

MINUTES OF THE OCTOBER 6, 2015 REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF OAK BROOK APPROVED ON MARCH 1, 2016

1. CALL TO ORDER: CALL TO ORDER

The Meeting of the Zoning Board of Appeals was called to order by Chairman Champ Davis in the Samuel E. Dean Board Room of the Butler Government Center at 7:02 p.m.

2. ROLL CALL: ROLL CALL

Gail Polanek called the roll with the following persons

PRESENT: Chairman Champ Davis, Members Jeffrey Bulin, Natalie Cappetta, Baker Nimry, Alfred Savino, Steven Young and Wayne Ziemer

IN ATTENDANCE: Dr. Mark Moy, Trustee, Robert Kallien, Jr., Director of Community Development and Gail Polanek, Planning Technician

3. APPROVAL OF MINUTES: MINUTES

REGULAR MINUTES OF THE MAY 5, 2015 MEETING

MAY 5, 2015

Motion by Member Young, seconded by Member Nimry to approve the minutes of the May 5, 2015 Regular Zoning Board of Appeals meeting as written. VOICE VOTE: Motion carried.

4. UNFINISHED BUSINESS UNFINISHED BUSINESS

There was no unfinished business to discuss.

5. NEW BUSINESS NEW BUSINESS

A. ASVRF OAK BROOK REGENCY, LLC BY JONES LANG LASALLE AMERICAS – 1415 – 1515 22ND STREET – VARIATION – PARKING REGULATIONS TO ALLOW AN ADDITIONAL 18 PARKING SPACES IN REQUIRED FRONT YARDS

ASVRF OAK BROOK REGENCY – 1415-1515 22ND ST – VARIATION – PARKING SPACES IN REQUIRED FRONT YARD

Chairman Davis announced the public hearing and stated the requested relief. All witnesses providing testimony were sworn in.

Eric Thompson, Jones, Lang LaSalle said that they manage the Oak Brook Regency Towers and they have been authorized by the property owner, ASVRF Oak Brook Regency, LLC to represent them in this application. He introduced Dan Weinbach of Daniel Weinbach & Partners, Ltd., designed the entrance monument improvements on the site as well as the landscaping and parking plans included in the case file.

The Oak Brook Regency Towers is a 442,000 square foot office building in two towers located at 1415 and 1515 22nd Street. The property was built in 1975 and redeveloped in 1993-1994 to add the east and west rotundas and the link between the towers along with the restaurant in the link. The restaurant was and still is Tuscan. Tuscan has been in the building for 20 years. Each year as more dining choices become available in Oak Brook and surrounding communities the market becomes increasingly competitive to restaurant operators and has resulted in declining sales for Tuscan over the years.

During the past year, the property owner has made some exterior improvements to help beautify the property and to also help the restaurant. The improvements include six new entryway monuments and landscaping, which have replaced much older signs. The process of improving the site has also helped the restaurant by making it more visible to 22nd Street. They are requesting additional parking located nearer to the Tuscan entrance. In Oak Brook there are only 3 properties in the O-3 District – Oak Brook Regency Towers, the Marriott and the Oak Brook Executive Plaza. Within the zoning district the parking requirements are 1 space for every 300 square feet of office floor area; and 1 space for every 100 square feet of restaurant floor area.

Page C-1 of the case file breaks down the parking space requirements for their building. The minimum requirement per the Zoning Regulations is 1,456 parking spaces. Their actual parking space total is 1,454 spaces for both surface and the parking garage. Another issue is the location of the parking to the restaurant entrance. Ideally, there would be a minimum of 68 parking spaces for the restaurant based on Code requirements. An issue is that the Tuscan entrance is located in the front yard and Code allows a maximum of 6 parking spaces in each of the front yards, which currently exist. The restaurant has always relied heavily on valet parking in order to make the restaurant work. Self-parkers and valet utilize the office parking lots that are a minimum of 445 feet away from the restaurant entrance. It has negative impact on the restaurant business especially during inclement weather. They proposed a total of additional 18 parking spaces, 9 in front of the west tower and 9 in front of the east tower, to be located next to the existing 6 spaces. This number of spaces



will reasonably fit in the area in front of the restaurant with bermed screening and there would not be any encroachment into the required setback of 22nd Street. The spaces would also be available for office visitors and restaurant lunch customers during the day.

He provided copies of the proposed plans to the Marriott Hotel next door and did not receive any response.

Dan Weinbach, Landscape Architect reviewed the proposed plans. They believe the screening provided is more than adequate. Between 22nd Street and the proposed parking there is a substantial berm, which is approximately 90 feet from the street to the parking so there is a lot of space between the street and the cars. One of the handicapped spaces was relocated and a crosswalk was added so that it was next to an existing curb cut. Cross sections of the berm were cut to show the berm in relation to 22nd Street and the parking. The berm should screen any headlights. A continuous 30-inch high evergreen hedge would also be installed in front of the parking spaces and when mature would be about 4 feet in height. Each berm is full of mature shade and flowering trees that have been there for many years. The applicant was requested to address the sight line/viewing triangle at the stop signs, in case someone would be pulling out of a parking space. The land at that point is low and there is nothing above 30 inches allowing for visibility. They were very cognizant to not create any safety issues. The final page shows the view from 22nd Street and the only view should be the top of the hedges.

Chairman Davis confirmed that all of the trees shown were existing, and only the evergreen hedges would be added.

Mr. Weinbach agreed.

Member Bulin asked if any mature trees had been or were planned to be removed to accommodate the new parking.

Mr. Weinbach responded that none of the trees had been or would be removed. In fact, the parking was moved in order to accommodate an existing tree.

Member Savino questioned the number of plants.

Mr. Weinbach said that there were 21 evergreen plants on each side with a 30-inch spread and will grow to around 4 feet, so it will be a continuous hedge.



Chairman Davis noted that the variation standards were addressed in writing on page D of the case file and asked Mr. Thompson to review them.

Mr. Thompson reviewed the Variation standards as follows:

In response to 1.a – The request for the variation for additional parking in the front yards is based on the parking requirements for restaurants in Oak Brook, the limitation of allowed parking in front yard and the location of the restaurant entrance at the Oak Brook Regency Towers. The Code allows a maximum of 6 parking spaces in each front yard, which they currently have. They are requesting 9 additional spaces in each front yard. Factors such as limited or distant parking have had a negative impact on the restaurant over the years, especially on repeat business in an increasingly competitive dining environment, especially during inclement weather.

The proposed new spaces would be located adjacent to the restaurant entrance and would help to alleviate the situation by increasing the number of spaces available to self-parkers.

In response to 1.c – If the variation is granted it would not alter the essential character of the locality and will comply with all Oak Brook codes including safety considerations and front yard screening requirements.

In response to the standard 2.a. – The physical configuration of the site and the distance of the parking lots from the restaurant have had a negative impact. The proposed new spaces would help to alleviate this situation and also improve the safety, security and convenience of the self-parking patrons, especially during inclement weather.

In response to the standard 2.b. – There is one O-3 Zoning District in Oak Brook and it is comprised of 3 commercial properties, Oak Brook Regency Towers, Marriott Hotel and Oak Brook Executive Plaza. A similar variation was granted to Oak Brook Executive Plaza allowing 49 additional parking spaces and they are requesting an additional 18 spaces.

In response to the standard 2.c. – The variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

In response to the standard 2.d. – The variance would not in any way impair the supply of light or air to adjacent property or increase the danger of fire or

otherwise endanger the public safety or diminish or impair property values within the neighborhood.

Chairman Davis noted that the applicant had testified that the other property owners had been contacted and no negative responses had been received.

Mr. Thompson agreed.

Chairman Davis noted that the Fire Chief reviewed the plans and did not have any concerns. The Engineering Department also reviewed the proposed plans and recommended approval of the request.

Director of Community Development Kallien agreed.

Chairman Davis asked how they would guarantee that the parking spaces would be used for self parking as opposed to valet parking.

Mr. Thompson responded that they would agree to the stipulation that they remain as self parking spaces and not valet spaces.

Member Nimry noted that Fidelity Parking spaces have a sign for customer spaces, but that the spaces are always packed. He asked what would keep parking spaces from being used by tenants.

Mr. Thompson said that they would be marked as visitor and restaurant parking only for self-parkers. There will be signs posted.

Member Cappetta said that valet's use the existing parking spaces and block the spots; and the spaces have a no restaurant parking sign.

Mr. Thompson said that they did experiment with that. The dilemma with the existing 12 parking spaces being used as valet parking is that during the early part of the week there is not a lot of business for Tuscany. They experimented and converted those 12 spaces from valet to self parkers and it took away the business from the valet. 75 percent of the valets business during those nights early in the week was eliminated, just by people being able to self park. They put it back and the manager of the restaurant has agreed that valet parking can probably be eliminated entirely during Monday-Thursday. On the weekends they will still need to have a valet.

Member Nimry said that he has been there and there is only one valet, so it takes a very long time to get your car.

Mr. Thompson said that self-parkers for the restaurant go to those spaces immediately.

Director of Community Development Kallien noted that the existing parking does not meet the minimum parking requirements of 3.3 spaces per 1,000 square feet, which is an outdated standard. Most of the new modern, Class A office buildings have parking ratios of 4 to 5. This request from an overall parking need exists because some tenants require greater loads for parking. The request is reasonable based on need.

Member Cappetta asked if the parking numbers were changed or was this allowed by the Village when the building was constructed.

Director of Community Development Kallien responded that he did not know what happened when the building was constructed in 1975 and it may have complied at one point. However, over the years the handicapped parking provisions have changed and more spaces are required, so it does not comply now. He complimented the applicant for the detail of screening for the parking lot. This should be more of the standard required for other parking lots that face streets.

Member Savino agreed that the landscaping looked good.

No one spoke in support of or in opposition to the request.

Chairman Davis noted that the Standards had been addressed in their testimony and in writing on page C of the case file and that the Zoning Board of Appeals was of the opinion that the applicant had satisfied the requirements for the requested variation.

Motion by Member Young, seconded by Member Nimry that the applicant satisfied the requirements for the requested variation and to recommend approval to permit an additional 9 parking spaces in the required front yard of each property located at 1415 and 1515 22nd Street for a total of 18 additional parking spaces, subject to the following conditions

1. The proposed parking spaces are to remain self parking spaces available to visitors and restaurant customers only and are not to be used for valet service. The proposed parking spaces and landscaping shall be constructed, maintained and replaced in substantial conformance to the front Parking Plan and Landscape site plan on page I of the case file, and identified as Sheet L-1.0 dated August 21, 2015.

2. Notwithstanding the attached exhibits, the applicant shall meet all Village Ordinance requirements at the time of building permit application except as specifically varied or waived.

ROLL CALL VOTE:

Ayes: 7 – Members Bulin, Cappetta, Nimry, Savino, Young, Ziemer and Chairman Davis

Nays: None. Motion carried. The public hearing was concluded.

5. B. DRAKE OAK BROOK RESORT, LLC – 2301 YORK ROAD – VARIATION – SIGN REGULATIONS TO ALLOW A WALL SIGN TO BE LOCATED ON THE MECHANICAL TOWER AND TO BE POSITIONED IN THE CENTER OF THE WALL

DRAKE OB - 2301
YORK ROAD –
VARIATION – WALL
SIGN CENTERED
ON MECHANICAL
TOWER

Chairman Davis announced the public hearing and stated the requested relief. Witnesses providing testimony were sworn in.

Jim Nagle, owner and developer of the Drake Oak Brook Hotel, provided the history of the hotel that was constructed in 1961. A wall sign was placed on the hotel facing north towards 22nd Street, and at that time the office building was not there, so there was no obstruction of the view to 22nd Street. They are seeking to affix the Drake logo onto the mechanical structure. It is similar to other signs, such as LeMeridien and Citibank, however it is allowed in that zoning district or in the B-4 District. Across the street from those signs, TreeHouse also sought a similar variation for its sign, as the Drake is seeking.

They opened in April and the gold standard for hotels is the online service Trip Advisor. In five short months, they were the number one ranked hotel in Oak Brook and are the number three hotel out of 97 hotels in DuPage County. One of the biggest complaints on the Trip Advisor reviews and from their guests was having a difficult time finding the hotel. Not only is it a lack of signage on the hotel, but they do not have their own entrance. The sign is very important to them and the sign style embraces the way the hotel was back in the 1960's. They also requested that the sign be anchored to the middle and located on the mechanical structure like many other signs in town. The sign will allow traffic going down York Road to see it so that guests can more easily find the hotel.

Chairman Davis questioned that it would be difficult to anchor the sign to the corners of the building due to the windows. He also questioned whether the existing sign facing north was located on the mechanical tower.

Mr. Nagle responded that they looked at the corner placement by the windows with the sign company while looking for solutions and this sign as requested is



really the only option. The existing sign is located on the mechanical tower.

Chairman Davis added that he drove by the hotel and the sign on the north is not very visible.

Mr. Nagle noted that there will be more competition with the proposed Hyatt Hotel on 22nd Street; and that property would be much more visible than the Drake. Back in the 60's York Road was a tiny road and there wasn't an office building located to the north. It was the only building in the area and was there before the York Woods Subdivision.

The variation standards were responded to in detail on page C- C.1 of the case file and Mr. Nagle summarized in his testimony as follows:

- Unique circumstances, without the signage it appears to be an office building. They want to show it off so that people know it is a hotel and is open. Many of the younger generation do not know that it is a hotel. Many people come in for weddings and tell them that they did not know it was a hotel.
- It will not alter the essential character of the locality, since they would just be adding a sign to the existing mechanical tower. Other commercial properties have been allowed the same relief.
- The hardship is not a matter of convenience. It is a matter of the proposed sign being constructed in the most visible location on the west side of the building for visibility to the public.
- The sign will not impair an adequate supply of light and air to the adjacent properties. It is a backlit LED sign.
- The sign is not just about money, it is about their branding and to let everyone know who they are. In today's world, they absolutely need that; in particular to the new competition that is coming to the east side of Oak Brook.

Chairman Davis noted that the size of the sign was in compliance with the Zoning Ordinance.

Mr. Nagle agreed.

Member Nimry asked if the sign would restrict any air flow from the mechanical tower. He also questioned whether there would be an issue with moisture from the cooling tower.

Mr. Nagle responded that the sign was being placed above the vents so that it would not obstruct any air flow. The sign company has assured them there were no issues with the placement of the sign.

Chairman Davis questioned whether there were any comments from the surrounding property owners.

Mr. Nagle said that they notified and showed many of them the pictures and those that saw them were happy. They received no complaints or objections.

Director of Community Development Kallien said that the existing sign to the north was allowed because in the Code it states that if the sign is on a portion of the mechanical room that is consistent with the primary wall of the building, it would be allowed. In this case if the wall were the same, a variation would not have been needed. However, the mechanical room facing west is offset from the exterior building wall.

Mr. Nagle noted that the mechanical wall facing west is not flush.

Member Young questioned where this request fit in with the rest of the signage in the Village.

Director of Community Development Kallien responded that the request is not at all like the Lewis University sign. Structurally, it meets the code in terms that the individual letters that will be affixed to the wall of the tower. The size of the sign meets the sign regulations. The sign will be located up about 50 feet and by code could be 150 square feet and the proposed sign will be 137.5 square feet. The building is set back well over 100 feet from York Road. Scale-wise the sign fits. It is not too big and fits the scale of the building.

Chairman Davis noted that the Standards for a variation were addressed in testimony and in writing on page C of the case file. Sufficient facts had been presented to enable a vote on the matter. The two conditions would be that the sign size, placement of the sign would be in substantial conformance with the plans submitted and that all other Village requirements be met at the time of building permit with the exception of those waived or varied.

Mr. Nagle agreed to the conditions.

No one spoke in support of or in opposition to the request.

Motion by Member Savino, seconded by Member Ziemer that the applicant had satisfied the requirements for a variation and to recommend approval of the variation to allow a wall sign to be centered on the mechanical room tower of the building located at 2301 York Road, subject to the following conditions:

1. That the design and placement of the proposed wall sign shall be anchored on the west face of the building and is to be installed and constructed in substantial conformance with the sign detail plan on page I of the case file, as prepared by EZ Tech Design, Inc.;
2. Notwithstanding the attached exhibits, the applicant shall meet all Village Ordinance requirements at the time of building permit application except as specifically varied or waived.

ROLL CALL VOTE:

Ayes: 7 – Members Bulin, Cappetta, Nimry, Savino, Young, Ziemer and Chairman Davis

Nays: None. Motion carried. The public hearing was concluded.

6. OTHER BUSINESS

OTHER BUSINESS

Director of Community Development Kallien reviewed possible upcoming cases.

There was no other business to discuss.

7. ADJOURNMENT:

ADJOURNMENT

Motion by Member Savino, seconded by Member Bulin to adjourn the meeting at 7:58 p.m. VOICE VOTE: Motion carried.

ATTEST:

/s/ Robert L. Kallien, Jr.
Director of Community Development
Secretary

