



City of Oakbrook Terrace  
Minutes of the Planning & Zoning Commission Meeting  
Tuesday, October 3, 2023

**I. CALL TO ORDER**

The Planning and Zoning Commission meeting was called to order by Chairperson Walberg at 6:00 P.M.

Chairperson Walberg asked Planning and Zoning Secretary DeBok to take roll call.

Present: Commissioners Ventura, Jackson, Donoval, and Berkshire, Vice Chairperson Freda, Chairperson Walberg all present.

Absent: None

Also Present: Melissa Headley, Community Development Director; Peter Pacione, City Attorney; Karen DeBok, Planning and Zoning Secretary; Sarah Cavazos, Planning and Zoning Secretary; Jamshid Jahedi, President, Dome Design Build Corporations; Aamir Munir, Alfatiha Corporation; Erum Tariq-Munir, Property Owners.

**II. APPROVAL OF MINUTES**

Chairperson Walberg asked for a motion to approve the minutes of the Public Hearing held on April 4, 2023 for Case 23-04 – 17W754 22nd Street (Petitioner: Olympik Signs, Inc.).

Chairperson Walberg asked the Commissioners for any question or discussion on the minutes. There were none.

Chairperson Walberg asked for a motion to approve the minutes.

**MOTION** Commissioner Berkshire moved to approve the minutes as written, and Vice Chairperson Freda seconded the motion to approve the minutes of the public hearing held on April 4, 2023 for Case 23-04 – 17W754 22nd Street (Petitioner: Olympik Signs, Inc.)

Ayes: Chairperson Walberg, Vice Chairperson Freda, Commissioners Berkshire, Donoval, Jackson and Ventura.

Nays: None

Abstain: None  
Absent: None

MOTION PASSED WITH A 6-0 VOTE.

### III. **ACTION ITEMS/PUBLIC HEARINGS:**

#### 1. Case #24-01 17W727 Roosevelt Road, Petitioner: Alfatiha Corporation

Chairperson Walberg stated the next order of business is public hearing #24-01 17W727 Roosevelt Road, Petitioner: Alfatiha Corporation. Chairperson Walberg asked the petitioner if they have someone to present their case this evening. Attorney Pacione added that the petition is for the eight itemized items that are listed on the agenda that include the special use and variations. Petitioners Jamshid Jahedi, President, Dome Design Build Corporations; Aamir Munir, Alfatiha Corporation; Erum Tariq-Munir stood and stated they would be presenting their case. Secretary DeBok swore in Jamshid Jahedi, President, Dome Design Build Corporations; Aamir Munir, Alfatiha Corporation; Erum Tariq-Munir.

Jamshid Jahedi with Dome Designers started the presentation for the petition. He is the architect and engineer for the project. He mentioned that they are a small franchise ice cream shop. They are in other areas of the US, primarily east and south of here. This will be the second franchise in Illinois. This will be a family-owned business. They really want to make people happy with delicious ice cream. They are hoping it will be a meeting place for teenagers. The site is in the heart of two shopping centers, Oakbrook Terrace Square and Courtyard Shopping Center. He mentioned that the drive-through requires a special use. He stated that Bruster's business model is based on a drive-through and outdoor eating. There is no indoor seating so the drive-through is an important element of their business. Having the drive-through helps make it easier for families that may have difficulty getting small children out of their cars to stop for ice cream and makes it more accessible to people with disabilities because they don't have to get out of their cars if they do not want to. They need the drive-through to be competitive with other businesses in the area.

The development takes access from the mall drive. Due to the long, narrow geometry of the lot, they need variations to setbacks in order to get the turning radius of the drive-through to work. The cars can get in and out from inside the mall and they must circulate around the narrower side of the property. To make it around the building, the cars require a minimum radius of a turn. That turn radius is very difficult to achieve unless we take part of the setbacks in the side yard. They had to push the landscaping to the mall property and the property owner has negotiated with the shopping center. As soon as you take the side yard out, there are some landscaping problems which come in that also require some additional zoning relief. So, the reason for the variance is to accommodate the minimum turning radius for the drive-through. The narrow long

geometry of the lot requires a variance from the zoning regulations requiring five-foot side yard setbacks.

The landscaping is mostly shrubs up to four feet around the building where the drives are. To do that, they have to push these shrubs into the property that is owned by the shopping center. They have approvals from the shopping center owner. On the West side there is a tax company, which has their own five-foot side yard setback for landscaping and there is a set of shrubbery over there to screen that area. Mr. Jahedi read the eight pieces of zoning relief into the record. He showed an elevation of the building depicting the sign, which they are proposing. He stated that if you look at the overall picture of the building, it looks like it is very proportional to the shape of the building. These are also the same signs being used all over the United States for this franchise. The franchisor believes that this kind of signage has been very successful for the franchise. So, the operators are asking for these three signs. The variation to increase maximum total signage of the sign may appear to be a large request. There are two factors that are impacting the need for this request. Number one is the orientation of the building on the site with the shortest side along Roosevelt Road. It reduces the amount of signage per foot for the development. The second thing is that both sides of the freestanding sign that they're proposing count toward the total signage permitted at the site. If the building were oriented East-West along Roosevelt Rd and only one side of the freestanding sign counted toward the total area permitted the variation request would have been less than 50% of the requirement. So that's also the reason this looks like the sign is a little larger.

Mr. Jahedi discussed the impact on the Community. He went through the guidelines for special uses and variations outlined in the City of Oakbrook Terrace Zoning Ordinance and noted the following:

1. **Deemed necessary for public convenience;** The shop would offer a quick and easy way for customers to satisfy their sweet cravings, and it would be a popular destination for families and individuals looking to enjoy a fun treat.
2. **Will not be unreasonably detrimental to or endanger the public health, safety, morale, comfort or general welfare;** Again, it would be a delightful addition to the Community response and family.
3. **Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish or impair property values within the neighborhood;** So, someone that drives to the ice cream shop is not likely to have any negative impact on this area. It would be a delightful addition to the Community, offering a fun and unique destination for residents and visitors alike, and would not have a negative impact.
4. **Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;** A drive through ice cream shop is a low impact development that we are putting in there, it will be a great compliment as other coming to the existing businesses and establishment in the area, No one can argue that the sweet taste of ice cream and the good that would be any detriment to this area at all.

5. **Will provide adequate utilities, access roads, drainage, and other important and necessary community facilities;** and
6. **The development will conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council;** They already got a lot of the utility work reviewed for drainage, utilities and water. Everything was reviewed and is in good standing. They will do more revisions to bring it to the level that the city is expecting us to have. The owner also is committed to providing adequate utilities, access flow, drainage, and any other facilities owner is committed to working with the cities and ensure that all regulations are met. He asked if there were any questions.

Chairperson Walberg asked if staff wanted to present their report. Staff stated that Mr. & Mrs. Munir would like to address the Commission.

Mrs. Munir thanked Mr. Jahedi for presenting the difficult part of their presentation, the most technical terms. Their presentation focused on letting the Commission know everything about who they are and just a little taste of what Bruster's will look like.

Ms. Munir started the presentation. She and her husband Aamir have been married for 17 years. They have three beautiful kids. They have long relations with Illinois. They got married in the city many years ago and moved to Iowa for a few years for his work. They had their kids there. They moved back about five years ago, and she works in a private school. She has an MS in Sociology from Iowa State University and is an Air Force Veteran. He got his MS in Technology from Southern Illinois University-Edwardsville.

They discussed why they chose Bruster's. A couple of years ago, Mr. Munir took the family on a trip to see the white shores of Alabama. He had been talking about this trip for 10 years and they finally took a vacation to Orange Beach, Alabama. They had a wonderful week at the beach. On their way back, they stopped in Indiana for some ice cream, and they stopped at a store called Bruster's. Mrs. Munir likes to explore smaller businesses in the area that are not as well-known as Baskin Robbins, so they Googled and found Bruster's. She had never heard of them and decided to stop there. They went for ice cream once, twice, ordered three times, then four times. Yes, four times, and they only have three kids, so they can't blame it all on the kids. Mr. Munir replied we love ice cream. We love the product, the flavors, and we came back to it and were like, you know what, we've never heard of Bruster's in this area. So, he found out that there were no Bruster's in Illinois. They had been talking about opening our own business eventually, but up until then it was all talk. So, a couple of years ago, when Mr. Munir investigated it, he asked Mrs. Munir what she thought and she replied yeah, why not? So, they contacted Bruster's. They're great people. Amazing people to work with and very supportive. The Munir's were approved as a franchise. They did mention there are stores under construction right now. Another franchise will be opening a store in the Aurora area. The other operator is looking forward to opening their store hopefully

before the Munir's because they're further ahead in the process than the Munir's are. That's how it all started.

Then they went to the introductory meeting and met the corporate staff. They only have one corporate store, but there were other stores in the area. They went to the partners in progress meeting. They've met tons of people who are store owners and franchisees, all over the United States. So, the idea of Bruster's was born because they want to bring the community together. Mr. Munir stated first thing is we all love ice cream. The second thing is that we want to bring people together. He said he wants to have a store where children and families can enjoy and sit together. He also noticed that the business mostly employed teenagers. He stated that he likes the idea of offering jobs to new people, teenagers, high schoolers and bringing families together. Once they met the people from Bruster's, they noticed that they were also engaging people from churches and communities. They also bring teams together by offering special discounts to them, not only to the communities. They also love that they offer free treats to dogs, not just serving people. Dogs in our society are also part of the family. So, including everyone in the family, that's one of the best parts of the business.

Mr. Munir replied being parents of teenagers they would like to provide a safe place for teenagers to work and to come together. They don't want it to be a place just to work to get a paycheck but create a family for their employees.

Mr. Munir also stated that the business will create around 30 to 50 jobs in the local area. The number of employees would be increased in the summer and in the winter, it would be a little less than 10. Summer would have between 30 to 50 people.

Mr. Munir stated that Mr. Jahedi had already explained the layout of the store, but he wanted to highlight the eating area right outside. That's where they plan to have the local teams come, have a get together and sit. There is additional parking across the street in the mall area. They have an easement with them.

Mrs. Munir stated that there are several schools in the area like Mr. Munir said. The idea is to have Bruster's as a meeting point. A meeting place, where families get together and where people can get together. That's what they're envisioning our store to be. There are several schools in the area there is Elmhurst Hospital, Willowbrook, Glenbard East, Jackson Middle School, Montini Catholic, and various schools. They are hoping this will be the hip place.

Mr. Munir stated that they also have plans to sponsor teams and sports initiatives to have people enjoy their products. They don't want to be limited to the store and may consider getting a car or van, but those plans are in the future.

Mrs. Munir showed different layouts of different Bruster's stores in the nation. Again, these don't have indoor dining. I think there's maybe one store in all the 200 stores that have indoor dining. Everybody else has walk-up windows and drive-throughs. So, they're going to build upon what's working and add new elements to it and use something that they know works. Finally, just some delicious treats for you guys to look

at before you go home and maybe stop at Rainbow Cone. Lombard has Rainbow Cone, but Oakbrook Terrace will have Bruster's.

Chairperson Walberg asked staff to present their report.

Director Headley stated that it's hard to follow all those delicious pictures and she'd try not to repeat too much of what's already been discussed. She mentioned that the site is located by the BMO Harris Bank at Oakbrook Terrace Square. The site is about 4/10 of an acre. As the Munir's mentioned, they purchased the property last year at about this time and they're franchisees for Bruster's. They have walk up windows for ordering, an area where you can eat after you've picked up your food and they have a drive-through window. There's no indoor seating as was mentioned. Pictures of the existing conditions were shown.

Director Headley summarized the zoning requests and stated that they were asking for a Special Use for the drive-thru, variation to increase total permitted area of the signage at the site and variations to reduce the side yard setbacks for paved areas, the perimeter landscape areas, and the parking lot perimeter landscaping along the eastern and western property lines.

She stated that the building meets all height and setback requirements. The development meets floor area ratio and parking requirements. The plans were reviewed by the Oakbrook Terrace Fire Protection District. They had comments that could be addressed during construction. City engineers at Christopher Burke Engineering reviewed the plans and had comments that could be resolved during final engineering.

She further stated, as you can see, the lot is long and narrow. To get that turning radius for the drive through, the drive-through lanes had to be pushed out towards the side lot lines as far as possible. That's what's driving a lot of the variations because the zoning ordinance has requirements for pavement setbacks and the pavement setbacks accommodate for perimeter landscaping. Since the pavement setbacks cannot be met, there is not enough area to provide perimeter landscaping. So those drive through lanes are within five feet of the side lot lines.

Director Headley stated that landscape requirements apply to all new buildings. Landscape screening is not required in this case because it's not in the residential area, interior parking lot landscaping was not required because the site didn't meet the minimum standards for it after deducting areas for the building and the setbacks.

They are installing a significant amount of landscaping. You can see it along the North, East and South property lines. They'll have hedgerows that are four feet tall along those property lines. The Eastern hedgerow will be on the shopping center property, and they've granted permission for the installation of landscaping. There will also be hedges included in the northwest and southwest corners of the site. The strip center to the West of the site has a hedgerow that you can see in the pictures. That hedgerow can help to screen both the parking lot on that property and the one on the subject site. The interior

drive-through will also have landscaping along it, which will screen the outdoor eating area. The southeast corner you can see has been cut at the corner to ensure that there's no visibility issues for people coming into the shopping center.

Our zoning ordinance requires 50% landscaping along the side and rear parking lot borders, a minimum of four feet high along the eastern property line. There will be a hedgerow that's four feet in height, but the variation is required because it's going to be installed on the shopping center's property. Then along the Western property line, there's just two small areas at the North and South corners of the lot that will have the hedgerow.

With regards to the proposed signage, petitioner already discussed what was driving the request, but Director Headley further clarified that the building is 30.2 feet wide along Roosevelt Rd., so they're allowed 60.4 square feet and they're only proposing two wall signs that are less than 25% of the building wall, so they meet those requirements. They will also have the free-standing sign. Because the way we treat free-standing signs is to count both sides a larger variation is needed towards their overall allotment of signage. If this building had been oriented East to West as opposed to North to South, they wouldn't need such a large variation. That concluded the staff's presentation and Director Headley asked if there were any questions.

Vice Chairperson Freda stated she had some questions she asked Director Headley about the setbacks. If you look at the bank, they have a large green area with trees on the east side. She said there is about twelve feet between the roadway and the petitioner's property which could be planted with trees. A few trees to match the east side, so that you have an attractive entry to the shopping center. She was concerned with the two-way traffic. She noted that you've got one coming in and then your driveway goes in the opposite direction. She noted people tend to be a little careless and she was concerned that they might be too close to each other coming around your building and coming in from Roosevelt Road. She stated people tend to be quick on the gas. She noted that the petitioner will be going into the shopping center property for some green space and if they could plant trees there, that would be great. She acknowledged that is a question for the shopping center.

Director Headley stated the shopping center owns the property with the hedgerow.

Vice Chairperson Freda asked if we've talked to the neighbor that has the hedgerow on the West side because we're now dealing with a one-foot setback on the west side, and he has five feet for his plantings. She inquired if they had any complaints.

Director Headley replied, "We haven't reached out directly." She didn't know if the Petitioners had reached out. She also stated they were notified of the public hearing. This is required by state law. We haven't heard from them since they received the notification.

Commissioner Ventura also noted that the public hearing sign was posted.

Director Headley replied yes, we put two signs at the site.

Vice Chairperson Freda stated she didn't have any problem with the signage on the building. She has concerns with the sign way up in the air. The city redid the codes two years ago and along Roosevelt Road we are dropping the signs down to monument signs. She preferred a digital sign on both sides of the monument sign. The shopping center has one very large sign, she wasn't sure if there was space for this business to be on that sign.

Attorney Pacione inquired if the pole sign meets the code.

Director Headley stated the free-standing sign meets the requirements for a pylon sign. It does not exceed 15 feet and it's at least six feet above grade.

Vice Chairperson Freda stated she believes the sign will block the shopping center sign from the west to east.

Director Headley stated the shopping center has been working closely with the petitioner.

Vice Chairperson Freda stated even the Comar property on the corner wanted to do wall signage and they put in a monument sign. They are going to put in a sign way up in the air and we've been reducing these types of signs to the ground versus way up in the air.

Attorney Pacione inquired if there was a variation.

Director Headley stated there is no variation for height.

Vice Chairperson Freda noted it is also way over the limit of the amount of signage.

Director Headley agreed and stated that is in part because freestanding signs count both faces towards the requirement.

Vice Chairperson Freda stated it is a large sign and could be made more attractive.

Petitioner Jahedi noted the sign is only about 15 feet high and the signs for the mall are very high.

Vice Chairperson Freda noted the mall has very large pylon sign.

Petitioner Jahedi noted the proposed sign is also very close to the drive through lane. It's all the way inside that property line as much as possible.



Vice Chairperson Freda inquired about the height of the sign. She stated that if you look at the drawing, the height of the man versus the height of the sign what we're trying to do is bring the signs down to the ground, so that your 5-6-7 feet maximum to the ground.

Director Headley stated the picture of the man is not to scale. It is only six feet to the bottom of the sign, but the man is half the height of the pole.

Commissioner Ventura asks for further clarification on the height of the sign.

Vice Chairperson Freda stressed her concerns that this is an aerial sign and we have been working very hard to bring down all those aerial signs closer to the ground, so we get a better aesthetic. The other issue she raised is the traffic inside the mall. You're going to be right next to a preschool. She visited the site and tried to cross the street just east of the preschool. There was heavy traffic that came through between Aldi's and all the way through to Pete's parking lot. She noted how people will be walking with kids and walking dogs in that area. She stated she didn't know how to solve the problem, but the City should look into it further. She noted Burke Engineering requested a stop sign and she hoped that would be enough. She inquired if there was a stop sign behind Anyway's.

Petitioner Mrs. Munir responded there is a stop sign and speed bumps.

Vice Chairperson Freda stated she doesn't think that people pay attention to that unfortunately because they come barreling through at a pretty good clip for being inside a parking lot.

Mrs. Munir restated there's a stop sign and there's also speed bumps right before so, hopefully those speed bumps will take care of the speed.

Vice Chairperson Freda stated they have been there for years. It's a concern because you are going to have little kids running to your ice cream shop.

Mr. Munir replied they agree with Vice Chairperson Freda's concerns. They are concerned too, but they have a three way stop signs and then also on the other side next to Anyway's there are two stop signs, and the bump, so that slows down traffic.

Vice Chairperson Freda stated she hopes their business is going to be gangbusters. Hopefully it will be full of people, and they want to buy ice cream.

Vice Chairperson Freda restated her concern about the amount of traffic that's going past their entryway and then coming out of your entryway and the kids that are walking.

Vice Chairperson Freda concluded her statements.

Chairperson Walberg asked Commissioner Ventura for any comments.

Commissioner Ventura stated she had one question asking for clarification on the height of the sign.

Director Headley stated the height of the sign is fifteen feet overall to the top of the sign and six feet to the bottom of the reader board.

Commissioner Ventura noted that there are children in the area, but she feels that the daycare center has their own parking and the cars come in to drop kids off. They're not walking around with the children. They are going right to the door. So, it's all really tight, but an ice cream shop sounds delightful.

Chairperson Walberg asked Commissioner Jackson if he had any questions or comments.

Commissioner Jackson stated he wondered if they're making some bad assumptions that give rise to the variation requests. This is clearly not Orange Beach and much of the dimension issues are caused by having a very large outside seating area. In the Chicago area, as opposed to Orange Beach, there's a lot less people spending time sitting outside. So, he asked whether there's corporate knowledge from stores in a similar climate, that they will be able to use that seating area enough to make it necessary to take up all that space.

Petitioner Jahedi stated he is correct; the Chicago area is not the best weather for ice cream in the winter. It's not only the seating area, but also the curvature for the cars to turn comfortably. I do not argue that there are some curvatures that are tighter, and people can negotiate them eventually, but for a place which is supposed to be a delightful experience, a curvature which is closer to the standard of the curvature for the cars is more appropriate. Especially when the drive through is one of the only ways of selling the product, that curvature is more of a convenience.

Commissioner Jackson stated he understood that the arc of the driveway is more relevant than the outdoor seating area. He had nothing further.

Chairperson Walberg asked Commissioner Donoval if he had any questions or comments.

Commissioner Donoval stated he understood they were within height limits, but fifteen feet was too tall. If you don't have a glass roof, you won't see the sign. Anybody can read the sign, even on the ground. The second concern he raised was reducing the square footage of the signs. He felt they were asking for way too much. He felt comfortable allowing double the allowed signage but felt three and a half times was too much. He also noted when he built the strip center next door, he had a problem with the city. They didn't let him build on the five feet on the east side and west side. He had to put the parking spaces on an angle to fit cars there and he didn't think it was fair to the owners, but we notified them, and they didn't object, so they have no complaint. He

stated he had to meet setbacks, but they are requesting one foot. He liked the idea that they purchased the property and are owners. Owners take a different approach to the property versus renters.

Chairperson Walberg asked Commissioner Berkshire if she had any comments or questions.

Commissioner Berkshire stated she loves the idea of an ice cream store. She thinks that would be great in our town. She also thought that would offer several jobs for teenagers. She had some clarifying questions. Is this a seasonal store or will you be open year-round?

Petitioners responded it would be open year-round.

Commissioner Berkshire then inquired if the walk-up window would face North along Roosevelt Road?

Mr. Jahedi stated there are two windows facing North and there is one or two windows facing the East side as well.

Commissioner Berkshire asked which side the walk-up windows would be on?

Mr. Jahedi replied that people who park in the parking lot will walk north toward the building through the outdoor eating area.

Commissioner Berkshire asked for clarification on the distance between the mall entrance and the shrubs that they are planting along the drive through lane.

Director Headley stated from back of curb to back of curb it will be about 12 ½ feet.

Commissioner Berkshire replied she had no further questions.

Chairperson Walberg expressed concerns about safety like the others mentioned. She went there on a Sunday afternoon and there's a lot of people running in and out of there from Dogtopia. They have seven or eight families going in to get their dogs and coming out with their dogs that were all over the place. She stated she understood that the petitioner can't be responsible for everybody, she just wanted them to be cognizant of that and with the preschool too.

Chairperson Walberg expressed concerns that kids are going to see ice cream and want to run over there. She didn't think a stop sign would be enough but couldn't offer anything other than being a Mom and hanging on to them. The only other question she had was whether the petitioners were going to be managers and/or working there?

Mr. & Mrs. Munir replied they would own and manage the shop.

Chairperson Walberg asked if anybody had any further questions or comments?

Commissioner Ventura stated she agrees with Commissioner Donoval's comments regarding the sign being three times over on the signage. She noted that recently Old Second Bank asked for the same thing. They requested more than double what our sign ordinance allows. She didn't object to this request but thought the Commission should consider revisiting the sign ordinance to put a limit on variations to thirty percent or thirty five percent of the requirement. She stated she understood the need for the tall signs due to its setback from Roosevelt Road. She indicated she felt Stan's Donuts was tight and she was concerned about it, but we allowed it. She noted she thought this was a better layout.

Vice Chairperson Freda stated her only concern is the height of the sign and that they are requesting almost four times the allowable signage. She also inquired if they could drop the sign down and use just a digital sign or something smaller.

Attorney Pacione asked for clarification that even though they are within the code for height, if they dropped it down, would you consider allowing the greater amount of square footage?

Vice Chairperson Freda stated she would like to see a monument sign and either the static portion or electronic reader board portion of the sign, but not both.

Commissioner Donoval agreed.

Chairperson Walberg asked the commission if there was consensus to require the petitioner to reduce the size of the pylon sign.

Commissioner Jackson stated he was not comfortable with going in that direction. He felt that we are confused about where this is and the fact that we have to compete against Villa Park for friendliness with respect to commercial operations. We just cannot say that Roosevelt Road is an attractive sign location, and these people seem to me to be perhaps shouting but shouting no louder than the other businesses along that stretch of Roosevelt Road. He felt that it sends a sad message to the limited number of people that might want to develop.

Vice Chairperson Freda stated we just had Comar on the corner of Roosevelt and Summit and made them install a monument sign even though they had multiple wall signs on their building. We had them put in a monument he hasn't put it in yet, but he came before the board.

Commissioner Jackson stated he understood and didn't think that was a good idea either. In particular, here where you've got this sign, you've got the bank sign, you've got Anyway's sign, and you've got the gas station. It's an enormous series of big signs. As a result, I have trouble thinking that it's in the city's best interest to tell one person they must make a little sign, when they were giving everybody else a chance to put up big signs.

Vice Chairperson Freda stated that some of them are grandfathered.

Commissioner Jackson stated whether they are grandfathered or not they're there. And these people are trying to compete with respect to them, not with respect to this commission.

Director Headley asked if she could offer some additional information.

Commissioner Jackson replied yes.

Director Headley directed the commission's attention to the photo in the top corner. You can see the sign that's on the adjacent property. The sign is very tall and close to Roosevelt Road. The proposed sign will be set back behind it and a monument will likely be blocked by it.

Vice Chairperson Freda stated that it looks as if the sign is inside your property.

Director Headley stated the sign meets setback requirements of three feet, so it will be on their property. That's why there's a break in the hedgerow.

Vice Chairperson Freda inquired that the sign is not going to be that close to Roosevelt Road.

Director Headley replied no, but if you look at the existing sign, on the strip center property, the existing sign is either right on the right of way or possibly in the right of way.

Commissioner Donoval inquired if they bought the lot from BMO Harris.

Mr. Munir replied they bought the lot from the mall owner, Curt Hurst.

Commissioner Donoval noted that the shopping center had not expressed any concerns.

Chairperson Walberg stated that the clarification of the placement of the sign changes how she feels about it. She felt if it was a small sign, nobody would see it and that is the purpose of the height to fifteen feet. They almost need to have the height, so that you know it's there and you can make your turn. But if it was a nice low sign, like she would like, she didn't think anybody would notice it.

Commissioner Ventura agreed and further clarified that the fifteen feet isn't asking for a variance on height.

Vice Chairperson Freda agreed.

Chairperson Walberg asked if there were any other questions?

Attorney Pacione asked if there was a consensus to request the petitioner to re-design the sign.

The Commission agreed that they didn't want to make the petitioners redesign their sign because we don't want to deter the business and we want their business in town.

Chairperson Walberg asked if there were any other questions or comments. There were none.

Chairperson Walberg asked if there was a motion to approve this petitioner's request.

**MOTION** Commissioner Jackson moved to approve the application. Vice Chairperson Freda seconded the motion.

Ayes: Chairperson Walberg, Vice Chairperson Freda, Commissioners Berkshire, Donoval, Jackson and Ventura.

Nays: None

Abstain: None

Absent: None

MOTION PASSED WITH A 6-0 VOTE.

Director Headley instructed petitioners that this item would be on the October 10, 2023, City Council agenda and they would be required to attend to answer any questions.

### **ADJOURNMENT**

Director Headley stated that we don't have a meeting scheduled for October 17, 2023, and inquired if the Commission would like to cancel the meeting.

City Attorney Pacione asked for a motion to cancel the October 17, 2023, meeting of the Planning and Zoning Commission.

**MOTION** Commissioner Jackson moved to cancel the October 17, 2023 meeting. Vice Chairperson Freda seconded the motion. On a voice vote, the motion passed unanimously.

Ayes: Chairperson Walberg, Vice Chairperson Freda, Commissioners Berkshire, Donoval, Jackson and Ventura.

Nays: None

Abstain: None

Absent: None

MOTION APPROVED WITH A 6-0 VOTE

Chairperson Walberg asked for a motion to adjourn the meeting.

**MOTION** Commissioner Jackson moved to adjourn the meeting. Commissioner Ventura seconded the motion. On a voice vote, the motion passed unanimously.

Ayes: Chairperson Walberg, Vice Chairperson Freda, Commissioners Berkshire, Donoval, Jackson and Ventura.

Nays: None

Abstain: None

Absent: None

MOTION APPROVED WITH A 6-0 VOTE

Chairperson Walberg adjourned the meeting at 7:13 P.M.

Respectfully submitted by,

Sarah Cavazos  
Planning and Zoning Secretary