



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, April 16, 2019
Case #19-14

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:04 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 April 2, 2019, Case #19-13 for 17W615 Butterfield Road, Unit B, Petitioner Aura Dental Studio, Incorporated for Special Use Request.

Chairman Caslin asked if there was any final discussion.

There was no final discussions from the Commission.

MOTION Commissioner Freda moved and Commissioner Jackson seconded the motion to approve the minutes of April 2, 2019, Case #19-13 for 17W615 Butterfield Road, Unit B, Petitioner Aura Dental Studio, Incorporated for a Special Use Request.

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

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

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Chairman Caslin took the floor and stated, on this business here for PUD there is basically four topics that are in vote status at this time, most of it has been approved already. Basically, it is the Text Amendment, Plat of Survey, Final Plan of PUD for Lot 2 and Lot 3, and the Final Plat of Subdivision. The City Council has asked that the Text Amendment and the Plat of Subdivision be voted on, I suggest we vote on it separately.

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. and Steve Simak from Watermark Engineering were sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Mark Daniel took the floor and stated good evening, I am Mark Daniel of Daniel Law and with me here tonight is Steve Simak of Watermark Engineering. I represent Vequity, LLC pursuant to authority from the property owner Midwest Office Center Viking Partners Oakbrook LLC. Viking is the contract seller to Vequity. Tonight we have a text amendment request that Vequity has brought, it's really a matter of convenience that they are the first one to bring it in Oakbrook Terrace but the Illinois Capital of Development Board adopts a set of regulations called the Illinois Accessibility Code and in those regulations it states how to address public facilities, developments like these are public facilities. Those regulations cover parking design for accessible parking spaces, they cover parking aisles leading from those spaces to an accessible route into the building. These regulations changed in October 2018. This text amendment relates only to that change. The change affects adjacent accessible parking spaces, it doesn't address single isolates parking spaces in their design, that stays the same. You have to have for a single space a parking space and an accessible aisle that takes you to the route into the building that also accessible. When spaces are adjacent, however, they are different under the new regulation. Under the old regulation and under Oakbrook Terrace Zoning Ordinance the regulation has been that you have to have a space and an aisle that leads to that route for every single stall. That is the old regulation at the state level and the current regulation in Oakbrook Terrace. The new regulation is that adjacent aisles in 90 degree spaces can share an accessible aisle. So instead of seeing 2, 2, 2, and seeing six parking spaces taken up by three accessible stalls because you have to have parking space, aisle, parking space, aisle, parking space, aisle it basically allows that accessible route to be accessed from a shared aisle that is shared between two parking spaces. That is the background of the

text amendment. In essence, if you think about the accessible, you don't have to use an accessible aisle all the time, it depends on the disability of the driver or the passenger may have. But that accessible aisle can be shared by those two parking spaces now. The regulation does not affect this project because we have always been looking at the amendment from October as being applicable during this process and during permitting for construction. So the anticipation was that Oakbrook Terrace would approve plans based upon the state regulation under the Illinois Accessibility Code particularly Chapter 5, Section 502 that applies. The ordinance actually says something different than the code. It goes above and beyond, it says you have to do more. So from a zoning evaluation and planning perspective, the goal would be A. to align the Zoning Ordinance with the Illinois Capital and Development Board Regulations that are current. The second objective is to enhance and protect the value of land through your Zoning Regulations. If you think about the number of issues that have come up in your background as Planning and Zoning members relating to parking, we all understand that parking is tight so for each shopping center that has this tight parking situation, those users will now be able to free up additional spaces because the state has recognized what the federal government recognized before them. Federal law has always been more lenient than Oakbrook Terrace. Federal law has always allowed shared aisles so the objective is to seek the amendment to specifically authorize the parking provided for these plans. It doesn't change the numbers, the evaluation, the cooperative parking that we have between these three lots but it applies community wide. As an amendment you will have the folks at Oakbrook Terrace Business Center that may have handicap stalls next to each other, you work your way up north and you have the daycare, the former Specialty's that will be able to add parking. So that is the request on the amendment, we are asking you to divide a section in the code Section 156.101 (D) (2) into a (A) (B). (A) will have the existing language and (B) will provide the alternative that was recently approved in October 2018 by the Illinois Capital Development Board as part of the State Accessibility Code. So we ask that you favorably recommend to the City Council the adoption of an ordinance that just does that. That is all I have on text amendments.

Commissioner Freda asked, the arrangements that you say you have with all three properties, if you are going to move cars from one lot to the other because of overcrowding, how will you arrange the common maintenance so that there is no arguing on who cleans what? Does the agreement cover that?

Mark Daniel answered, it does, it covers everything from insurance and responsibility for repairs.

Commissioner Freda asked, there is no litigation after the fact?

Mark Daniel answered, right, they have some very good attorneys, John Morse, and Ted Freedman, and they have put together a reciprocal easement agreement that applies to this. Just so we are clear on the access to parking, the ordinance authorizes a cooperative parking for all three lots. The owners have developed the reciprocal easement agreement so that Lot 2 and Lot 3 can park among each other's spaces and on Lot 1. But they haven't yet gotten to the point of allowing Lot 1 to move south. They want to see how this works with Lou Malnati's flow of business.

Commissioner Freda commented, when I look at the plan, the turnaround for a semi, is hard to tell if you have enough swing space.

Mark Daniel answered the truck can pull forward and make its turn around without taking out spaces at a length of 15.8 feet for the cab and 53 feet for the trailer. So it shows that a semi can make that full turn. With the loading zone, there is an exception that already has been granted to allow in a smaller size because we shouldn't have trucks that large coming in at all.

Commissioner Freda then asked, for Lou Malnati's you said there is no loading zone?

Mark Daniel answered, for the most part, if it is a large delivery, Lou Malnati's has the right to use the loading zone. Lot 2 and Lot 3 will use the loading zone, Lot 1 will not.

Commissioner Freda then asked, did you re-orient the entrance of Lou Malnati's from the south west corner to the north west corner?

Mark Daniel answered, Lou Malnati's has two doors, one on the north at the west end and one on the west at the north end.

Commissioner Ventura then stated I don't have any questions just a recommendation that our Zoning Ordinance should match the new section 502 of the Illinois Code.

Commissioner Jackson answered, it does, he is saying we are going to do whatever the state does.

Commissioner Ventura then asked, correct me if I am wrong, but this wouldn't be here if our ordinance matched that?

Attorney Pacione answered, the ordinance now, covers single spaces. If you just do one individual handicap spot that's what it covers, it would cover multiple too, you can combine.

Commissioner Ventura then added, but the City's ordinance doesn't match this new provision, so I'm just saying that this may be a text amendment to our own City's ordinance.

Attorney Pacione answered that's what it is.

Commissioner Donoval asked, the Disability Act of 1998, this amendment is going to cancel the Disability Act of 1998 or that's just an amendment to the Disability Act?

Mark Daniel answered, under the ADA the barriers that they define under the General Attorney's opinion and the federal design guidelines for accessible stalls allowed for what we are amending to allow in Oakbrook Terrace now, so the federal law always allowed you to share an aisle.

Commissioner Donoval then asked so the Disability Act of 1998 is going to stay like this now?

Mark Daniel answered it stays in place.

Chairman Caslin added, I'll say this and this is my opinion, as a person that has a handicapped person, as John does, that loading doesn't work when you have side loading vans that's why I like the spaces separated, what you are doing by doing this is you are saving a lot of spaces in that area and that's the whole key to it. It has nothing to do with the convenience or inconvenience of a handicap person. It has to do with the amount of real estate you can sell. I think it's wrong, whether the federal government likes it, or the state government likes it. A shared aisle does not work with 80% of the handicap people. They load from the side.

Mark Daniel answered I understand that.

Chairman Caslin then added it's a battle in itself to get a handicap space like, at Home Depot, I'd kill to get a handicap spot because they never have any. There is only about 8. It's ridiculous. I'm a bad person to talk about this because of the inconvenience I've gone through. We load from the side, it is very difficult to do that and yes, backing in is one option, but how many people would really not do that option.

Commissioner Jackson stated, why don't you just park in the striped area and have the parking space available to load?

Chairman Caslin answered it is illegal.

Mark Daniel then added, one thing this does not affect is the placement of the spaces if someone is coming into re-stripe. You can look at the same regulations and as part of that permitting process consider the distribution of the accessible stalls as part of their re-striping program.

MOTION Commissioner Ventura moved and Commissioner Jackson seconded to approve text amendment to section 156.101 (B) (2) in order to identify both (A) and (B).

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

Ayes: Commissioners Ventura, Jackson, Freda,
Donoval, Cardenas, Walberg
Nays: Chairman Caslin
Absent: None

MOTION PASSED WITH A 6-1 VOTE.

Mark Daniel then stated, on the plats we previously had before you a preliminary and final plat that we received an approval on, we found out that there was an issue with the location of the lot line on Lot 2 and Lot 3. The lot line that I am speaking of is the north side line that runs from 22nd street north. That lot line was too close to one of the buildings based upon the developing foot prints that were under way at the time. Because of the change of the lot line, we are back before you to simply ask you to allow the Lot 2, 22nd Street frontage to be 160.66 feet long and the Lot 3 frontage to be 119.34 feet long. That reflects a very minor adjustment. That is the only change we have on the plat. There is a demand from IDOT for reconstruction of an entrance on the north side of the property where were

cutting into the pavement. They prefer to have all new pavement across the apron which is something we have to do. From the plat perspective, the plat meets all the standards in the ordinance when it comes to subdividing the land. The one concern that we have talked about during the PUD component is the access from Lot 3 to a street. Technically, you can't be subdividing land in a fashion that leaves Lot 3 isolated without access to a street. The reciprocal area easement creates a permanent route access into Lot 3 and in location. As far as the plat is concerned, there really hasn't been any new additional circumstances developed.

Commissioner Freda asked, how is the person that is going to develop Lot 3 will feel about the fact that they don't have direct access to 22nd Street?

Mark Daniel answered, anyone that buys is going to have the same issues to deal with but that building will be developed in contemplation of the access restrictions. The REA will be enforceable in court. The REA is something that the City Attorney is going to review in order to make sure that its contents meets the standards that are set forth in the PUD approval.

Commissioner Jackson asked, mechanically, what you are trying to do with documents, is litigate the change so that from the perspective of Lot 3 they think they are good enough because they have legally enforceable documents that take care of what they want?

Mark Daniel answered, exactly, they've got the fewer number of parking spaces but they can park anywhere. They have the loading zone most directly accessible to them. In general, if there is going to be a loading that occurs outside that loading zone, it's going to be in the Lou Malnati's side of the property.

MOTION Commissioner Freda moved and Commissioner Jackson seconded to approve the plat amendment as presented.

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.

Mark Daniel then stated, with regards to the PUD plan, we have an amended and a final, as far as approvals, demolition has been approved in connection to the Village of Oak Brook water systems. The preliminary approval at the present time generally included what you see here on the plans in front of you with the smoke stack subject to a concern that we have to bring in signage above the roof line back to the Planning and Zoning Commission. On the site side of things, the phase 3, Lot 3 PUD hasn't changed with respect to Lot 1 in phase one, except for how phase one changes to adopt to the changes on Lot 2 and Lot 3. The Phase one work includes demolition and building restoration. The demolition will occur on parts of Lot 2 and Lot 3, but there is other work. Eventually, under phase one portion of the PUD, Viking is preparing the site for construction of the building. So the phase one portion of the project includes Lot 1 and the demolition work on Lot 2 and Lot 3, and the preparation work to get the site in the condition for the construction were building. The change for this particular project with respect to the lot line causes the buildings to shift a little bit. There is 10 feet between the buildings. It's been reviewed by the York Center Fire Department, they haven't seen a problem with the proximity of the building. That really is the main change to the Phase one, two, and three Planned Development Plan from a site perspective. From a building perspective, I can tell you that the elevations have changed. The north elevation of the building is on top, the west elevation is on the bottom. There is a main entrance on each side of the northwest corner. The delivery entrance is situated to the west of the north main entrance to keep a separate flow of traffic. With respect to the commercial grading windows that you see on the west side of the building, those are still intended to be closed under this plan.

Commissioner Freda asked, are they garage doors?

Mark Daniel answered, they are not, the plans have to be key by architectural standards which talks about the quality of glass. It's the flow plan that shows you where the garage doors are. The south elevation is where the garage doors are. You will have four garage doors on the south elevation. The floor plan is consistent with what you have previously seen. The floor plan shows that there is a patio on the exterior, that patio was part of the original approval. The addition of the fence in the front yard was addressed as a protective measure. It's possible that you have the fence extended a little bit, there could be a common area for other people to dine outside. You can see that the fence has been shorten. At the prior hearing, I proposed that we pull the fence back from the west curb on the

south side of the building because that fence obstructed the accessible route. With respect to the site plan, that is all we have. We're asking for a favorable recommendation of Phase one, two, and three PUD drawings from a preliminary and final perspective.

Commissioner Freda asked, there was a mention that there was some area designated without a barrier for sale of merchandise, can you address that a little bit.

Mark Daniel answered, from a restaurant and food service perspective, if you have liquor served outside you must have a barrier in the liquor ordinance. So the relief that we have asked for is limited to outdoor service but if it's a restaurant that has liquor service there is no waiver of the liquor ordinance provisions concerning having a secure area. When it comes to the outdoor sales and display of merchandise, that language is broad. When I essentially paired the language in the ordinance, if you read that language it could arguably include food service or t-shirts brought to someone's table, so with respect to the outdoor sale of merchandise, there is a distinction between special event review that the staff has a separate provision of the code and the zoning entitlement. Here we are hoping to free up the opportunity to have that outdoor display. The outdoor display was approved for Twin Peaks and Home Depot.

With respect to item 10 of the Legal Notice, item 10 is a bit of a catchall. We haven't identified anything at this point that says we might have missed and have to discuss it here tonight. On the Final Plat of Planning and Development, in essence, what we are dealing with is conformation of what has been done for Phase 1. We are asking that you confirm everything that was done on Phase 1 and not change it with the exception of what I talked about in Lot 2 and Lot 3. The Final Plat of Planned Development for Phase one is complete. It's more with Lot 2 and Lot 3 that we are dealing with making sure that some of the terminology is accurate. We are asking for Final Planned Development approval. I kind of combined that with the preliminary approval, obviously, the two are in substantial compliance as we presented both at the same time. The standard generally is that nothing has changed in the area over the time of the amendment. We were here in February for the ordinance approval. Ordinance No.19-04 approved the Preliminary Planned Development for Phase one, two, and three.

Chairman Caslin asked the Commission if there any final questions or comments regarding 6C, 10, 12, and 13 of the Legal Notice.

Attorney Pacione stated, 13 was approved already.

Chairman Caslin responded, okay, 6C, 10, and 12.

No final questions or comments from the Commission at this time.

Attorney Pacione asked, can we add in there all previously approved items that are marked previously approved on the notes in the motion? Just to verify that they are re-approved at this time.

Chairman Caslin answered, yes, all previously approved items that are in Ordinance No. 19-04 that was approved by us and the City Council.

MOTION Commissioner Jackson moved and Commissioner Cardenas seconded to approve all previously approved items.

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.

Attorney Pacione added the only ones we have remaining are 8F, G, and H. Everything else has been approved.

Mark Daniel continued by stating, there are two types of signage above the roof line that we are dealing with. The first one is the type of signage that we had before you last time on the metal frame that laps the building. At the last hearing we discussed the location of that signage in relation to metal framing, it projects from the framing a bit, but some of it does project above the metal framing. That is the first request of approval for signage above the roof line. The other variance relates to the sign component. There are bulbs and red background letters for the Lou Malnati's signage. They do not move, flicker, or change colors. With that in mind, we provide a specification for the bulbs, I believe we met staff's interest in the type and quality as far as appearance is concerned. So the signage that extends above the metal framing also projects from the building in a fashion that is

more than 4 feet. The code limits you to 4 feet or less. In respect to the Legal Notice the request to have a sign that extends from the building includes the horizontal component of the sign that are on the metal structures. It also includes the smoke stack, which I will talk about now.

There was a plan that was delivered the day of the hearing. Lou Malnati's had done some work to evaluate its signage. Just to give you a little background about Lou Malnati's, they want every building to be different. They don't want to look like a chain restaurant. They want the buildings to be distinctive but not annoying. In the approval of Ordinance No. 19-04, the City Council approved the smoke stack not to exceed the allowable 35 feet in height above grade under the B-3 zoning height regulation. That approval was subject to returning to you for what you see in the plans. With respect to the smoke stack, that is below the 35 foot height limit. Under the ordinance, if Lou Malnati's were to close they are required to remove their signs because the Zoning Ordinance requires that all signs be removed if the business closes. With respect to Lou Malnati's this signage component on the smoke stack is really important. They want to be visible, they are on an access challenge site. They have essentially a ride in and a ride out on the main road. They rely on this smoke stack for people to understand where they are. With respect to 22nd Street if you are traveling east bound you have to travel maybe 300 feet and you have to make the left turn U-Turn to get back to the entrance. If you are coming east bound and you miss Lou Malnati's, you're looking at going around the block and hitting the Trans Am Plaza Drive traffic and working your way back to Butterfield Road to the back entrance. In essence, the goal of the sign is to help with traffic. We've put together an exhibit that I distributed earlier, it comprises two individual sheets of the county GIS map and a series of numbers, and those numbers refer to views to the property from different important areas. If you take a look at the GIS drawing, there is a circle with an X that is approximately where the smoke stack would be. The smoke stack is east of the Northern Trust Bank building. The theory is that the smoke stack and the signage will be visible from multiple key areas where traffic flows in and out. If someone sees that smoke stack before they arrive at the intersection on Butterfield Road and 22nd Street, they have the choice to turn left instead of going straight on 22nd Street to make that U-Turn to come back into the site. So by having that smoke stack in the view as you are heading east bound down 22nd Street, you've given somebody a marker, not as big as La Quinta's that's 59 feet tall and a lot wider. We are hoping you approve the sign on the smoke stack

based upon what I provided in the different horizon views. The smoke stack is narrow, it doesn't rise above the level of the maximum building height. Without it, I think we can have issues. Home Depot is very proud of its product and has substantially worked over the last six months to meet my demands for information plans and to get to the point where its product building is going to look like what they want, which is one of their largest restaurants. It's something Lou Malnati's is deeply interested in. Certainly, the owner Vequity, who is the applicant, is vested in this as is Viking because the development does hinge on Lou Malnati's. I think it does make sense from the view perspective, on the east end of the block you have La Quinta's sign that rises much higher for many of the same reasons. It's an access challenge site, it doesn't face a divided highway like Lou Malnati's will. I think the standards are met to in regards to practical difficulties that arise in relation to meeting the standards of the Zoning Ordinance on the signs. There is prohibition on the code, potentially on the extension of the signs. This proposal to extend signs from the building is not new, we just want to avoid having staff in the position where they have to defend an interpretation. The signs on the steel have already been approved. The interpretation was, that is was a wall without the surface.

Commissioner Freda asked, in the Lighting Plan, it was mentioned dimmable, what are they going to dim?

Mark Daniel answered, the bulb lighting doesn't fluctuate, it's solid, they won't dim it and if they do it will be a consistent dim.

Commissioner Jackson asked, what is the relationship between the applicant and Lou Malnati's right now?

Mark Daniel answered, the current applicant, Vequity, is building the Lou Malnati's to suit Lou Malnati's. On their lease agreement, they have arranged that privately.

Commissioner Jackson then asked, is there a legal agreement for Lou Malnati's to be here?

Mark Daniel answered, this ordinance first of all, doesn't fly for anyone but Lou Malnati's. Second, to say that there is a binding agreement right now it's difficult, because it depends on the City's support for the project.

They have a lease and a Letter of Intent concerning Lou Malnati's interest on the property. The fact of the matter is, everything is still contingent upon what we're doing here.

Commissioner Jackson also asked, if the City approves all these things tonight, Lou Malnati's is not able to walk away because the prize of pizza has fallen?

Mark Daniel answered, I don't think they are able to walk away, but I can't tell that that's for sure. There is a lot of money spent by Vequity and Viking in this effort and they wouldn't do it without any paper from Lou Malnati's.

Commissioner Jackson added, you mentioned La Quinta, we spent a lot of time approving La Quinta and they are not here. If you say to me that that's not parallel, I will believe you and I am fine with it.

Mark Daniel answered, well I can tell you the circumstances are different, and in La Quinta's case there was an acquisition in the transition of ownership and business decisions were made. In this instance, because of the communication that I've had with Lou Malnati's and the detail that we've gone in, I've seen no indication that there is going to be a change.

Commissioner Jackson answered I am good with that.

Commissioner Ventura asked, does it all hinge on the smoke stack?

Mark Daniel answered, they want to be visible and the divided highway issue with the U-Turn on 22nd Street is different there is a lot of traffic that goes east bound during the evening hours.

Commissioner Ventura added, Giordano's has the same with one turn, actually everything along 22nd Street, and they don't have a 35 foot tall sign. What if Giordano's says can I have a 34 foot stack like Lou Malnati's?

Commissioner Freda added, but Lou Malnati's doesn't back up into a residential district like Giordano's.

Commissioner Ventura asked, would that be the reasoning then? So it could set a precedent but we can say well, you back into a residential district. What if Twin Peaks wants a smoke stack?

Mark Daniel answered, that I don't think can happen because the City approved entitlements such as a height restriction that preserved the view to the Home Depot Center. You have to be able to see that Center over the buildings. You cannot obstruct that.

Attorney Pacione added that stack is already approved, this is just for the sign.

Commissioner Walberg asked, basically you are saying that will be the deal breaker?

Mark Daniel answered that's what I've been informed.

Chairman Caslin asked, is there any reason why you didn't go with the standing pole sign rather than the smoke stack?

Mark Daniel answered, I think the election to go with the monument sign is due to multiple tenants and the intent is eventually to consider that digital element.

Chairman Caslin then asked you quoted La Quinta, why wouldn't you request a sign like that?

Mark Daniel answered, I think the site is too tight, I think La Quinta takes up probably an area that's 20 by 25 and I think there's a base below it. It does take up a good deal of space.

Chairman Caslin added, if we keep letting people do this, we have buildings like the bank which you said the sign is up high but it's on the side of the building. It's not a sign on a smoke stack. Hypothetically you can take this into extremes if you wanted to, but on the 31 story building there are antennas, why can't I put a sign on one of those antennas? You allowed Lou Malnati's to do it.

Mark Daniel answered, I understand the concern, but focusing on the Comprehensive Plan in this particular rear, and the lots to the east focus has been placed on trying to get all of these lots into conformity with the B-3 Zoning District and Part of it its signage.

Chairman Caslin responded, I understand what you are saying, I'm looking at setting a precedent, and every time somebody comes in here, that's the first thing they throw in our face like you did with La Quinta and other signs. I'm asking why not a sign like Home Depot has or other places like on Roosevelt Road, and 22nd Street? I rather give you the height limitation for that sign than the smoke stack because it sets a precedence.

Mark Daniel answered, in this particular case, this site is different from Home Depot and Giordano's because of the access circumstance. Home Depot has multiple access points so the need isn't necessarily there.

Commissioner Freda asked, how far above the steel structure and the glass second floor, for all intents and purposes, does it raise beyond the steel?

Mark Daniel answered, the top of the parapet is 16 feet 4 inches, so its 2.5 feet above the side parapet on the north end of the building. The sign extends above the steel by about 2 feet.

Commissioner Freda also asked, the height of the stack from the flat of the roof?

Mark Daniel answered I'd say 12-14 feet.

Commissioner Freda then asked, 35 feet from grade to the top of the stack?

Mark Daniel answered, correct.

Building and Zoning Administrator Dragan took the floor and stated, the petitioner's attorney is very thorough and made a detailed presentation of the proposed request. He worked hard to demonstrate that a hardship does exist for the smoke stack and the proposed signage. Of course, it is the Commission's final decision on this, but in my opinion, he demonstrated that the hardship does exist at this location for the restaurant.

MOTION Commissioner Jackson moved and Commissioner Freda seconded to approve 8F, G, and H of the Legal Notice.

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 April 23, 2019, City Council meeting at 7:00 pm. and the next Public Hearing will be May 7, 2019, at 6:00 pm.

MOTION Commissioner Jackson 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 7:33 P.M.

Respectfully submitted by,

Addy Lozano
Building and Zoning / Planning and Zoning Secretary