safest place per this requirement, which will require some consultation with Building and Zoning Administrator Dragan. He handed the floor over to Petitioner Stella to discuss the acquisition for the property.

Petitioner Stella stated that the property is in a good location, but has been in disrepair for many years so they proceeded with the project realizing they had to put a certain amount of capital in the property to bring it up to more current standards. This past fall they tore out the existing landscaping, which was over grown and started the process of staining the brick, which has had positive feedback. Due to the weather they have not been able to complete the projects, but are hoping to have it completed within the next 30 to 60 days. Other miscellaneous work has been done; fencing around the HVAC units, which had been neglected for years, painting the HVAC units, repairs to deteriorating curbs, and replacement of sidewalks. This summer they plan on seal coating and striping.

Petitioner Stella commented that they have had some activity with the leasing, the rates are being kept reasonable, and due to the location, there has been positive feedback. One issue that has been raised is signage, and tenants that want more exposure. Petitioner Stella said he was concerned with the esthetics in which he has aggressively started the renovation, and does not want to see signs placed directly on the building. Personally, he would like to see professionally done and tasteful monument signs that would be an enhancement to the property and to attract tenants more easily.

Attorney Daniel asked if there were any questions.

Chairman Noble asked if the building was fully occupied.

Petitioner Stella stated that it was 60% occupied when he took it over, and some tenants chose to vacate at the time; however, it is now just under 70% full.

Attorney Daniel stated in respect to the request, due to the double frontages on the property, there would be two (2) freestanding signs; the first frontage being Butterfield Road and the second being the access road that was created between the owners of the office buildings to the east and a prior owner of the mentioned property. He said the Petitioner is requesting one (1) additional freestanding sign. The eastern most sign is situated along the privately created road then runs down the east faces of their buildings. The extra sign will be placed at the central and western entrances. Prior to the hearing he asked the Building and Zoning Administrator to enlighten him on some face questions. Ms. Dragan gave him some notes showing the calculations of the square footage of signage for each of the buildings on the property. Between the two (2) of them they thought this was a good time to present a table of available signage for each of the buildings, because of the two (2) frontages and the fact that one (1), or two (2) of the buildings really have constrained access to Butterfield Road as their frontage.

City Attorney Pacione asked Attorney Daniel for the address of the buildings.

Attorney Daniel stated, because of the postal system each face had to have an address, which conflicted with their calculation of available signs per square footage per building.

City Attorney Pacione asked if the Petitioner was looking for this building to be incorporated in the ordinance.

Attorney Daniel replied yes, to be incorporated into the ordinance, and proceeded forward to giving the specific addresses; the east face of Building 1 is 17W697 Butterfield Road, and the west face of Building 1 is 17W703 Butterfield Road; the southeast corner of Building 2 is 17W695 Butterfield Road, and the west face of Building 2 is 17W70 Butterfield Road 5; the entirety of Building 3, which is the south side of the property running east and west is 17W715 Butterfield Road; Building 4, located in

the middle of the property on the south lot line has two (2) addresses, the east 17W725 Butterfield Road and the west 17W735 Butterfield Road; Building 5 has two (2) addresses, the east 17W727 Butterfield Road and the west 17W733 Butterfield Road; and the western most being Building 6 is 17W745 Butterfield Road. This table was used to determine the building frontage and used to reach the point ordained for the maximum number of sign square footage for each building. This way it is clear in the ordinance if there were any questions in the future. He pointed out on Building 4 there is a challenge that has 197 square feet assigned to it; it is the most isolated building in which they have taken 98 ½ feet from Butterfield Road, toward the northwest in a perpendicular line towards Butterfield Road. This is the tightest constrain for signage, being the most isolated building on the property. He continued to say that they provided directions in the table showing that they took the frontage measurement from the east to the private drive, defined as a public street, or to the north/northwest to Butterfield Road. These calculations were taken from notes from Building and Zoning Administrator Dragan; most of these are reflective of her conclusions with the exception of a few. The buildings to the east side of the property, Building and Zoning Administrator Dragan notes did not include the measurement out to Butterfield Road, which they had not yet reviewed the privately created public street on the east side of the building; at this time they did not have the titled document. Once reviewed and he had seen it was labeled a public road, he knew there was a second frontage in which the measurement shifted towards the east. This ordinance should help in respect that it will fall within the maximum gross surface area sign measurements that are shown on the table. He commented that the wall signs that the Commissioners may have seen on the property on the north face, do not exceed 50 square feet in size, only one (1) might be 54 square feet; the signs are well within the maximum size limit for the property.

Attorney Daniel continued to state his case for the remainder of the Petitioner's request. He commented that he covered the need for the freestanding signs. In regards to the aggregation or accumulation of signage for certain buildings with others in the area, they asked for a variance depending how things were interpreted in the ordinance. He commented that this particular section is very hard to understand. Reading it in a certain way, the measurements for Building 4 could be viewed as an aggregation of some kind or an accumulation of signage of 197 square feet. By taking the measurement directly north of Butterfield Road instead of on an angle to Butterfield Road, hitting a perpendicular line to the street, you have zero frontage to Building 4; in this case someone could have argued that it is an aggregation.

Attorney Daniel stated that there was a question about the maintenance of the existing signage in which some people may have noticed the blue monument sign that is erected. This blue monument sign has a theme that carries out the three points in the parking lot. First, on the east side was a directional type sign that stuck up about 4-5 feet from the asphalt level; this tenant directory has been removed. He pointed out the two (2) remaining ones have the same blue color. The Petitioner's intent is to maintain these two (2) signs as much as possible until no longer maintainable. They may blend in with the center, but in time, may have to be replaced; however, for the time being they would like to leave these signs temporarily. The signs do not comply with a portion of the ordinance concerning the tenant directional signs; they have to be smaller than 3 square feet and not more than 30 inches above grade. These signs were designed to be seen from a car, across a lane of traffic, or a drive aisle. They would like to maintain these signs temporarily to the extent that they will be repainted; they will blend better with the center, and eventually be replaced. They are signs that help with tenant identification.

Attorney Daniel commented in respect to the property in general there are a couple of issues with this particular neighborhood; odd shape parcels due to the configuration and expansion of Butterfield Road over time even for stormwater purposes. The City water runs right in front of the property with easements across it. Almost every parcel / lot in that quadrant between Summit Avenue, 22nd Street, and Butterfield Road is an odd design. It has led to a number of cross access easements; Denny's is a good example with its large freestanding sign on 22nd Street and when you turn in, it has another freestanding sign as you approach their private drive area of their entrance. The same thing is true to where Hiffman has its office on the northeast corner of Butterfield Road and 22nd Street, all which are tenant signs. Building identity is one of the keys to success in bringing employees into the City.

Attorney Daniel stated the signs they are proposing will identify the property and two (2) or three (3) tenants addresses, so that people know where they are driving. The signs will be no larger than what the ordinance requires; no taller than 9 feet. He said when you think about the design of the property, the speed, the need for a sign and for keeping people on the property, instead of making additional trips into and out of the access points near the Home Depot, a variance could be created just based on practical difficulty. Practical difficulty could occur not only to the owner, but in this case they are helping Home Depot /KIMCO out to preserve the left hand turn into their entrance.

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

Building and Zoning Administrator Dragan commented that the Attorney for the Petitioner made a detailed presentation of the proposed signage at the subject property, and the City allows variations when an owner faces particular hardship. Also, the Assistant Property Manager of KIMCO visited the Building and Zoning Department to review the public hearing documents, and determined that the proposed signage will not impact their property or affect the Home Depot sign situated far west of this property.

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

Commissioner Donoval wanted to know to what extent of remodeling the Petitioner's plan entail, and wouldn't be better for the Petitioner to come back before the Commission with all their remodeling intents in one (1) package.

Petitioner Stella commented that most of the improvements are cosmetic such as staining of the brick, which had begun this past fall. He continued to say that they took over the property October 1, 2013, late in the season and they were anxious to get the property in good condition. His plan was to stain the brick, organize the landscape contractor, which some of the landscaping had been begun before the winter season began, along with the other work he mentioned earlier. He stated the work he was undertaking had a big impact on the property, and basically they were not tearing down or adding on to the property. They later realized that there were some zoning issues with the signage.

Attorney Daniel supervised and mentioned that the rehabilitation of the property and the remodeling of certain aspects were outside the scope of zoning requests; other issues may require building permits, and as those come in they would be happy to report on what is being done overtime. The Building and Zoning Administrator is aware of the work that has already been completed in which this work falls outside of the Commission's authority that the Petitioner does not need any zoning relief.

Commissioner Donoval questioned him as to why they didn't think they needed any approval for the remodeling.

Attorney Daniel stated this type of work would be a permit issue not a hearing zoning issue.

Commissioner Donoval commented that a friend of his has an office in an older building that is not handicap accessible. He suggested that the Petitioner's building should require a complete remodeling to suit the needs of the handicap.

Attorney Daniel said the accessibility side is to take it on a tenant by tenant basis as the need arises. The US Accessibility Council or the Illinois Capital Development Board would not require rehabilitation unless they are looking at a substantial amount of work. Some projects with restriping, they had to look at the handicap spaces, and if they were looking at bathroom remodeling, they would be checking for door locks, door knobs, mirrors, etc. These are done on a case by case basis. The law requires that they look at the budget for the project and the types of items being changed inside and eventually you start whittling down the issues for the access challenged.

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

Chairman DeVries commented that she gets lost going into these places and thinks the signs would be very nice. It is very easy to make a wrong turn and she has done it a few times herself particularly in that area.

Chairman Noble asked if the signs were going to be lit to see them at night.

Petitioner Stella mentioned that the signs would be lit in one (1) fashion or another; the lighting maybe in between the panels or a spot light from the ground facing toward the signs.

Chairman Noble addressed Building and Zoning Administrator Dragan and asked if the Petitioner needed to return for another hearing.

Building and Zoning Administrator Dragan replied no.

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

There were none.

Chairman Noble asked for public participation, but since there was no one present he closed the public portion of the hearing.

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

There were none.

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

There were none.

Chairman Noble asked if the City Attorney wished to make any added comments.

City Attorney Pacione said he had no further comments.

Chairman Noble asked for a motion to approve Case #14-11.

MOTION

Commissioner Almeroth entertained a motion to approve Case #14-11, to consider the request by Oakbrook Terrace Business Center, LLC to allow for variations as follows: from Section 156.043 (B) (1) (to allow three (3) freestanding monument signs); from Sections 156.043 (B) (1) and 156.043 (B) (3) (to determine the square footage of signage for each building, particularly for 17W725 and 17W735 Butterfield Road); from Section 156.043 (B) (1) (to allow the aggregation or accumulation of signage area for certain buildings with others); and from Section 156.043 (F) (5) (to permit the temporary maintenance, repair and replacement of two existing directional unit and tenant registries, in excess of three feet in area and more than thirty inches above grade, each of which is situated south of the west entrance and south of the middle entrance and on the interior parking areas).

Commissioner DeVries seconded the motion.

Chairman Noble asked if there were any other discussion.

There was none.

Chairman Noble asked for a roll call.

Ayes: Ventura, Myszkowski, Almeroth, Donoval, DeVries, Chairman Noble

Nays: None

Absent: Commissioner Schneider

MOTION WAS PASSED.

Chairman Noble asked Building and Zoning Administrator Dragan on what date the petition would be placed on the City Council agenda.

Building and Zoning Administrator Dragan said it would be placed on the April 8, 2014 City Council meeting agenda.

Chairman Noble adjourned Case #14-11 at 7:38 P.M. and asked for a five minute recess before the next public hearing case.

