

MINUTES OF THE MAY 7, 2013 REGULAR MEETING
OF THE ZONING BOARD OF APPEALS OF THE
VILLAGE OF OAK BROOK APPROVED AS WRITTEN
ON AUGUST 6, 2013

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: Robert Kallien, Jr., Director of Community Development

3. APPROVAL OF MINUTES:

MINUTES

Motion by Member Young, seconded by Member Nimry to approve the minutes of the April 2, 2013 Regular Zoning Board of Appeals meeting as written. VOICE VOTE: Motion carried.

4. UNFINISHED BUSINESS

UNFINISHED BUSINESS

There was no unfinished business on the agenda.

5. NEW BUSINESS

NEW BUSINESS

A. AEROTEK AND PARVIN CLAUSS SIGN COMPANY – 903
COMMERCE DRIVE – VARIATION – SIGN REGULATIONS

AEROTEK AND
PARVIN CLAUSS –
903 COMMERCE
DR – VARIATION
– SIGN REGS

Chairman Davis announced the public hearing and swore in Lisa Voight, Parvin-Clauss Sign Company and Tim Shumm, Aerotek Inc., Director of Operations.

Lisa Voight reviewed the request stating that Aerotek, located at 903 Commerce Drive was requesting an exterior illuminated channel letter sign to be installed at the west elevation of the building. An exterior sign identifying

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their company allows for corporate identity, visibility for clients and establishes their business in Oak Brook. Section 13-11-10E.4 of the code prohibits signs from covering any architectural features of a building; in this case it is the upper glass curtain wall. Section 13-11-10G.4 states that sign letter must be individually affixed to the building as proposed to being installed on a raceway.

Aerotek and Oak Brook Commerce Center, LLC, the owner of 903 Commerce Drive are requesting a variance to install the sign on the west elevation of the building. The proposed sign will be attached to a raceway that matches the color of the building and the raceway would be attached to the column as the upper level of the building is a glass curtain wall. The glass curtain wall is an architectural feature of the building and the design of the proposed sign will not block usable window space.

The sign design will overcome the architectural hardship of the building and will provide for sign design consistency at the property that will enhance the exterior features of the building while providing corporate identity for Aerotek.

Variation Standards

Ms. Voight responded to the standards as follows:

1. a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

RESPONSE:

The requested variance does not affect the property's ability to yield a reasonable return due to the architectural design of the building. The request is for an exterior sign to be designed and installed with illuminated letters on a raceway, attached to the columns over the upper level glass curtain wall.

1. b. The plight of the owner is due to unique circumstances.

RESPONSE:

While the architectural design of this building is unique, similar sign installations have been approved by Oak Brook through a variance request. This would allow Aerotek to have visibility in the Village Oak Brook and would be seen from 22nd Street and I-88.

1. c. The variation, if granted, will not alter the essential character of the locality.

RESPONSE:

Most office buildings in the area have tenant signage attached to the exterior of the buildings. The essential character of the locality will not be altered by the sign.

Mr. Shumm said that Aerotek is a recruiting staffing firm that has been in business since 1983 with about 200 office locations in North America. They have been in Oak Brook for 17 years and until last year were located at 2311 22nd Street before moving to 903 Commerce. They have about 50 employees, mostly recruiters who locate individuals in Oak Brook and the surrounding suburbs. Typically, there are several hundred candidates screened for their customers and who come to their location to interview with one of the recruiters. Having a location close to the highway was key element for them and many of the candidates are coming from other suburbs. The proposed sign would be perfect for them because they have had issues with candidates calling and not being able to find the building. The requested orientation to that side of the building (facing east) was to have visibility from 22nd Street, the highway and Commerce Drive. The placement would alleviate many of the issues they are having. They currently employ about 1500 individuals on a temporary or contract basis with their customers. They also have direct placement recruiting in the area as well.

Member Savino said that he did not believe the petitioner met the first variation standard, which states that “the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.” The applicant said the variation did not affect the properties ability to yield a reasonable return. To him that condition was the most important standard looked at by the Zoning Board and of all the standards, the first three are the most important. If the first standard cannot be met, then he could not vote in support of the variation. He asked for input from the other members. He added that he had asked the question of Mr. Kallien who was going to get a legal opinion.

Mr. Kallien responded that he had not yet received a response from the attorney.

Chairman Davis commented that he differed with Member Savino’s opinion in that he believed the most important standard was that “if granted, it will not alter the essential character of the locality.” He said that sometimes not all of the standards apply and if they do not apply, then the additional sub-standards may help out. He suggested the Zoning Board review the sub standards submitted by the applicant to see if they help interpret the main standards.



Member Savino said that even if they met the sub-standards he believed the first standard was the most critical.

Chairman Davis said that there have been matters before the Zoning Board where not all of the standards are applicable depending upon the request.

Mr. Shumm said that for as long as they have been in business having visibility in the community would reap a better financial return for them. More importantly, with the business they are in, they have candidates, which are having trouble finding the building and they have been a part of the community for a long time. The signage would provide a much better situation for them.

Member Young said that he had heard of Aerotek and they are a very large firm and many large companies use them, including McDonald's. Not from a standards position, but from a public services standpoint they are an important firm to have in the community, particularly in places where people are out of work. Having a staffing firm like them in Oak Brook is something that should be supported.

Director of Community Development Kallien said that over the years there had been an increasing number of variation requests and the vast majority was reasonable. When you get to the basis of why they are seeking what they are seeking, the question is, do we have something that is unique with their building or the property. In this case, it is this building along with a number of other buildings that were constructed back in the 1970's and 1980's because the sign code has some very specific requirements and unfortunately the code does not apply fairly to all buildings. During the review of the sign code, the consultant, John Houseal said that the variation process was for those unique situations. Ace hardware had a number of unique issues. This building had a sign that was permitted in 2004 under the old sign code and basically, they are seeking another sign that is very similar to that. There are other buildings that are masonry or have a flat hard surface that do not need relief to the raceway. Going forward when new buildings are constructed they would be aware of the sign code. However, this would not be the last request for this type of sign.

Member Nimry said that he did not know there so many glass buildings existed in town and maybe the sign code should be changed to accommodate this kind of signage and make it easier on everyone.

Director of Community Development Kallien said that could be accomplished by adding language regarding buildings that predate a certain date with existing

documented architectural features, so they could in fact use a raceway, but there should be a recognition within the community that we would end up with many of these types of signs because a lot of raceways would be used since there are not a lot of other alternatives.

Director of Community Development Kallien said that the building at 903 Commerce is dark green, the windows are gray to black and the mullions are bronze. It appears that the raceway is proposed to be bronze instead of being the dark green that is underneath, so a feature will be seen that is not there. The same situation occurred with the Lewis University sign. There were white letters and the white raceway is very visible. He questioned if it was reasonable for the raceway to match the material color that exists underneath.

Ms. Voight responded that they were going to use the same color that exists for the JVM sign on the building because that raceway is barely visible.

Director of Community Development Kallien responded that was the objective so that the focus is not on the raceway.

Ms. Voight stipulated that although the plan calls out the bronze color for the raceway, they would do an exact color match.

Member Cappetta said that she viewed the property and the raceway on the JVM sign was brown and stands out against the green windows and advised that the applicant check it because brown would not be the right color. She noted that the pillars and dividers were brown and the glass was green and perhaps they should find something that blends better, although that color may end up being the only choice.

Ms. Voight said that it would be difficult to get glass to match aluminum due to the different materials. You could not get an exact match, which is why JVM went with the brown color.

Chairman Davis suggested a condition be included that the color of the proposed raceway when it is fully visible would match the underlying building elements to minimize its visibility. He asked the applicant if they could comply with that condition.

Ms. Voight responded absolutely and that their plan with the raceway was to get as close to the background color as possible. In this case it is a little tricky because of the glass windows. Their overall plan would be to minimize the visibility of the raceway.

Director of Community Development Kallien noted that there were problems with the Lewis University sign and that it had been taken down and altered at the request of the building owner and the Village. He suggested that a condition be included that in the event that the color does not properly match the underlying building elements that it be modified as a condition of final approval. He added that before the sign is installed they should have staff approval.

Ms. Voight agreed to the condition.

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

Motion by Member Ziemer, seconded by Member Nimry that the applicant had met the standards required to recommend approval of the variation to allow a wall sign to be placed on the building at 903 Commerce as proposed subject to the following conditions:

1. That the color of the proposed raceway fully visually matches the underlying building elements to minimize its visibility.
2. In the event it is determined by staff that the color of the raceway does not properly match the underlying building elements that it be modified subject to staff approval.
3. 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: 5 – Members Bulin, Nimry, Young, Ziemer and Chairman Davis

Nays: 1 – Member Savino

Abstain: 1 – Member Young

Absent: 0 – Motion carried.

5. B. ADVOCATE HEALTH AND HOSPITAL CORPORATION – 2025 WINDSOR DRIVE – VARIATION – PARKING REGULATIONS AND AMEND CONDITIONS OF ORDINANCE S-555

ADVOCATE HEALTH
– 2025 WINDSOR DR
– VARIATION –
PARKING REGS AND
AMEND ORD S-555

Chairman Davis announced the public hearing and swore in all who testified.

Jim Slinkman, Associate General Counsel, Advocate Health Care reviewed the request and background information. They are seeking a variation to Section 13-12-3H.2 of the Zoning Regulations to allow an additional 51 parking spaces within the required front yard adjacent to Windsor and Bliss Drive. They were



also seeking an amendment to Ordinance S-555 to amend the landscape screen plan to meet the current Village Code.

Advocate Health Care has been a corporate citizen of Oak Brook in excess of 30 years, with two corporate offices. One is located at 2025 Windsor Drive and the other is across from the Post Office on Kensington. They plan to convert the use of the building to an office accounting function and would increase the number of employees at the site from 450 to 600 plus. In order to do that they need to increase the number of parking spaces. They addressed previous parking space issues at the site by acquiring an adjacent parcel at 100 Bliss Drive where they constructed a 3-story parking deck. Their petition requests approval to increase surface parking in the front yards along Bliss and Windsor. Their unique circumstance is the way the building is configured on the lot and occupying approximately 50 percent of the lot and they also have the requirement of two front yards facing Windsor and Bliss Drive. They have hardly any parking in the rear yard.

Bob Gundmundson, Consulting Engineer, RWG Engineering, Wheaton, Illinois, said that they were providing the land development engineering services for the parking lot modification. He provided an overview of the project. He noted that a significant amount of the property is encompassed by the building. The total site is just under 5.5 acres and the footprint of the building takes up 44 percent of the site. The existing pavement completely surrounds the building and takes up another 44 percent of the site. The only area available on the site for the parking lot expansion was the southern half of the frontage along Windsor and the bulk of the frontage along Bliss. Parking already exists in this area. The proposed area has already been developed over time, but rather inefficiently. In some cases there are extra wide driving aisles and parking angled in two different directions. The front entrance area also has a very large sidewalk area, which is much bigger than what is needed at the location. They would like to increase the parking need and provide ample setbacks and address the screening requirements.

The area of improvement is limited to the southeast corner of the site as shown on the exhibit (page J, sheet 2). The lighter shading is existing pavement that will be rehabbed. The darker area indicates the new pavement. The western access to Bliss would be removed and the changes would result in the ability to add 51 additional parking spaces. The additional amount of impervious area added would be less than 7,000 square feet.

The grading plan allows them to create a better runoff condition for stormwater rainfall, which is a plus. They would capture most of the stormwater onto the

property. In order to do so it would be pitched to draw the water towards the perimeter, but every 2nd-3rd stall would have the curb flattened to provide stormwater runoff in order to move it across the parking lot to exit into the green space adjacent to the parking area, which would be a bioswale that dips down first before the berm; that creates a trough area around the new area that is more than ample to store the water. There is a failsafe condition (noted in black squares), which are inlets that are raised to about 6" and should the water during a storm event raise that high it would then be released into the storm system in a conventional manner and then leave the site. In 95 percent of the situations, the runoff would go into the bioswale and would soak into the ground into a perforated tile that would be in place.

Jeremy Meek, Landscape Architect with Schoppe Design Associates, Inc located in Oswego, Illinois, had been working with the applicant and RWG to develop a landscape plan. Visibility of the parking lot was a concern of Advocate and the Village. The plant material used would be a mix of deciduous and evergreen material to provide seasonal interests. There would be flowering plants, shade trees and evergreen trees added in addition to the existing material that has been saved. In the bioswale they were proposing a native seed mix that would tolerate both wet and dry conditions.

Variation Standards

Mr. Slinkman responded to the standards as follows:

1. a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

RESPONSE:

If they follow the ordinance then the amount of parking in the front yard would be relatively minimal. The number of spaces in the rear of the building would not allow the building to be used at all as an office building and would need to be used as a warehouse or something where people would not go to the location. They want to increase the number of employees from 450 to 600 and is not necessarily motivated by raising money for the building, but to increase the number of people that would work at the location

1. b. The plight of the owner is due to unique circumstances.

RESPONSE:

The building covers 44 percent, which is a huge portion of the lot. The way that the building is configured on an angle on a triangular shaped lot, it has two front setbacks on the lot, which is very unique and does not permit proper use

of the property without the variance. The lot, the way the building is situated on the lot, and the size of the building demonstrates unique circumstance.

1. c. The variation, if granted, will not alter the essential character of the locality.

RESPONSE:

The area is an office industrial park. There are relatively little residential homes within sight of the building. Mr. Huntington's building is on the south side of Bliss and he provided a letter of support for the proposed project that is contained in the case file. In the letter he also mentioned that the changes would mirror his plan, because his surface parking currently runs all the way down Bliss.

Member Bulin noted that most of the berm already exists.

Mr. Gundmundson responded that most of the berm along Windsor is the more prominent frontage does exist and is fairly substantial. They are whittling into it on the interior side. They will sculpt out the area along Bliss and then build it up to create the berm. The combination of the berm (new and existing) plus the landscaping provides at least, if not more than the four foot (4') requirement.

Member Bulin added that the plantings are much more substantial than what exists.

Chairman Davis asked if the planting on Windsor was the requirement of the 1985 ordinance.

Mr. Slinkman responded that he believed it was the 1985 ordinance.

Member Ziemer said that the concern becomes the impervious area and the introduction of the bioswale helps to mitigate that. Given those considerations he was okay with the plan.

Member Savino questioned the degree of screening.

Mr. Meek responded that they would alternate plantings using deciduous and evergreen. The deciduous would lose most of their leaves over the winter months reducing the opacity from 100 to maybe 50 percent. Other areas would be evergreen which would remain 100 percent throughout the seasons. In addition to the shrubs there would be plantings in the bioswale including native grasses and flora that withstand the winter as well so they would help to serve as part of the screen where the deciduous material loses its leaves; there would

still be some material from the native grasses standing up through the winter. The cooler season grasses would come back sooner than the warm season grasses. There would be enough diversity to help bridge some of the gaps between the plant materials.

Member Cappetta asked with the increase parking spaces and number of new employees, how much breathing room they would have for parking.

Mrs. Slinkman responded that they do plan to add additional parking to the parking deck as well, although it was not a subject to the variation request, since they do not need a variation to construct it.

Member Young questioned if they know how much water runoff the bioswale would handle.

Mr. Gundmundson said that based on the amount of additional impervious area they would need to store approximately 800 cubic feet of additional storage and they have created the bioswale to handle somewhere between 950 to 1,000.

Member Young mentioned that by creating the bioswale they may actually be improving the value of the property too and would be a nice addition to some of the surrounding properties.

Director of Community Development Kallien said that based on the analysis of the existing parking deck it would be very difficult if not impossible to add enough spaces to the deck from a structural standpoint to address the needs of Advocate. They are dealing with the parking issue in two ways and are maximizing the utilization of the building.

Chairman Davis noted two conditions that would be imposed and questioned if the applicant was agreeable to those conditions.

1. The proposed parking and landscaping shall be constructed in substantial conformance with the approved plans.
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.

Chairman Davis questioned the amendment to Ordinance S-555.

Director of Community Development Kallien responded that when a new ordinance would be adopted at that time it would include that Ordinance S-555 would be amended.

Member Bulin suggested that language be included in a condition regarding the maintenance of the landscaping and the applicant agreed.

Mr. Gundmundson noted that the bioswale plant material requires a little time to grow.

Member Bulin agreed that seeded material takes additional time to grow, but that all potted plants would meet the minimum height requirement of the berm.

Mr. Gundmundson responded that along Windsor the berm alone precludes the necessity for any kind of landscape. Along Bliss Drive they would take advantage of some of the landscape material to make up the total 4-foot requirement.

Member Savino noted that some of the plant material is noted to be 24" high and questioned that if that would be on top of the berm.

Chairman Davis noted that testimony had been given in support of the request and that the standards had been addressed by the applicant.

Motion by Member Young, seconded by Member Nimry that the applicant had met the standards required to recommend approval of the variation to allow an additional 51 parking spaces in the required front yard, for a total of 75 spaces as requested subject to the following conditions:

1. The proposed parking and landscaping shall be constructed in substantial conformance with the approved plans.
2. At the time of installation the earthen berm, the bioswale and plant material shall meet the minimum height requirement of forty-eight (48") inches over the entire length of the proposed landscape screen. The landscape screen shall be maintained and replaced in accordance with the approved plans by current and subsequent owners.
3. 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, Young, Savino, Ziemer and Chairman Davis

Nays: 0 –

Absent: 0 – Motion carried.

OTHER BUSINESS

OTHER BUSINESS

6.

The Zoning Board discussed the required standards to be considered for the approval of variations as discussed earlier in the meeting by Chairman Davis and Member Savino.

Chairman Davis asked for an opinion from the Village Attorney with regards to meeting the standards.

Director of Community Development Kallien said that there may be better language or a better explanation of what the courts may use.

Chairman Davis said that there may be a case that states not all of the standards need to be satisfied.

Director of Community Development Kallien said that he asked the Village attorney to provide some written opinions that may have been used in other communities where there were questions regarding which standards are most appropriate.

Member Savino thought that everyone used the same standards and Chairman Davis agreed.

Director of Community Development Kallien said that in the Illinois Statutes the first three standards are included and in the Village Code the supplemental standards have been included. In zoning cases there are the LaSalle factors. After the first three standards in variations the additional standards appear to have come from the LaSalle factors.

Chairman Davis asked about having better visual aids at the hearings.

Member Ziemer agreed that it would help the audience.

Member Savino asked that a letter be written to the owners of 600 22nd Street (formerly Hunter) regarding the landscaping to accommodate the lack of the earthen berm. Director of Community Development Kallien said that one would be sent and noted that the owners have been dealing with flooding.

Director of Community Development Kallien reviewed upcoming cases.

There was no other business to discuss.

7. ADJOURNMENT:

ADJOURNMENT

Motion by Member Young, seconded by Member Bulin to adjourn the meeting at 8:13 p.m. VOICE VOTE: Motion carried

ATTEST:

/s/ Robert L. Kallien, Jr.

Robert Kallien, Director of Community Development
Secretary