



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, May 16, 2017  
Case #18-2

The Planning and Zoning meeting was called to order by Chairman Noble at 6:02 P.M.

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Bossle to take roll call.

Present: Chairman Noble, Commissioners Schneider, Ventura, Jackson, Donoval, Smurawski

Absent: Commissioner Cardenas

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

Chairman Noble said the first order of business was to approve the minutes of May 2, 2017, Case #18-1 for One & Two Mid America Plaza, Petitioner IPX Mid America Investors, LLC for an Amendment to the PUD.

Chairman Noble asked if there was any final discussion. There was no discussion.

Chairman Noble asked for a motion to approve the minutes of May 2, 2017, Case #18-1 for One & Two Mid America Plaza, Petitioner IPX Mid America Investors, LLC for an Amendment to the PUD.

MOTION Commissioner Jackson moved and Commissioner Ventura seconded the motion to approve the minutes of May 2, 2017, Case #18-1 for One & Two Mid America Plaza, Petitioner IPX Mid America Investors, LLC for an Amendment to the PUD.

A VOICE VOTE WAS TAKEN AND PASSED 6-0.

Chairman Noble said the second order of business was to consider the request by Monsoor Lakhani / Holiday Inn Oakbrook as follows:

- A modification to site plan / landscape plan to allow the construction of a one story addition not to exceed 15 feet in height and 1,825 sq. ft. in area which will result in the elimination of twelve hundred square feet (1,200 sq. ft.) of landscaping on the north side of the building.
- A variation from Section 156.087 (D) of the Zoning Ordinance to allow the floor area ratio not to exceed 0.93 instead of 0.80.

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

Ramon Contreras, Architect for the Petitioner was sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Chairman Noble asked the Petitioner to stand and state his case.

Architect Contreras took the floor stating that the proposal is for a one-story addition surrounded by three sides of the seven-story hotel and showed several renderings of the proposed hotel elevation plan. The proposed addition will blend in using the same exterior materials. The addition is to accommodate an exercise room and a lounge area. Right now the hotel does not have an exercise room. The proposed exercise room will be placed next to the pool. The addition will be 1,700 sq. ft. and will be the same height as the first floor and will not project out of the existing first floor; it will blend in and match the existing building. Unfortunately, 1,200 sq. ft. of landscaping will need to be removed. Currently that area does not contain any trees; it is mostly shrubs and ground covering.

City Attorney Pacione suggested that Chairman Noble take the public comments first before opening to the Commission to ask any questions.

Chairman Noble opened the floor for public participation.

Chairman Noble asked for any positive testimony or negative testimony.

Resident Bruce Almeroth stated that there was not enough information presented to give positive or negative testimony. All that was presented was pictures; more information needs to be heard.

City Attorney Pacione suggested that Building and Zoning Administrator Dragan present her comments in order to get more of an understanding of what is going on.

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

Building and Zoning Administrator Dragan took the floor stating that the Applicant is seeking approval for a modification to the site plan and landscape plan for the subject property in order to allow for the proposed one-story addition and to allow a floor area ratio not to exceed 0.93 instead of maximum allowable floor area ratio allowed under the zoning ordinance not to exceed 0.80. The existing floor area ratio is 0.92 and the proposed is 0.93. This is the only variation and since a special use permit was originally granted for the hotel, a modification to the special use permit site plan / landscape plan is required. The Commission received plan review comments from Christopher Burke Engineering and Oakbrook Terrace Fire Protection District. With 1,200 sq. ft. of net new impervious area and new development of 1,825 sq. ft. there is no code requirement for civil engineering plans. Fire Chief DeLuca also reviewed the documents and the items noted will be addressed during the permit submittal process if the request will be approved by the City. The actual variation is not for landscaping; a variation for landscaping was originally approved to be under five percent of the lot area at the time when the hotel was built many years ago. No additional variation was needed, however; as a modification to the special use permit, they wanted to address the additional landscaping that will be removed from the subject property. The actual variation is for the floor area ratio which is total building area divided by total lot area which becomes 0.93 and it is currently 0.92.

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

Commissioner Schneider asked if there will be an exit by the lounge area where people will be working out and then smoking or drinking outside in the back.

Architect Contreras replied that it will be an area with tables and chairs where guests can use their computers.

Commissioner Schneider asked what the plans are to add more landscaping since 1,200 sq. ft. of landscaping is being taken away.

Architect Contreras stated that at this time there are no additional plans to add 1,200 sq. ft. of landscaping.

Commissioner Ventura stated for clarification that the vote is not on anything pertaining to landscaping but to have the addition which is not exceeding where the property line ends right now. Commissioner Ventura then asked about picnic tables and an outside lounge area; will the picnic tables that are now in the alcove be pushed out.

Architect Contreras replied that they will be removed.

Commissioner Jackson added that the drawings given specifically said that the area where the picnic table is and the trees behind the building line are not going to be affected at all.

Architect Contreras stated that is correct, but there is also a picnic table in the alcove that will be removed. None of the trees will be affected.

Commissioner Ventura asked if the patrons from Bar Louie go out the back door to smoke or carry on.

Architect Contreras responded, no that is completely separate.

Commissioner Ventura asked that the addition is for the purpose of an exercise room and lounge for guests to use computers or sit and relax.

Architect Contreras confirmed that it will be for hotel guests only.

Commissioner Ventura added that included is the elimination of 1,200 sq. ft. of landscaping so the question becomes where could the landscaping be re-added into the property.

City Attorney Pacione clarified that the removal of that landscaping just refers to the area where the building is going to be built.

Building and Zoning Administrator Dragan added that 1,200 sq. ft. of landscaping will be removed and the new building footprint is 1,825 sq. ft.

Commissioner Ventura then commented that the variation has nothing to do with landscaping and yet the wording makes it sound like it has a lot to do with landscaping.

City Attorney Pacione replied that it is just to update the landscape plan so when submitted it shows what exists after everything is built so that the history is there.

Commissioner Jackson questioned the landscaping behind the building and the landscaping behind the fence that just recently went in, is going to remain as is.

Architect Contreras replied yes.

Commissioner Donoval stated that he definitely opposes the project. Holiday Inn is trying to put too many things on the small lot; Bar Louie, the hotel, leasing the parking lot to the next door shopping center.

Commissioner Donoval continued stating that there is not enough screening between the residential area; the people that live behind have to listen to the noise. The parking lot is right on the fence. Commissioner Donoval stated again that he will not approve this project.

Commissioner Smurawski asked if this will make the hotel more competitive and bring more people in.

Architect Contreras responded that it will add more amenities to the hotel.

Commissioner Smurawski questioned how the hotel does now; what does the business do now.

Building and Zoning Administrator Dragan suggested that the representative for the hotel could respond to the other issues.

Chairman Noble asked if there was another representative for the Holiday Inn that would be able to answer these questions.

City Attorney stated that anyone speaking would need to be sworn in.

Kamran Gaba, representing the Holiday Inn was sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Petitioner Gaba responded that Holiday Inn is a franchise from Intercontinental Group and the priority club members that stay on the property would like more amenities offered like a separate lounge and exercise room.

Chairman Noble commented that they are trying to be competitive with other hotels because they do have a fitness center.

Commissioner Ventura stated that the exercise room and lounge area is not extending the building out any further north so what is the negative impact; it is not a bar.

Commissioner Donoval asked how many things in the small area; the Bar Louie brings in a lot of people.

Chairman Noble asked if the people that go to the Bar Louie create lots of noise that the neighboring houses are affected.

Petitioner Gaba replied that the Bar Louie is inside the hotel not outside of the hotel.

Chairman Noble asked if there were any additional questions from the Commissioners; there were none.

Chairman Noble opened the floor for public participation.

Chairman Noble asked for questions from the audience.

Resident Ave Berkshire stated that they are directly impacted by the hotel; the addition is going to be exactly right in front of their house. Resident Ave Berkshire asked if the City has any type of ordinance like all the other surrounding cities that if one plant is taken out, one plant has to be put back in; one for one, trees, plants or whatever landscape is.

Building and Zoning Administrator Dragan replied that the City recommends replacement for loss of landscaping; however, there was no plan, but again it is not a variation from the code so it is either replacement or a variation from the code but this was a different situation because Ordinance 94-06 actually allowed less than five percent landscaping at the subject property.

Resident Ave Berkshire restated her question that it doesn't matter if there is a tree taken out at ever any time, a tree doesn't have to be put back in on any commercial property.

City Attorney Pacione replied that there is no such requirement and this property in particular meets the landscaping requirements.

Building and Zoning Administrator Dragan added that in other scenarios with a special use permit for a PUD then in that case it is a requirement.

Resident Ave Berkshire asked if the previous landscaping that was put in that courtyard never had to be approved; there is no landscape plan.

Building and Zoning Administrator Dragan replied that there is a site plan / landscape plan for the property showing that courtyard, but again, there is an ordinance approving less than five percent landscaping without depicting a specific plan.

City Attorney Pacione added that there is no general ordinance requiring a one for one.

Resident Ave Berkshire stated that most cities do, but for the record, the City of Oakbrook Terrace does not. Resident Ave Berkshire then asked what the modification to the current landscape plan would be.

City Attorney Pacione replied that it is just the removal of the grass; whatever is in that area, that is the modification.

Resident Ave Berkshire asked when the construction is being done that none of the five mature trees in the back are touched.

Architect Contreras confirmed that the trees will not be touched.

Resident Ave Berkshire then asked when the construction is being done, how the land will be excavated with heavy equipment.

Architect Contreras stated that there are different sizes for backhoes and that the trees should be protected before construction starts.

Resident Ave Berkshire questioned that there are no plans to put any additional landscape in either.

Architect Contreras confirmed that there are no plans at this time.

Resident Ave Berkshire commented that she is leery because there have been promises before, and she does not agree about Bar Louie's with the noise and the cars being parked. She then questioned the difference between a lounge and a bar.

Petitioner Gaba responded that the lounge is going to be for priority club members that would like to just sit and watch TV or relax with a laptop; it is not a bar.

Resident Ave Berkshire stated for the record that she is absolutely against any mature trees being taken out, being damaged, being touched and if something were to happen, that same tree would have to be replaced; tree for tree.

Architect Contreras agreed that those trees should be protected.

Chairman Noble asked for any other questions from the audience.

Resident Bob Shanahan asked if the illustrations presented will be entered as exhibits.

Building and Zoning Administrator Dragan stated that the resident would like, if the City is considering approval of the project, at some point that the prepared ordinance for this property include specific plans for landscaping.

City Attorney Pacione added that the site plan would be attached to the ordinance showing what the property will look like.

Commissioner Jackson also stated that the documents submitted to the Commission show a graphic representation of the landscaping before and after and will remain part of the record.

Resident Bob Shanahan stated that the residents did not see the documents submitted but the exhibits presented do not accurately represent the current landscaping of the property. Resident Bob Shanahan then began counting the trees in the exhibit.

Architect Contreras clarified that the drawings presented in the exhibits are just for reference.

Resident Bob Shanahan asked if the drawings presented to the Commission were the same as the exhibits.

Commissioner Jackson stated that they were not asked to count trees but that the landscaping that exists, remain.

Resident Bob Shanahan commented that if the exhibits reflect what the existing landscaping is and it is not correct, then there is nothing to go by six months from now.

City Attorney Pacione asked if what the Commission has in front of them is correct.

Building and Zoning Administrator Dragan responded yes.

City Attorney Pacione also added that under the previous owners, the actual property itself has no requirements for landscaping whatsoever under previous ordinances when it was first constructed.

Resident Bob Shanahan continued stating that when a new project is going to add more to the footprint it allows the opportunity for the City Council and Zoning Board to correct the errors of the past. Back in 1979 when the hotel was first approved and 1996, in the ordinance Building and Zoning Administrator Dragan referenced, mistakes were made about not documenting and requiring an existing landscape plan for this property. The parking lot was allowed to be built all the way to the property line and the ordinance required a ten-foot buffer between the property line and the fence to allow for landscaping. The property line and the fence in this project is a variation to the normal requirements. When coming in for permission to add two feet to the building, it allows the Commission to reexamine the landscape plan and fix the errors of the past.



City Attorney Pacione stated that in saying “errors of the past” and not having looked at the code from 1960 or whenever it was, Resident Bob Shanahan is making statements that are not to be true currently, not knowing what the code was back then.

Resident Bob Shanahan restated that the current requirements for a commercial property in a residential area requires a ten-foot buffer between the property line and the fence, and provide dense landscaping.

City Attorney Pacione agreed with the current requirements.

Resident Bob Shanahan asked if the property is in conformance with that requirement.

City Attorney Pacione responded that it does not need to be because the property was not constructed when this code was put into effect.

Resident Bob Shanahan stated that today they are asking for an addition to the building and it allows the Commission to correct that problem.

City Attorney Pacione replied that it is incorrect. The Commission cannot ask the Petitioner to destroy many square feet of the parking lot; it’s just not accurate and they cannot be asked to do that.

Resident Bob Shanahan commented that the Commission should then deny this project because they should want to make this right.

City Attorney Pacione stated that there are many projects in town that have zero lot line variances that have been granted like Peet’s coffee shop.

Resident Debbie Shanahan stated that is not against a residential area.

City Attorney Pacione responded that they have a zero foot lot line and a zero foot lot line is not part of the code.

Resident Bruce Almeroth added that they are referring to the transition yards to a residential area.

City Attorney Pacione replied that what is being asked cannot be recommended from a legal standpoint. They cannot be asked to redo something that has already been approved; it is a nonconforming use at this point.

Resident Bob Shanahan commented that decisions are being made based on exhibits that are not accurate.

City Attorney Pacione restated that they are not here for a landscaping variance though; that's the issue.

Commissioner Ventura asked if the variance could be tabled.

Building and Zoning Administrator Dragan responded that the proposed site plan shows existing trees to remain and be protected during construction. The other area is not shown on the site plan since it will not be affected by the project; only the trees in the immediate vicinity of the proposed addition.

Building and Zoning Administrator Dragan then asked the Petitioner to confirm the number of trees that currently exist on the north side of the addition and submit the same proposed site plan with the trees numbered including height and diameter.

Architect Contreras responded that yes they have recorded those trees that are existing behind where the proposed addition is supposed to be.

Commissioner Donoval added that it would be fair to ask for the buffer because of the residential area; it is very fair and a simple way to solve the problem.

Building and Zoning Administrator Dragan responded that City Attorney Pacione mentioned that the ten foot buffer would be hard to accomplish and it would generate an additional parking variation for the hotel, and the parking variation was not published in the legal notice.

Resident Ave Berkshire asked if a stipulation could be put on the approval.

Building and Zoning Administrator said that it is reasonable to have a stipulation about submittal of number of trees and what type of trees will be protected, but to create a buffer zone and lose all those parking spots; it not realistic.

Resident Bob Shanahan commented that when a developer comes in with a plan to take something out, they usually put something back in, but Holiday Inn is saying that they are just taking it out and not giving anything. Resident Bob Shanahan then asked, if they recorded where all the trees are, then what is the distance from the edge of the building to the closest tree.

Architect Contreras replied that he did not have that memorized but it will be on the plan that will be submitted since they did not go through the entire site and record every tree; only the trees right behind the area that was going to be affected, were measured.

Resident Bob Shanahan again pointed out that the exhibits shown are inaccurate and then asked if the exhibits given to the Commission, show the mature trees.

Building and Zoning Administrator Dragan replied that yes they are shown on the north side of the property.

Resident Bob Shanahan asked that the revised plan show the existing landscaping as it exists for the whole property so that the Zoning Board can make an educated decision whether this property has the proper buffer between the businesses and the residential section.

Petitioner Gaba responded that the plan of landscaping can be submitted to the City.

Chairman Noble stated that in the process of making a decision, it would be good to correct the difference before, and then have more basis to make a judgement.

Building and Zoning Administrator Dragan added that maybe there are other concerns from the audience, and based on this the Commission may make a decision to vote tonight, or to continue the meeting until more evidence is provided.

City Attorney Pacione replied that before a decision is made, everyone should be heard.

Resident Bob Shanahan then asked if the amount of parking required is based on the square footage of the building and the usage.

Building and Zoning Administrator Dragan explained that parking is based on the number of hotel rooms, and for Bar Louie it is actually based on square footage for dining space and square footage for lounge area. Parking requirements for restaurants used to be based on number of seats and employees, but that code was modified.

Resident Bob Shanahan then questioned how many parking spaces are required and how many exist.

Building and Zoning Administrator Dragan replied that the file would need to be check since that was not part of the petition because there is no variation for parking required. Under Ordinance 94-06 a reduction of the required parking by 137 spaces may have been granted; the same ordinance as the landscaping.

Resident Bob Shanahan stated that the ordinance allowed the reduction in the number of parking spaces and now they have added Bar Louie that has outdoor dining. He then questioned the number of required parking spaces for the outdoor dining and where those people park.

Building and Zoning Administrator Dragan responded that parking is calculated by square footage for dining space under the current code and they park in the hotel parking lot.

Commissioner Donoval added that the question is how many spots the hotel is leasing to the next shopping center.

Resident Bob Shanahan asked if crossover parking is allowed since the hotel was allowed a reduction in parking.

Building and Zoning Administrator replied that shared parking is allowed under the code; under the ordinance for the property.

Resident Bob Shanahan again questioned if shared parking is allowed even if they have a parking variance that allows less spaces.

Building and Zoning Administrator Dragan replied that Bar Louie is part of the hotel.

Resident Bob Shanahan then asked about the restaurant next door in JRC Plaza West.

Building and Zoning Administrator Dragan stated that the City does not have any agreements about those properties; the answer is shared parking is only allowed if they have more parking than required by the code.

Commissioner Donoval asked the Petitioner how many spaces are being leased to JRC Plaza.

Petitioner Gaba replied that he does not remember but will find out.

Resident Bob Shanahan continued stating that the hotel does not have enough parking if they are being allowed to have less by a special ordinance so they cannot have shared parking unless they have extra ones available. The City is not aware of the shared parking agreement; the hotel is giving up 85 spaces to Devon Restaurant that needs them. Resident Bob Shanahan recommended taking those parking spaces, if the hotel doesn't need them since they are giving them away, stop the crossover parking and put in some mature trees to fix the ten-foot buffer; it can be done if the hotel gives up the crossover parking from Devon which isn't legal anyway.

Commissioner Donoval added that the hotel should have let the City know before entering the crossover agreement with Devon.

Building and Zoning Administrator Dragan clarified that when the PUDs were created for JRC Plaza East and West, they were short in parking spaces, however; additional parking spaces were provided and the parking code was changed. There are a few restaurants there and Devon being one of the largest. At some point the City hired a consultant and parking for a restaurant is calculated based on square footage of dining space which requires less parking than the previous code calculated based on number of seats and employees at any one time. That being said, the statistics show that JRC Plaza has a lot more parking than actually required by the code. The hotel has less parking than required by the code so it is okay to have a shared parking agreement between the two properties. The code does not require any agreements to be provided to the City, but if a complaint is received it will be investigated.

Resident Bruce Almeroth questioned JRC using Holiday Inn parking when in reality, according to the code, they have enough parking spaces.

Building and Zoning Administrator Dragan stated, not knowing the details of the agreement, even though they have plenty of parking spaces on the north side of JRC West, it is probably very convenient for them to use the parking stalls adjacent to the restaurant.

Resident Bob Shanahan shared the problem with the valet parking cars in the hotel parking lot is that when the valets don't know where the car is parked; they push the key fob with the horn to honk to tell them which car it is. Some cars only the lights will flash, but most of the cars will honk. Sometimes they don't know how to use the key fob properly or the alarm system properly so when they get in the car, the alarm goes off because they are not familiar with this car. So, the problem with the valet parking from the Devon Restaurant in the illegally-used rented spaces in the hotel is that these noises are extremely loud if there is not a proper buffer between the residential. Today, the problem can be fixed or deny further expansion of the property. If the hotel doesn't need those spaces they are renting out, then they should be replaced with some landscaping.

Resident Debbie Shanahan then asked if the landscape agreement reduced the required to less than five percent, what current percentage they have.

Building and Zoning Administrator Dragan replied that it was an ordinance approving a special use. Since the ordinance is less than five percent, there is no need to calculate the actual percentage. When Bar Louie came with outdoor dining, the reduction in landscape was recorded.

Resident Debbie Shanahan asked what the percentage is for the 1,200 sq. ft. of landscaping that they are removing.

Building and Zoning Administrator Dragan replied that the percentage was not calculated since it was not part of the petition.

Resident Debbie Shanahan commented in her opinion there is a problem with the ordinance saying the hotel can have less than five percent because they can go down to zero and still be okay.

Building and Zoning Administrator Dragan added that in looking at the ordinance, it does show shared parking and the reduction of required parking by 137 spaces; they don't really show shared parking with whom.

Commissioner Donoval suggested postponing the meeting so that they can come up with some new ideas of what they want to do.

City Attorney Pacione noted that the Commission should let everyone speak that is in attendance.

Resident Bruce Almeroth asked if there currently is a landscaping variation on the property.

Building and Zoning Administrator Dragan replied yes under that specific ordinance; that the code at the time required a minimum five percent many years ago so under the specific ordinance it showed less than five percent of the paved area for landscaping; not showing the actual percentage that is allowed.

City Attorney Pacione clarified that the ordinance granted a variation of the Zoning Ordinance in Chapter 7 releasing the hotel from satisfaction of any and all screening and landscaping requirements without any limitation or requirements; they were basically granted a one hundred percent variance.

Resident Bruce Almeroth asked again if the hotel can go down to zero landscaping and be legal.

City Attorney Pacione replied that according to the 94 ordinance, yes that's what they were granted; that is the zoning entitlement they have.

Resident Bruce Almeroth questioned protecting the rights of the City of Oakbrook Terrace and the residents of Oakbrook Terrace.

City Attorney Pacione commented that he is not saying that it was the right thing to do, but it is done, so the City's hands are kind of tied because it is a legal entitlement for them.

Resident Bob Shanahan commented that as long as they want an addition to the building, it opens up every single previous ordinance on the property.

City Attorney Pacione replied that the hotel has a zero landscaping requirement so they are in compliance; the only variance needed is for the ratio.

Resident Bob Shanahan questioned whether this was not an opportunity for the hotel to fix those problems.

City Attorney Pacione responded that it is not a legal opportunity; the City cannot tell them they have to comply with current zoning. This is their zoning entitlement and it's a legal entitlement; they have a zero landscape requirement and if they want to pave the entire lot, under that ordinance they would be able to pave it.

Resident Bob Shanahan asked if the developer wants permission to put in the addition, maybe they would want to suggest that they would like to make everybody happy here.

City Attorney Pacione replied that if the developer suggests it, and does it and wants to give up some of the entitlement, but the City cannot make them do it that way. If the building burnt down and did not exist anymore, then they would have to start from scratch and none of this would be appropriate for a new development.

Resident Bruce Almeroth stated that even though they want to make sure those mature trees are protected, they have no protection; if they can't get a front-end loader in there to take the foundation down and they knock those five trees down, that's not their problem because they are not required to have any landscaping.

City Attorney Pacione replied that based upon this request for a variance on the land ratio or the building ratio, it would be a justifiable requirement that those trees in front of that area be protected; make it a contingency.

Resident Bruce Almeroth added that eliminating those parking spots and putting more landscaping can also be a contingency.

City Attorney Pacione disagreed; being his legal opinion from the perspective of the City.

Resident Bruce Almeroth commented that the residents were not aware of the requirement for zero landscaping prior to this meeting.

Commissioner Ventura asked what can be done about it though.

Resident Debbie Shanahan then asked if the ordinance can be amended.

City Attorney Pacione stated that the ordinance cannot be changed; it is a legal entitlement.

Commissioner Ventura asked if the hotel would have to come in for a new ordinance; in the meantime they are asking for a variation to this ordinance, but could the Commission add to the variation.

City Attorney Pacione responded that no, the Commission could not create a variation, but could make the hotel's variation contingent on certain things; contingent that those trees remain and if they were damaged there could be a penalty provision.

Resident Debbie Shanahan commented that they would want the trees back, not a penalty.

Commissioner Ventura added that if there were anywhere to put the other 1,200 sq. ft. of landscaping and the idea of an ordinance that when one tree is removed, it needs to be put somewhere else.

City Attorney Pacione stated that is not within the Commission's purview.

Commissioner Ventura commented that in the future there could be an ordinance made that if landscaping is removed, it must be put somewhere else.

Building and Zoning Administrator Dragan added that there was previous discussion at the City Council meeting, but at this time no decision has been made; there was discussion but there is no ordinance, not yet.

Resident Bob Shanahan again commented that since the hotel is changing the square footage of the building, this is an opportunity to fix the zero requirement of landscaping. When they add to the size of the building, they now have to now comply with the current ordinances; everything is grandfathered in until they come in and ask for a request.

Commissioner Jackson questioned what the residents were asking for; more landscaping or just preserving the landscape that exists.

Resident Debbie Shanahan responded that in a perfect world, more landscaping but that does not appear to be a possibility, so preserving what they have and not reducing what is already there.



Resident Ave Berkshire added that if, for some reason, the Commission is going to table the vote, they need to walk the property to see what kind of equipment will be needed to excavate the area without damaging the trees.

Resident Bob Shanahan also noted that the proper illustration for landscaping also needs to be provided; asking the Commission again to please table the meeting until the proper information is presented.

Commissioner Jackson responded that it is a fallacious argument about the space since a small backhoe can get in there without any trouble and not that much is being dug out.

Architect Contreras added that in cases like this a smaller bobcat, four or five feet wide can be used and the same size for the backhoe.

Resident Bruce Almeroth commented that a lot came out in the meeting that none knew about and that's the purpose of having public hearings.

Resident Debbie Shanahan then showed a picture taken from the seventh floor illustrating the trees and stating that there is no way to get a piece of equipment in to dig up the foundation without removing those trees.

The Court Reporter asked everyone to speak one at time since it is difficult with everyone talking at once.

Resident Ave Berkshire then asked if the architect knows if the bobcat would be coming in on the east or the west portion.

Architect Contreras responded that he did not know that answer.

Chairman Noble asked if there were any other questions from the audience and to get a consensus from the Commission to continue the meeting.

Commissioner Schneider added that the hotel has the opportunity to make corrections and change it for the residents, to make it right. He then stated that there is not too much support here and recommends not voting yes along with the Aldermen and the Mayor; should not be voted to do this. The hotel has the time to make it right for the neighbors; change things, come back and maybe get the support, but right now he does not support it either and is for the neighbors.

Commissioner Donoval agreed stating that the hotel should also consider the ten foot buffer and bring in some beautiful trees. The only buffer is the trees from the City. Maybe an agreement can be reached in the next meeting if the hotel would propose something for the residents and have the project approved.

Commissioner Ventura also stated that approving the project would be based on an accurate accounting of the trees and an agreement as to what the consequences would be if any of those trees were damaged.

Commissioner Smurawski added that the hotel should consider doing something like a sound barrier that could create better will with the neighbors in back.

Chairman Noble summarized stating that his concern is with the neighbors in back and that hopefully the hotel will be able to try and figure out a good answer or solution to resolve the differences between the homeowners and the matters addressed. Also to submit one type of blueprint wherein it is the same as what is presented and the same as what the Commissioners have. He then suggested continuing the hearing on June 20<sup>th</sup>.

City Attorney Pacione stated that there first needs to be a motion and then outlined several options. The meeting can be continued to obtain more information as requested by the Commission or a vote can be taken to approve or deny the project. The Board could also be polled to see what direction they wanted to go.

Building and Zoning Administrator Dragan requested that the Commission clarify if the meeting will be continued whether a partial or entire landscape plan will be requested so the architect will know.

Chairman Noble replied that the entire plan would be nice, just to play it safe since they are trying to correct the previous error; that would be the request.

Commission Schneider also requested that they discuss the valet parking and address that issue as well.

Petitioner Gaba noted that the issue will be brought to the valet company.

Commissioner Donoval added that they would also like to see the parking agreement with the next door shopping center along with how many spaces are leased to them; whether it is a cross parking agreement or are they leasing the spaces.

Petitioner Gaba responded that he will find that out.

Resident Ave Berkshire commented that each parking space that has a shared agreement is marked with a name as to who is supposed to be in that space including contractors. Those spaces can be rearranged and moved to 22<sup>nd</sup> Street, if they still want to have the agreement.

Petitioner Gaba noted that he is from the corporate office and is only aware of the sign for Devon Restaurant and the sign for the priority club members, but he will speak with hotel manager to clarify.

Resident Ave Berkshire added that the residents have brought many different issues to the hotel on many other occasions and it went on deaf ears; they weren't taken seriously and nothing was ever done. The residents also cut the grass and provide fertilizer and weed control on the hotel property; there has not been a landscaper in the back at all this year.

Petitioner Gaba stated that the hotel does have a contract with a landscaper and he was unaware of these issues because they were never reported to the corporate office.

Building and Zoning Administrator Dragan added that the City management made arrangements with public services to cut the grass on the north side of the property between the fence and the road.

Resident Bob Shanahan then asked where do the semis and the buses park that bring people from all over the world; where does the management crew direct them to park.

Petitioner Gaba replied that he did not know.

Resident Bob Shanahan then replied that the buses park against the north fence right along the residential property and when the air conditioners need to get warmed up, they start revving the engines to make those AC units work really good before pulling up to the hotel to get the people on. Those buses and semis that stay all night sometimes leave their refrigeration units running all night. He then suggested that signs be posted stating no bus and truck parking along the residential area to the north of the fence and to the west side of them. Resident Bob Shanahan then added that Mrs. Flannigan has to throw all the garbage back over the fence when garbage from the hotel's property ends up on her property.

Petitioner Gaba again stated that he is from the corporate office and not physically on site but he will discuss with his superior and figure out how to resolve this issue.

Resident Ave Berkshire commented that between them, they represent eighty years that they have lived back there; they didn't just move in.

Chairman Noble thanked everyone for their input and then asked for a motion on the floor.

MOTION Commissioner Jackson moved and Commissioner Schneider seconded the motion to continue Case #18-2 until June 20<sup>th</sup> with the expectation that representatives will meet with the Building and Zoning Administrator to address some if not all of the issues and at a minimum clarify what needs to remain so that there is a permanent record of the landscaping and whatever other issues seem appropriate.

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Bossle to take the roll call.

Ayes: Chairman Noble, Commissioners Schneider, Ventura, Jackson, Donoval, Smurawski  
Nays: None  
Absent: Commissioner Cardenas

MOTION PASSED WITH A VOTE OF 6-0.

Building and Zoning Administrator Dragan stated that since no public hearing is scheduled at this time, the Commission may want to cancel the June 6<sup>th</sup> Planning and Zoning meeting.

Chairman Noble asked for a motion to cancel the June 6<sup>th</sup> Planning and Zoning meeting.

MOTION Commissioner Schneider moved and Commissioner Smurawski seconded the motion to cancel the June 6<sup>th</sup> Planning and Zoning meeting.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 6-0.

Chairman Noble asked for a motion to adjourn the meeting.

MOTION Commissioner Smurawski moved and Commissioner Schneider seconded the motion to adjourn the meeting.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 6-0.

Chairman Noble adjourned the meeting at 7:35 P.M.

Respectfully submitted by,

Michelle Bossle  
Building and Zoning / Planning and Zoning Secretary