



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, December 18, 2018
Case #19-08

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:03 P.M.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take roll call.

Present: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Donoval, Cardenas, Walberg.

Absent: None

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Chairman Caslin said the first order of business was to approve the minutes of October 16, 2018, Case #19-07 for 1901 S. Meyers Rd., Petitioner Advocate Health and Hospitals Corporation for installation of a generator.

Chairman Caslin asked if there was any final discussion.

No final discussions from the Commission.

MOTION Commissioner Jackson moved and Commissioner Walberg seconded the motion to approve the minutes of October 16, 2018, Case #19-07 for 1901 S. Meyers Rd., Petitioner Advocate Health and Hospitals Corporation for installation of a generator.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Donoval, Cardenas, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

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

Mark Daniel from Daniel Law Office, P.C., Javier Milan from KLOA, Jeffrey Miller from Watermark Engineering, Andrew Cohen from Vequity Real Estate, Nick Hanson from Viking Partners, and Stephen Horner from Viking Partners were sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Attorney Daniel took the floor stating, good evening Chairman Calin, and members of the Planning and Zoning Commission. My name is Mark Daniel, we've been working on this project for some time, it might have been over a year ago with some preliminaries, but things have progressed to the point where you actually have a stellar elevation of the preliminary result of whatever we are trying to do, a three lot subdivision and three phase planned development. I represent Viking Partners, the current owner. Mr. Andrew Cohen is here on behalf of Vequity, they've got the purchase side. If everything goes through, as you've seen in your packets, there is a letter of intent from Lou Malnati's and Andrew is responsible for that. I'm going to present the entirety of the project. I'm going to take you through the phases and at one point during my presentation I am going to break so you can hear some of the civil engineering side of this because it does tie into the Zoning and some of the merits behind some of the exceptions that we are asking for. Javier Milan from KLOA is here, shortly after we submitted and received some of the city engineer comments, we had KLOA review those and submit a parking study for the project, because this project does contemplate shared parking under a reciprocal easement agreement between the parties. For planning purposes, the parking is the main issue to be worried about tonight. We do have a long legal notice but I wouldn't let that intimidate you. The way that we structured the legal notice is to allow staff, the current owner and the future owner of the southerly two lots we are trying to create to determine what relief is granted for each lot. So there is a bit of repetition in there. I'm going to try and walk you through it very generally. What I would like to do is open with the phasing of the project. I think it is important to know that we have a three phase Planned Unit Development. The existing property right now is the entirety of Midwest Office Center and it extends east of the Northern Trust parking deck, around 22nd Street, north to Butterfield Road, and over the Home Depot, and then it comes back down to the two strip centers that you have on 22nd Street. We have an office building that extends across the proposed Lot 2 and 3 as part of phase one. What we are doing is demolishing the office building that stretches south of where we show it in the phasing plan. It is a partial demolition; it's going to leave substantial office space available. We still have tenants that are there now, this demolition can proceed without interrupting them because Viking has engaged in applying

itself over the past couple of years to move the tenants to the south and vacate that area that we are demolishing. Under the demolition plan we remove part of the building that extends south from the main building along Butterfield Road, we'll have to relocate some of the utility and electrical, and re-work some of the water. On Lot 1 which we are proposing as the north lot. We are proposing to repair and restore the enclosures for the waste, make sure they are latched and add landscaping where we are doing work. On the landscaping plan, you will notice that we are proposing landscaping where the work is being done. Otherwise the site is essentially going to remain the same. As part of this approval, beyond what I have mentioned, the site is going to remain the same. The work that we are doing on Lot 1 includes a freestanding sign that will be on the northwest corner of Lot 1 for the benefit of the southerly lot users. There will be a smaller freestanding sign on the southwest corner of Lot 2 so that people know this a common street access for the users on Lot 1. This will help, because presently the site operates with a frontage which is 22nd Street, a frontage of Butterfield Road, and a primary route of access along the west side of the property. There is another entrance, but this is the one that is used more often on the west, and this entrance is protected by the reciprocal easement agreement that has been drafted for this site. The north east entrance may close. For now, the entrances and the parking lot will remain the same; the waste enclosures will remain at the same location. So in general Lot 1 is staying the same. A lot of those exceptions for Lot 1 relate to the fact that we are trying to preserve past historic use and existing condition.

Lot 2 is the south west lot. Lot 2 is planned for a 7200-7300 square feet featured restaurant. A lot of towns would bend over backwards to get a Lou Malnati's. It is a terrific revenue generator. If you look at their building, you see that the purchaser and Lou Malnati's have worked together to create a featured building. This is probably the third or fourth that Oakbrook Terrace has had. There are a couple of elements of this building that I would like to talk to you about. But in general, even though this building elevation just arrived in your hands with revision sets that you received today, we estimated that 42% of the interior floor area for dining and about 50% of the bar area that Twin Peaks has. We still fit those parking estimations on a demand basis in the same type of 1 per 100 for dining, 3 per 100 for the bar area. The 22nd Street elevation has a portion of the building that has steel structure that is connected to a canopy, and an enclosed outdoor patio. That is what you are going to see from 22nd Street. We have a couple wooden doors; we have four sets of garage doors that will be capable of opening for the open air environment. As far as the main wall height of the building, it shows that it is just shy of 19 feet. You still have 15 feet to play with on the 22nd Street side of the building. The main entrance is to the north, the wooden doors that you see are architectural elements. But they will probably be used as a pick-up and carry out window. These will probably be separate entrances. Main

entrance of the dining and bar, and a second door for the carry out. You can see that there is a balance of brick and glass on the north side. The windows on the west elevation are not designed to roll up, those windows are permanent. There's a little adjustment to be made to the signage, if you notice on the south side you have a metal structure that creates a facade, on this facade you have a Lou Malnati's sign which qualifies as a wall sign, that sign is smaller than the maximum 300 square feet for a wall sign and it is also below the peak of the structure. When it comes to the north sign, that sign will be adjusted down but it will have the same general appearance. There is an architectural element to the building in two locations on the north elevation. In the upper level up front you've got a set of windows, there's a mesanine for storage on the interior of the building that is about 1000 square feet, maybe 1100 square feet that does not require an elevator. In that particular area, it's going to look like a skylight. When you take a look at the north west corner of the building, there is a smoke stack. The preference of Lou Malnati's would be to have that qualified as a vertical signage. The smoke stack is 37 feet. The height maximum allowed is 35 feet. I am not sure what elements of that smoke stack are excluded from height. The architect agrees that if it has to be lowered to 35 feet because a smoke stack is not exempt from the height measurement, we can get that done. For signage purposes, what Lou Malnati's has done with this concept, is they have abandon some signage on the east and on the west. They have these featured signs, that I think really has improved the appearance of Lou Malnati's in the way of visibility with that prominent sign, which again meets the maximum wall area for a wall sign. Any signage on the smoke stack would have to be reviewed during phase two. Phase two includes a nice outdoor patio, interior conference area, and a large waiting area. The kitchen takes up about 35% of the building, and the dining area takes up most of the remaining. We've taken all of the measurements for the seating area and if you think about the parking table in the package, we estimated 42% of the building area for dining, we are well below that. So far below that it might be 1000-1500 feet below. On the dining side, there is one set area of the dining room that is 293 square feet that is next to the bar. An aisle separates those tables from the bar. To be conservative, we have included 293 square feet for the bar area at 3 per 100 for the parking. We estimated about 385 square feet. I think we are at 416 square feet if you include that 293 square foot bar area so we don't have a major fluctuation

Phase three is Lot 3. Lot 3 is a 3-4 retail unit building. We are planning to have a drive through wrap around the south east corner of that building. The goal is to have a quick service restaurant. With respect to the other two uses, it could be retail. The plan for Lot 3 could involve entrances on the north and south for two of those units. The drive through stacking supports at least 12 cars with room for a bypass. We've shown on the plan that we can fit a 12' X 65' loading zone when you only need a 10' X 35' for this kind of use. So we

have asked for some relief to get it down to a 10' X 35' so that we can leave more room for a car to pass through when a car is stopped at the drive through window without crossing into a rarely used loading zone. With respect to loading and waste operations between Lots 2 and 3, those are centralized, meaning you don't have excessive waste enclosures scattered around the property. One of the things about Lou Malnati's, is that they like to stand out. They do not want to look like the building next door, so there might be some limited architectural continuity between Lot 3 and where Lou Malnati's is. But you can imagine with three retail tenants it is very difficult to carry this architecture onto a three retail unit building. So you have some consistency but I think you might expect tones to transition maybe to a lighter tone. But that is something that would happen during the review of phase three when they come before you for approval of phase three. With respect to signage for all these uses, we talked about two of the signs in Lou Malnati's, and I want to be careful as we go through the sign plan. Some of the signs on the sign plan do not apply anymore. The blade sign is not there. If there is a blade sign, we will have to review it within the confines of the allowable square footage that we are dealing with on these two lots. We have a central monument sign that we plan to situate on the south side of Lot 2. That monument sign will meet the height regulations unless there is a digital component. If there is a digital component, which we think there will be, it's going to go up to 18 feet. That sign is a shared sign for Lou Malnati's and all the users on Lot 3. So you will have a large Lou Malnati's sign taking up 24-26 square feet on the sign panel and below that, the next 24 square feet will be split by the other tenants, and you will have a digital sign component below that or in between depending on how they structure the sign. The next freestanding sign that we are dealing with is the freestanding sign that I mentioned before, sign two is for the benefit of Lot 1. Sign three is the main monument sign on Lot 1. If they chose to change it, they would have to come in and comply with the ordinance. Sign four is a new freestanding sign for the benefit of Lot 2 and 3. On that sign you will see Lou Malnati's and the other tenants on Lot 3. The main issue for signage from Lou Malnati's perspective is the Northern Trust parking deck. You've got an issue on 22nd Street that you are all familiar with, you make U-Turn to get to your use, whether it's east of Midwest Road or west of Midwest Road, you have a divided highway about 280 feet to the east of the subject property. If you drive east on 22nd Street you are going to make a U-Turn back to Lou Malnati's if you didn't take the route up Butterfield Road to get to your destination by using the northern entrance where that monument sign is. So the monument signs are pretty important, not only for the offices. On the wall sign, I mentioned to you that Lou Malnati's has shown two wall signs, and with the two wall signs in essence we'd like to begin with a couple blade signs in addition to a large wall sign. So I think the published wall sign area we are beginning with, is sufficient for the approval. This sign on the south is about 216 square feet. The sign to the north is probably 6' X 18'. That signage is less prominent than

what was proposed as part of the application. Mihaela has asked that each of Lot 2 and 3 consider reducing their signage by 100 feet and I think we have done that with this plan. The landscape plan, you can see we have areas of work that we are going to be doing. That is probably the most zoomed in. You'll get into the shared parking area. What happens generally with this subdivision is there is a lot line that is right where the subdivision line I show between the north and the south. We are taking the south and splitting it in half and creating two lots, and between the three lots you are going to have a reciprocal easement agreement that will cover maintenance of the entrances and parking lot. As far as parking goes, the site is compliant. The reason we are here before you for relief is, one individual lot has an issue with parking, Lot 3. The site, the Planned Unit Development, meets parking. But there is more parking on Lot 2 than on Lot 3 so overall, we meet the requirement for everything. We need some shared and cooperative parking that is what the reciprocal easement agreement does. If Lot 1 changes to commercial, you are going to have to have further demolition because it is not set up with its courtyard structure on the interior. I'm not sure if you are aware of that, but there are actually 3-4 courtyards in this building. There are two that will remain. If Lot 1 is converted to retail, hotel use, whatever it might be, you have plenty of space to play for parking there. There is some relief in the parking area with the landscaping ordinance. Some of it relates to building signage, for example near the entrance you have a patio and the accessible ADA route that we are creating, you do not want to have canopy trees there because they will block the signage. We have taken trees away from the building on the west side of Lou Malnati's, we've limited two of the islands to one tree a piece instead of two. That is just because we've tried to keep some visual separation between the transition of Lot 1 office use and Lots 2 and 3 retail and restaurant use. With respect to the landscaping plan, you see that we have areas of work. Area A is the area where the demolition is going to occur south of 22nd Street. You can see they have waste closures and are screening them. You have a lot of existing vegetation on the east lot line that we do not want to touch because there is a retaining wall. We would like to maintain that vegetation as much as we can, because if you start pulling stuff out those roots change the structure, so we are trying to avoid the east lot line. But you can see where the drive through is. We have the screening. It is a continuous screen all along 22nd Street. Not to mention you are going to have that outdoor patio dining so you are going to have a really nice 22nd street frontage. With respect to what we showed on the landscaping plan for foundation plantings, those are some-what hypothetical. We have two things in play, we are trying to get phase one preliminary and final approved but as to phase two and three, we are asking for preliminary approval only. So there might be some adjustments to how Lot 2 ultimately works out. For example, this foundation planting might not be appropriate at that location. Lou Malnati's may have offered to avoid a generator and the transformer in the plan that I have showed you is going to have to be at a different location, it doesn't affect the relief we are seeking so it is not necessarily a major

modification but there are those kind of adjustments that would happen between phase 2 and 3. There is landscaping around the signage on the north west corner of Lot 1 as far as the waste enclosure we are working on landscaping around it. Beyond that, that's all there is to comment on the landscaping plan. In essence the project is a terrific project for Oakbrook Terrace. I think there are some things on the technical side that I'd like to address but in relation to the exceptions and how you see us preserving setbacks along the perimeter of the development project site, I would like for Jeff Miller to speak a little bit on where the stormwater is and where the utilities are coming in.

Jeffrey Miller took the floor and stated, my name is Jeff Miller, I am from Watermark Engineering, we have been working with Viking for the past year to develop this plan and see what the requirements are. We have also been working with Dan Lynch's office on the engineering aspect of things and utilities, as well as Flagg Creek Water Reclamation District for the sanitary sewer that we are proposing in the two new lots. The stormwater management on the site is around the perimeter so everything drains from the building, which is a high flat slab out to the outside perimeter that is covered out there today. The two existing storage areas will be maintained with this development we are not impacting those or filling those in. We will be adding some impervious areas, so we have to compensate for that. What we are doing in putting some decorative pavers in certain areas, side walk areas to enhance the whole look, and some pavement areas in the parking lot to allow water to absorb into the ground. By doing that we meet the criteria of the ordinance. Dan and I have been working on that to make sure we meet those areas. In general, the stormwater will continue to drain out to the outside perimeter like it does today and drains through the storm sewer that's on Butterfield Road. Based on my conversations with Dan, there are no downstream problems with that system so by doing this we are not going to exasperate that. Utility wise, the sanitary sewer that serves the existing building runs along Butterfield Road and serves the building with the demolition of the office building somewhere along 15,000-16,000 square feet of the building will be removed on the south leg of the building leaving just about or just under 49,000 square feet of office building. As far as that connection goes, there is going to be plenty of capacity for that. With the new two uses, we are going to have to extend the sanitary sewer down from Butterfield Road to the south along side of the existing building and then it's going to have an L shape that goes between the two existing office buildings and the two new buildings on Lots 2 and 3. Capacity wise, we've talked to Flagg Creek and they have given us a preliminary letter of response saying that there is not an issue with capacity. The sanitary sewer will be sized with a minimum 8 inches to serve both buildings, 6 inches to serve into the building. The water services for the two new buildings will be coming off a water main to extend to across the frontage of 22nd Street. Those water

services will be coming into the building off the street. Fire hydrant locations, we met with the Fire District and Craig from the City's Street Department, to go over the layout of where the fire hydrants will be to make sure the buildings will have coverage. We are adding a total of five fire hydrants to the project. So the stormwater will pretty much follow what is there today. We are going to add pavers to meet the stormwater requirements, were going to extend sanitary service into the new development to provide services for the two new buildings, and the existing water main will serve the existing building, and the water meter extension will serve the two new buildings on the south. That covers stormwater.

Attorney Daniel added, I think it is on the civil side as far as the entrance goes, we are not changing the entrances. The plat of subdivision does not change. We have to go to the Illinois Department of Transportation for review once we have concluded this element of the process. We will start working with KLOA and Watermark Engineering on addressing plan review with the different agencies including the Illinois Department of Transportation for all three of the entrances of the property. We have covered, I think, all the elements that are necessary for the findings. There are a handful of things to think about when you are looking at a planned unit development. You think about net public benefit, net benefit for the owner, whether the project imposes burdens on neighboring owners. With regards to the surrounding land uses we have highlighted those in the narrative. Unincorporated DuPage to the north, Oak Brook to the south, it's a retail area. It's the most important commercial district in the city. As far as the conversion of this use is concerned, the comprehensive plan notes that where my office is situated, Oakbrook Terrace Business Center, you want to have this type of conversion of use. It's about 100 feet to the east of this property, so the comprehensive plan in my view supports the conversion we are talking about, at least staged, to get Lots 2 and 3 covered. The Butterfield Rad corridor hasn't quite caught up with where you can get a retail operation on the Butterfield frontage. We have seen a couple of things come in, you have the featured store Specialty's, it's one of a kind, Butterfield Pancake House, that's another featured building you approved. But once you get beyond those you still have some vacancies fill up in the Butterfield corridors. So it is probably better that this is being phased in. You keep the employment based on Lot 1 those offices can remain and continue to offer their services. Lots 2 and 3 which are on 22nd Street is right for the retail and restaurant use. As far as the planning goes, it is consistent. From the parking perspective we get traffic now from three entrances that won't change. As far as the signage goes, it is very reasonable; we did meet the staff demand on the 100 square feet reduction on each of Lot 2 and 3. The one issue that we have had come up pertains to how we manage the use within the development, there has been a couple of small developments come along. I think two of them on Midwest Road, Butterfield Point, the old Burger King site, and the La Quinta out lot was crated at one point. In each of these cases the city really wanted to hammer

down on the uses that you can have on the properties. In this case, Lou Malnati's is such an enormous benefit. But there are also obligations that come up with that. Lou Malnati's expects a certain type of treatment by the owner, not the city, when it decides to move somewhere. We have dealt with that in relation to signage, where the lot line is, where parking is, in consolidating the waste operations. Lou Malnati's is a great user for this town. Mihaela did ask about the remainder and we met with Mihaela, staff, the Mayor was also present at this meeting and Mihaela brought up use restrictions and though that should be discussed for a couple of reasons in this case. You have a shared parking situation, that's one concern. This afternoon I addressed Mihaela on a letter that you may have. In that letter is a concluding paragraph that says this is really not a time to punt on the decision on whether or not to restrict. I also mentioned for several reasons, use restrictions are a problem with this project. We discussed it on 2-3 occasions with the current owner, and the prospective purchaser of Lots 2 and 3. I just want you to envision what is happening, first and foremost you have a governing reciprocal easement agreement that concerns parking. None of the parties to that reciprocal easement agreement wants to see a church or a place of assembly. You have 1 vehicle per 1.7 attendees at church. They can't survive with that because this IS retail and office. They self-govern and that's my point in this with the example of the church. When it comes to the investment necessary for Lots 2 and 3 you can see from the building elevation that a 7300 square foot building is a steep investment. Getting Lou Malnati's here is important, but we also have those other three tenants to pay attention to. Lou Malnati's is going to have some concern as to who goes into those units. You know McDonald's or Burger King do not want to sell to another fast food company, if they are leasing in a shopping center they want to have the exclusive. Lou Malnati's is not going to want to have a lot of competition. Mihaela and I have not had a lot of time to address this issue but we ask that you not attach conditions relating to prohibited uses to the approval or recommendation as it may go to the City Council. With that I'd be happy to answer any questions you might have.

Chairman Caslin opened the floor for any questions from the Commission.

Commissioner Donoval stated, that the only concern he has is about the retention pond. Is it not required on such a big project?

Attorney Daniel answered, in this instance you are not required to have a retention pond, you are required to hold and convey water. In this instance, the lot is almost entirely paved with the exception of the south side along 22nd Street and the north side of Butterfield Road, that is not changing very much either because of that, because of the way it is being phased, you are exempt from providing detention within the space for a period of I think three years

from the date of demolition. We are going to have demolition and hopefully construction within a couple of months instead of three years.

Commissioner Donoval answered, thank you.

Commissioner Jackson added, in your narrative as I read, there was a question about the water connection, is that gone now?

Attorney Daniel answered, It's not completely gone, right now the site is on Village of Oak Brook water. We would like to connect to Oakbrook Terrace water, that is being discussed. We have to work with a handful of people on that issue. We have been in discussion on that probably since June and we are still working on it. The important element of that is the water in almost any case is going to come and go in the same direction. I think the preference to connect to city water relates to being in the City of Oakbrook Terrace and having the availability of somebody who provides responsible services. So we are working that the plan shows city water because that is what we would prefer. We do need to get to a point of agreement. That's a matter for the City Council and Craig Ward to address.

Commissioner Jackson also added, I understand you say that the attachments that have an X through some of the uses, we are throwing that whole attachment out?

Attorney Daniel answered, I ask that you not attach those conditions to the recommendation tonight, and I pointed out that some are common sense. But I would hope that you not condition it on the uses. We have thought about it for a good period of time. We met late October early November with the Mayor for that first meeting; we received the list December 11th. It's not like we didn't know what was being addressed.

Commissioner Jackson then asked, the front of the building of Lou Malnati's or Lot 3, how does the set back of those buildings compare to the restaurants that are further east on 22nd Street?

Attorney Daniel answered, the drive through turns here on the south east corner of the building on Lot 3, the Noodles and Company patio is right about there so you have the main entrance directly east of the corner of the building on Lot 3. I think in the narrative I mentioned that the goal would be to angle the drive through menu board so that we are not hitting the location of that entrance where it meets the patio. The building there is about in the same location, though it might be a little bit more forward.

Commissioner Jackson added, without going through specific numbers, as I visualize it, it's going to be approximately where the building to be

demolished is, not all the way forward like the Noodles and Company and the other ones are now.

Attorney Daniel answered, that is correct.

Commissioner Jackson also asked, we are getting preliminary approval for somethings, what is going to be the major battle to get the final approval from those preliminaries. What would be the major battle?

Attorney Daniel answered, On Lot 2 in essence of what you have here, if you have a plan that comes in that substantially reflects this new building, their first reading of this, would be to approve that building, the landscaping on phase two would have to be reviewed, were talking about foundation, landscaping, landscaping in the planters along the fence, when it comes to signage I think the only real issue with the envelopes that we are creating would be the smoke stack and the vertical signage. That sign is going to rise slightly above the parking deck but I think that is something to be addressed during final review in phase two.

Commissioner Jackson added, so we are approving a smoke stack not a vertical sign?

Attorney Daniel answered, correct, and the smoke stack if it is not exempt it goes to a maximum of 35 feet in height , if it is exempt it goes up to 37 feet. When it comes to Lot 3 and phase three, there is more discussion and how much of that comes up during phase two is really going to be between the city and the purchaser of Lots 2 and 3. I think the signage is covered on Lot 3. On Lot 3 phase three, we are providing for a drive through but if they chose to go without one, it wouldn't be a substantial change because you still need that drive aisle on the east side, the loading zone is not going to move because of that, a lot is covered on phase three.

Commissioner Jackson then added, you've had enough conversation with the State and the Department of Transportation, they're going to be happy with the revised traffic flow?

Attorney Daniel answered, as far as the Illinois Department of Transportation is concerned, you cannot cause any interference with turn movements on 22nd Street because there is a four median you can't make a direct left, you can't make a left turn out, I think IDOT has a plan and when they did what they did they had to contemplate that this was a commercial zoning. IDOT is in a tough spot on the 22nd side. On the Butterfield Road side, I don't think IDOT is going to have a reaction such as, we don't want to have a cross

access because if you eliminate that cross access on the west side, it only increases traffic on their highway

Commissioner Jackson answered, thank you.

Commissioner Ventura commented, 536 square feet over the allowable 350 square feet is excessive. Mihaela suggested that there be a reduction in signage of 100 square feet and so that is being worked out. How does that relate to what we are approving? Also, is all this square footage on the sign also including the rack sign on the smoke stack? Or is that going to be even more signage?

Attorney Daniel answered, right now we are trying to create envelopes for signage so first, yes, it's Lot 2 and 3 that we are reducing the signage on each lot by 100 square feet. These plans show that in part. I believe that the 6 ft. X 18ft. you multiply that out you are going to get less than what I planned for the area of the wall sign. It does not include the smoke stack sign you have to approve for a sign above the roof that is something that we did not publish on the legal notice, they would have to come in and amend the Planned Unit Development.

Commissioner Ventura asked, so they are asking for more signage for the smoke stack right? My concern is, the next restaurant is going to want an even bigger sign.

Attorney Daniel responded, so you are aware, in reducing the signage we took 15 square feet off the monument sign for Lot 1. We also reduced overall the sign on Lot 2 and we eliminated a 96 square feet wall sign on the west. On Lot 3 we eliminated a wall sign on the east, they would like to have a sign on the smoke stack but they do know that during the final review of this they are going to have to come in and meet with Mihaela.

Commissioner Ventura commented, you really hate to see trees removed, is there any way that something could be worked out to keep them?

Attorney Daniel answered, there are two on the east side of the building being demolished, there is no way to save those and there are three on the south. Think about the south side of the building, there is no way to get the patio or featured entrance in there without removing the trees. One of the issues that we have there is a bit of a setback, not only do you have the wide right of way but you also have a 40 feet building setback once you cross the property line. So you are going to have a lot of green space in the open space.

Building and Zoning Administrator Dragan added, I think Commissioner Ventura's comment was a good comment, and I understand her concern. I would like to bring to your attention that you do not need to take a vote on the variation requested, the reason it was there is to be brought to your attention due to the presentation. However, the variation from the demolition ordinance is to be determined by the City Council.

Commissioner Freda asked, when you say you have an auxiliary parking agreement with both properties that you want to subdivide, will both owners have that perpetuity?

Attorney Daniel answered, yes, they must mutually agree and the city agrees that it can be vacated. There is a lot in that agreement but the city attorney will have it and review it.

Commissioner Freda also asked, will all the common area maintenance be carried by both properties? Individually? or subdivided?

Attorney Daniel answered, that depends on subject, first with respect to each property we are trying to say to each its own, if you fail to maintain on your lot the lot owners can provide you notice and take their own corrective action. The common elements relating to drainage, relating to parking, drive aisles, those will be shared. Lighting for example could come up independently. Electrical boxes for each owner being responsible for the amount of lighting in their property.

Commissioner Freda then asked, in doing the parking study, did you alter the size of the parking spaces at all or are they staying the same?

Attorney Daniel answered, with this property there was a point in time, where it was great to have small compact cars so those compact cars could park easily. In that area today and without restriping you have seen SUV's that park in those spaces without a problem. The reason for that is that the drive aisle is wider than regular. If you were to lengthen the parking spaces to extend beyond the island that have been there for 40 years, you can do that, but then you are almost inviting people to park outside the space and in the aisle. On the west side of Lot 2 and the west side of Lot 1 there are a handful of parking spaces that do not meet the requirements. They have been like this forever and we have not had any problems.

Commissioner Freda also asked, your stacking plan for the drive up window, is that going to interfere with the Lou Malnati's business?

Attorney Daniel answered, we do not anticipate that to be the case.

Commissioner Freda added, I like the design, it's Chicago industrial, but the smoke stack that you have, does it have to be that tall for the pizza ovens or is it just an esthetic?

Attorney Daniel responded, I don't think that smoke stack at 37 feet is necessary versus at 35 feet.

Commissioner Freda added, I guess what I am asking is, is it necessary to have that there? Is there a functional reason?

Attorney Daniel answered, it is functional, think about the other end of the block there is a 59 feet tall La Quinta pole sign that you can see from three different streets. It's somewhat the same theory here with that smoke stack, you want to have something that rises up but doesn't do it in the same fashion that La Quinta does.

Commissioner Freda then added, I guess what I hear you saying is that it is more signage than utility?

Attorney Daniel answered, yes, I see signage and utility as connected, if you want to separate them there is not a kitchen below the smoke stack, it is an esthetic function of the building.

Building and Zoning Administrator Dragan added, if you would consider approval for the legal notice, you will need to mention about signage on Lot 2 to be allowed up to 786 square feet instead of 350 because we published for 886 feet and the applicant agreed to reduce the sign area and for Lot 3 we published to allow 154 square feet allowed and they were asking for 426 square feet, now they are willing to reduce the signage to 326 square feet.

Attorney Daniel added, I agree with Mihaela on the division between Lots 2 and 3. The new plan that we have that extends the building component out, also has a 7 feet accessible side wall on the east side of the building that connects to the sidewalk on 22nd Street, it's an accessible route under the ADA. It is important that we preserve that.

Building and Zoning Administrator Dragan added, as a last issue, I wanted to address that I mentioned in my memo about the parking lot, it's in general good condition but with all the construction going on, including the demolition the Commission may recommend the parking exceptions request to be approved subject to sealcoating and restriping.

Attorney Daniel answered, that is acceptable.

Attorney Pacione added, when someone makes a motion and that is something that you want part of it, just add that condition.

Chairman Caslin added, going back to what Commissioner Freda said, that smoke stack kind of irritates me. The reason it does it's because if it's not a functional smoke stack, it was put there because that sign is going to go up there or it is the ugliest thing someone puts on a building for no reason. I just want to let you know that I am not comfortable with that. If it is not functional it does not need to be there. We will address it later but I just want you to know where I'm coming from.

Attorney Pacione asked Building and Zoning Administrator Dragan, do you want to address the use issue at the Planning and Zoning level or is that something to be addressed with City Council?

Building and Zoning Administrator Dragan responded, I have drawn an X through each use that I recommended not be allowed at Midwest Officer Center, Lot 2 and Lot 3. Prior to the meeting we received the letter response from the applicant, they are asking us not to attach prohibited uses with a recommendation. However, in the event that they will have a use that will require a special use permit, they would still have to come back before the Commission.

Attorney Pacione added, I just want to make it clear, that when you make your motion it is not going to include any recommended use restrictions. That is what the city is recommended.

MOTION Commissioner Jackson moved and Commissioner Cardenas seconded to approve Case #19-08 as amended, which would be the reduction in signage and the parking lot exceptions of sealcoating and restriping.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Donoval, Cardenas, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Building and Zoning Administrator Dragan added, the Letter of Recommendation will be placed on the Agenda for January 8, 2019, City Council meeting at 7:00 pm. Also, at this time, there are no Public Hearings scheduled for January 1st and 15th, 2019, would you like to cancel?

MOTION Chairman Caslin moved and Commissioner Jackson seconded the motion to cancel the January 1st and 15th, 2019, Planning and Zoning meetings.

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

MOTION Commissioner Douglas moved and Commissioner Freda seconded the motion to adjourn the meeting.

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

Chairman Caslin adjourned the meeting at 7:38P.M.

Respectfully submitted by,

Addy Lozano
Building and Zoning / Planning and Zoning Secretary