

Village of Lemont
Planning and Zoning Commission
Regular Meeting of October 18, 2017

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, October 18, 2017 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Spinelli called the meeting to order at 6:35 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Cunningham, Glomp, McGleam, Zolecki, Spinelli

Absent: Forzley and Plahm

Community Development Director Jason Berry, Consulting Planner Jamie Tate and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes: September 20, 2017 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to approve the minutes from September 20, 2017 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli greeted the audience. He then asked everyone in the audience to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. 17-12 1250 W. 132nd Court Annexation and Rezoning

Chairman Spinelli called for a motion to open the public hearing.

Commissioner Zolecki made a motion, seconded by Commission Glomp to open the public hearing for Case 17-12. A voice vote was taken:

Ayes: All

Nays: None
Motion passed

Staff Presentation

Jason Berry, Community Development Director, said this hearing is an annexation and rezoning. It is a large size lot that is currently in unincorporated Cook County. They are looking to be annexed into the Village and connect to water and sewer. It meets all the standards for R-4 and the reason for the R-4 zoning is to allow flexibility with site design. There are a number of easements on the property. There is a little one on the front half of it for utilities and there is a lake on the corner. There are a few conditions for parkway sidewalk and canopy trees. They did discuss potentially some issues surrounding the connection to utilities. Public Works is looking into it and staff does not feel it is an issue at this time.

Chairman Spinelli asked if there were any questions for staff at this time. None responded. He then asked if the applicant wanted to make a presentation.

Applicant Presentation

John Antonopoulos, attorney for the applicant, stated staff has covered all their concerns. They are looking for approval so they can move forward to the Village Board.

Chairman Spinelli clarified that it was for a single-family structure on the lot and there is no indication to split the lot.

Mr. Antonopoulos said it is a single-family house.

Chairman Spinelli asked if there were any questions for the applicant. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment

None

Chairman Spinelli then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to close the public hearing. A voice vote was taken:

Ayes: Zolecki, Cunningham, McGleam, Glomp, Spinelli

Nays: None

Motion passed

Plan Commission Discussion

Chairman Spinelli asked if the Commission had any further comments regarding this public hearing. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 17-12 1250 W. 132nd Court Annexation and Rezoning with the following conditions:

1. Owners will install parkway and sidewalk pursuant to UDO 17:26.110 and 17:26.120 at time of building permit.
2. Owners will install parkway canopy trees per UDO Table 17-20-01 at time of building permit.
3. The property owners confirm in writing that they will not object to any future Special Assessment or Special Service Area should there be a need to extend utilities.

A roll call vote was taken:

Ayes: Zolecki, Cunningham, McGleam Glomp, Spinelli

Nays: None

Motion passed

Chairman Spinelli called for a motion for Findings of Fact.

Commissioner Glomp made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 17-12 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

B. 14-12 Donegal PUD and Preliminary Plat

Chairman Spinelli called for a motion to open the public hearing for Case 14-12.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 14-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said the application was last heard on February 1, 2017 which it was continued and that continuation has expired. It was republished and the applicant has revised the engineering, lighting and landscape plans, provided renderings for the proposed screening and met some of the conditions outlined by the

PZC and Village staff. Alan Stefaniak is representing the contract purchaser and lessee of the project. He has filed the application for this PUD and preliminary plat of subdivision approval for an industrial development including concrete crushing/recycling, contractors' office, truck parking, concrete batching plant, construction demolition debris recycling, and other related uses. Staff recommends approval with numerous conditions.

The property has been the subject of two separate law suits. The first one was filed against the Village by the then property owners seeking to invalidate a previous annexation of the property, which was annexed January 12, 2009. It was then rezoned to M-3 which was done on August 10, 2015. There was a following lawsuit which was filed by the city of Willow Springs. The trial court dismissed it and it was upheld in the Illinois Appellate Court. They are still stating that there is potential challenge with it as far as any results or outcomes with this project, it has to be considered.

Mrs. Tate said the Technical Review Committee (TRC) submitted questions to the applicant and they were raising concerns over the proposed land uses, lot coverage, traffic, site access, parking, landscaping, lighting, architecture, signage, and utilities. Staff recommended that the applicant submit additional information which they have done and a lot of the responses to those comments were provided in the packet from a letter from Mr. Stefaniak.

She then showed on the overhead a breakdown of all the different lots. The current PUD application includes several different uses on various lots. Lot 1 is currently improved with a truck wash and repair building and is proposed to remain as-is for now. Lot 2 is improved with a home/office that they are looking to expand and also modify. It will also be a truck maintenance facility and add parking for his employees/visitors, as well as parking for his large vehicles/equipment. Lots 7 and 8 are separated by the railroad right-of-way and it is proposed to be "small contractor's storage yards". Lot 6, located on the east side of Route 83 and north of the ROW, is proposed to continue to be semi-truck parking and future parking area of the contractors' trucks and equipment.

East of Route 83, south of the ROW, Lot 3 is proposed for a concrete batching plant. Lot 4 is proposed for a concrete crushing and screening plant. Lot 5 is proposed for a construction and demolition debris recycling facility. The easternmost part of Lot 5 is designated as the area for a stormwater detention facility. In addition to the uses detailed on the site plan, the applicant has requested a list of other variations from the UDO.

Mrs. Tate stated as far as PUD's go, in the development ordinance they allow for flexibility if it is intended to encourage development that is more environmentally sensitive, economically viable and aesthetically pleasing than might otherwise be under the strict adherences to zoning district's standards. This lot and site is

completely unique therefore you are going to see some variances that might have to go through.

The first variance is to the minimum front yard setback which is currently 40 feet. The applicant wants to convert the existing residence, which currently goes in the Grant Road ROW. The applicant wants to remove that portion that is not on the property, and provide a significant addition to the building. Therefore, the front of the building will be at the zero setback. Staff finds this deviation acceptable due to the size of the building and the proximity to Grant Road. Due to the uniqueness of the site, staff is accepting with using the existing building where it stands. This is a unique property with non-traditional lot sizes and shapes therefore setbacks are difficult to maintain.

Mrs. Tate said the next variance is maximum lot coverage. They do go over their coverage at about 87%. Staff finds this deviation acceptable as the existing lot coverage is 97.2%. The application is proposing a reduction of about 10% in lot coverage. Additionally, they are providing stormwater detention for the site. A variance for maximum plans to height is being request for the concrete silo for recycling which is going to be a maximum height of 60 feet. The proposed height is a 50% variation from the standard. However, staff finds the deviation acceptable as the applicant is proposing to screen the site from Route 83.

There are some landscaping standards that they are not going to be able to meet. Part is planting the amount of plants per linear feet. This is acceptable as the site is constrained and the applicant has revised their plans to include one plant unit per 100 feet. There have been comments made by the landscape consultant as well, that as far as what they are proposing they want it to be able to last and thrive as well. Similar is the variance for landscaping the exterior of parking lots. Staff finds this also acceptable. Although the applicant does not meet the UDO standard, the site is constrained and additional landscaping may not have enough separation to thrive. The truck, equipment, and contractor vehicle and equipment parking areas have no proposed exterior landscaping. Staff finds this acceptable as long as the applicant places a fence along the ROW to screen these areas.

Mrs. Tate stated there is a variation for maximum permissible sound levels. All proposed equipment besides the finger screen exceeds the UDO limit. Staff finds this acceptable as the noise emitted from the trains is 90 DB and there are no residential uses within a half mile. They are also asking for a variation for a wall sign. Staff finds this acceptable as well. Their signs are in scale with the building and architecture.

The proposed use is consistent with the Comprehensive Plan. The Plan designates this are as Industrial which is “a well-designed site that include suitable building with functional features, screening for outdoor storage and equipment, and landscaping to create street-side ‘curb appeal’”. Since industrial and manufacturing uses are often local employment centers new development in this district will provide non-

motorized access for local employees.” There were no opportunities for any non-motorized access, so staff was really pushing to have more of curb appeal and for heavy screening especially from Route 83. In the plans that they have provided they are showing the different screening options that they have been working with IDOT on for Route 83.

Mrs. Tate said there is consistency with the PUD objectives. In the code there are 11 different objectives to be achieved through planned unit development; however, only four are applicable to this project. She then listed the four objectives which are listed in the staff report. The subject site is neighbored by either recreational land uses or other industrial land uses. Generally, continued industrial use of the site is compatible with surrounding land uses. Prior to this the site was a junkyard and was in complete disarray. The site is highly visible to passersby and users of nearby recreational facilities and the proposed use is not one that is thought of as visually appealing, it is better than what was there.

The applicant has submitted a traffic study. Overall, it was determined that the adjacent roadways already have high traffic counts and this proposed project will have less than a 1% increase on the traffic. The traffic study was expanded to review the internal private road system. It was determined to be sized to accommodate the proposed traffic. Additionally the use of signage for the culvert crossing is proposed to be incorporated into the site plans. Although the site plans were not updated to include these signs, the applicant has indicated that they will comply.

Mrs. Tate stated the proposed PUD is for heavy industrial uses that require significant outdoor operations. The subject site is located with high visibility from Route 83 which has a high volume of traffic. Therefore, ensuring proper landscaping aesthetic control is important and a main concern of staff. The applicant did provide a site line analysis to demonstrate the views of the CC&D would be mitigated by a landscaped berm. The analysis also indicates that the concrete silos will be visible from Route 83. Per staff’s recommendation, the applicant approached IDOT to provide screening from Route 83. The proposed screening significantly screens select portions of the site from Route 83.

The Village Arborist reviewed the application and noted that the proposed plants are suitable for the industrial site. The applicant has increased the amount of landscaping for parking lots. The lots are still deficient from the UDO standards; however the applicant is proposing to utilize fencing along the bridge to screen portions of the site. The Arborist had no concerns with the use of fencing along the railroad tracks.

In regards to site design, lot 6 is shown as truck parking. The farthest east portion of the site is not indicated for truck parking and is indicated just as a gravel area. Staff is recommending that if the applicant is not utilizing the area it should be landscaped or fenced to prevent trucks from parking in the area. The applicant does not wish to landscape this area rather to keep it in its natural state. The triangular lot south of Lot 5 is not labeled or indicated for use. However, the applicant must indicate how this

lot will be maintained per the Municipal Code. It is the recommendation of staff that the screening option discussed between the applicant and IDOT be utilized to the fullest extent possible. Accordingly, should such an option not be available for any reason, the previously discussed berming and screening located in the site should be provided as a backup option.

Mrs. Tate said the applicant is proposing two buildings and one structure on the property. The applicant is proposing the office and truck maintenance building on Lot 2, an existing truck wash and repair building on Lot1, and a proposed equipment storage structure is shown on Lot 1. EFIS is proposed on the truck maintenance and office portion of the building. While the use of EFIS is discouraged, the amount and location of the proposed EFIS on this particular building is acceptable. The UDO prevents metal paneling to be used in M-Districts. The applicant is proposing a limited amount of metal paneling that attaches the metal canopy for the entrance of the office portion of the building. Staff finds this limited use acceptable as the majority of the metal is for the canopy and not the primary building.

An equipment storage building is indicated on Lot 1 east of the existing truck wash and repair building. The applicant has provided update information indicating that the existing building will be resided to improve the appearance of the building. Additionally, the building has been determined to not be wholly located on the applicant's property. The applicant is proposing to allow the building to remain on their property for three (3) years and at the end of that period move the building or demolish the structure. Staff is recommending similar to the existing building on Lot 2 that it be moved to avoid further infringement on another property or obtain the right from the neighboring owners to continue to use that property.

Mrs. Tate stated that the Village Engineer had further comments. There is no sewer or portable water in the area. Cook County will allow the construction of a well. It is unknown whether a septic system exists at the single-family residence, which the applicant intends to remodel for his office use. The Engineer also indicates there are changes needed for the Final Plat of Subdivision. The Fire Marshal also provided comments dated October 4, 2017 which have been provided in the packet. They do require sprinkler systems and the applicant will need to demonstrate the ability to provide water for sprinklers. The Fire Marshal is also recommending that the truck parking on Lot 6 be restricted to the eastern portion of the site to prevent trucks from parking on that portion of the lot that may prevent fire truck access. The Police Department did provide comments as well. They are looking for signs and signals on the culvert crossing.

Lastly, the conclusion and recommendations, there were 31 conditions and they have 9 remaining to address. She then read the 9 remaining conditions and what the applicant's response was to that item. They were conditions 9, 11, 12, 18, 21, 22, 29, 30, 31. She said this would conclude staff's presentation.

Chairman Spinelli said he noticed that our Village Engineer's letter is dated March 6, 2017. He asked if this was due to the fact that the site plan was not revised and there was no need to review it again.

Mrs. Tate stated there are still outstanding comments and the last comment letter was given in March which are from the plans that were submitted in February. The only updated full engineering plans that were done are the two sheets that were submitted in the packet for the building. Staff is still waiting for updated engineering plans.

Chairman Spinelli asked if any of the engineer's comments have been addressed.

Mrs. Tate said not since the March comment letter as far as she knows.

Chairman Spinelli said in regards to Lot 7, on the site plan it is listed as Lots 7 and 8. He wanted to clarify that it is an 8 lot subdivision. He then asked if the applicant provided evidence that they have permission from IDOT to cross beneath the Route 83 bridge.

Mrs. Tate stated she could not find that in the packet. She has asked the applicant for that information which has not been obtained.

Commissioner McGleam asked if the Village has a position on accepting responsibility for the maintenance of the screening.

Mr. Berry, Community Development Director, said they are reluctant but it is important. The screening is more important than the maintenance for this site.

Commissioner McGleam stated if they do not have confirmation from the Village that they will accept the maintenance then it is not in the plan.

Chairman Spinelli asked if any of the Commissioners had any questions for staff at this time. None responded. He then asked the applicant to come up and make a presentation at this time.

Applicant Presentation

Paul Greco, Attorney, said he is filling in for Mr. Stefaniak. He then introduced his team that were present with him this evening. He thanked staff for their detail presentation. The correction in regards to lots was correct and the lot is Lot 7 and 8. The first question they should address is the screening which is also in the packet. It would be the blue fins coming off of Route 83. In regards to the access for underneath Route 83, they do have access because it is part of their property.

Mr. Kevin Egan, Route 83 Properties, LLC, stated they have done a lot of title research and going over easements. Apparently, the property under Route 83 is part

of the property that they would be purchasing. They have granted easements to IDOT and it is not the other way around.

Mr. Greco said the title company has confirmed this.

Chairman Spinelli stated if that is the case then the drawings need to be updated.

Mr. Greco said they can address any questions that the Commission might have regarding the remaining 9 conditions that are left. He knows that the plans need to be updated, however they were looking for approval before doing that.

Chairman Spinelli asked staff if all the items that are listed in staff's report as resolved have been completed because they are complying. There are items that are listed as resolved but they are not meeting the conditions.

Mr. Berry stated they have offered a resolution on those. Staff feels in regards to noise, the operation itself cannot get any quieter with this type of operation. Staff feels it is resolved based on the location and the land use.

Chairman Spinelli said it is misleading by saying that the items are resolved when they are not. With the landscaping, it is not resolved, they are presenting that they cannot do anymore landscaping because it is all an impervious area and that may be the case. It is not technically resolved so it still requires a variance.

Mr. Berry stated it is resolved with those variations that were presented at the beginning of staff's presentation.

Commissioner Zolecki said he just wanted to clarify some roles with this project. He asked what is Linden Group and Universal Manhattan's role in the project.

Mr. Egan stated Linden Group put through the site line rendering and Universal Manhattan is the architect for the office building/shop addition.

Commissioner Zolecki asked who is the architect of record.

Mr. Greco said for the building it is Universal Manhattan, the engineer for the project is Hoefflerle-Butler Engineering.

Commissioner Zolecki asked if Linden Group or Universal Manhattan were present this evening.

Mr. Egan stated they are not, but the engineer is present.

Chairman Spinelli asked how are they going to access Lots 7 and 8 with trucks. He understands that they have the crossing underneath the rail but it opens up right at the property line. He asked if there were cross access easements on the unincorporated

Cook County side. Based on the auto turn exhibit that was received you will not be able to get trucks underneath that crossing and make a turn that close to the rail.

Mr. Egan said they have cross access easements on that property.

Chairman Spinelli stated then that needs to be provided to the Village. He has a hard time approving a development that he has not seen proof of access. All of the documents that were provided do not show any indication that there is access off of the property north of Lots 7 and 8.

John Hoeffler, Engineer, said he does not have in his possession any easement provisions, but he believes the other attorney that has been working on the land portion with the surveyor has that information.

Mr. Egan stated those spaces are not intended to be tractor trailer parking, but rather small contractor.

Chairman Spinelli said a six wheeler and a trailer cannot make that turn. For record and staff, if this moves beyond the Plan Commission, this has to be resolved prior to going to Village Board. Unless it can be proven that there is cross access easements, you cannot leave the property to come back on the property without those easements. That is also a big problem for everything on the east side of Route 83. These easements have to be provided to show that there is access to the east side of the property.

Mr. Greco stated he believes the easement agreements are in existence but have not been provided in detail to staff.

Chairman Spinelli said then they need to be provided to the Village. In regards to page eight on the far east end, it was recommended that the eastern end be landscaped because the fire department does not want vehicles back there. He understands the concern with landscaping and he would actually prefer something more permanent than landscaping. He would recommend that whatever the distance is determined that either 8 inch concrete filled bollards be placed so that trucks can't ignore the landscaping and start creeping into that area. There is another property along Route 83 that has apparently been filling their property and slowly expanding their land into wetlands, so he would like something more permanent.

Mr. Egan stated that they would work something out with staff.

Commissioner McGleam asked what is the timing to the modification to the building that is on the road right-of-way.

Mr. Egan said they have already submitted for the building permit for that remodel and addition.

Commissioner Zolecki stated the reason why he asked if Universal was here was because at the last meeting he had talked about condition number 20. The choice of EFIS for the building is a bad choice and it will be demolished in a couple of years.

Mr. Egan said it is something that they can work with staff on and maybe they do poured concrete walls up to a certain height.

Commissioner McGleam asked about metal.

Commissioner Zolecki stated it is not allowed and needs to be updated.

Mr. Berry said he feels it would be an acceptable variation from the code if steel panels were proposed.

Commissioner Zolecki stated at the last meeting there was a lot of discussion regarding the renderings showing the site lines, which are appreciated. He feels what they have provided does not show the views of what the development will look like with the fencing and the fins.

Mr. Egan showed on the overhead the fencing and fins as you would head south and north bound on Route 83. They varied the screening materials based on the direction of traffic and where the stoplights were located. Where traffic stops more often they used a solid chain link with the slats versus the northbound using the fins where the traffic is moving. IDOT has given preliminary approval on this.

Commissioner Zolecki said he would have liked to see a rendering showing the views with the property.

Chairman Spinelli asked why all the drawings show the silos immediately adjacent to Route 83. He asked if they could be closer to the CC&D pile.

Mr. Egan stated it is probably just a scale issue on that drawing. He showed on his drawing where the bridge was located and where the silos are going to be.

Chairman Spinelli asked what are they going to be using for access for Fire and Police.

Mr. Egan said they will have an access card reader and they will issue those to the Fire and Police.

Chairman Spinelli asked if there were any further questions for the applicant from the Commission. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this hearing.

Public Comment

Ron Stapleton, Trustee for the Village of Lemont, asked with condition number 24, which shows as resolved, how long is the lease on the billboard and will it need to be bought back or paid.

Mr. Egan said it is his understanding that the lease for those billboards are month to month at this point. Nobody that he knows has extended a long term lease.

Chairman Spinelli asked the applicant, all the items that have been listed as resolved by staff, they agree to whatever the conditions they have listed.

Mr. Greco stated they are in agreement.

Chairman Spinelli asked if there was anyone else in the audience that wanted to speak in regards to this hearing. None responded. He then asked if there were any further questions from the Commission.

Commissioner McGleam asked if there was anything in the recommendations in regards to the timing of the demolition and the construction of the building that is in the right-of-way.

Mr. Berry said it was not included.

Commissioner McGleam stated then it should be a new condition.

Mr. Greco said it would be fine with the applicant.

Chairman Spinelli asked if there were any further questions or comments from the Commission or from the audience. None responded. He then called for a motion to close the public hearing.

Commissioner Zolecki made a motion, seconded by Commissioner Glomp to close the public hearing for Case 14-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Spinelli stated according to the staff report they have narrowed the conditions down from 31 to 9. He is torn about having this proceed only because there are numerous conditions out there, but what is stopping him is that they have heard this case many times. They are getting closer and he does not feel that there is a better use for this area which meets the Comprehensive Plan. As far as the variances for lot coverages, they need to provide stormwater management that complies with the Village and MWRD. It is basically already 100% impervious right now. He believes that the outstanding items can be resolved. The biggest concern

that he has is the applicant providing proof that they can access their property east of Route 83. If this does move forward, he cautions the Village Board on their potential approval process, without the applicant proving access to the eastside of Route 83. They don't have access to Archer Avenue through ComEd right-of-way. If there is an easement for that he does not feel that they would want this batching operation coming out through there.

Commissioner McGleam asked if there was a requirement that IDOT has to approve the screening on Route 83.

Mr. Berry said yes.

Commissioner McGleam asked if the Village accepts the maintenance responsibilities, what options do they have for the developer to provide funding for that.

Mr. Berry stated there could be a maintenance bond.

Commissioner McGleam said it needs to go beyond the typical three year maintenance period.

Chairman Spinelli stated he agreed.

Commissioner Glomp said he likes what they are doing here and appreciates them cleaning it up.

Chairman Spinelli asked if there was any further comments or questions from the Commission. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 14-12 Final PUD and Preliminary Plat, including the conditions marked in staff's report as resolved (1-8, 10, 13-17, 19, 20, 23-28), in addition to the developer's resolutions to conditions 9, 11, 12, 18, 21, 22, 29-31, with the following conditions added:

1. The owner is to produce ownership documents demonstrating ingress/egress access by a way of recorded easement.
2. The applicant is to begin renovation of the proposed office building that is currently on Lot 2 and removing the portion of the building that is currently on the existing right-of-way.
3. The Village is to work with the applicant to setup an allowance to cover future maintenance costs for the screening on Route 83.

4. The developer must install a permanent physical barrier at the east end of Lot 6. Acceptable barriers could be eight inch concrete filled bollards or a double high guardrail.

A roll call vote was taken:

Ayes: McGleam, Cunningham, Zolecki, Glomp, Spinelli

Nays: None

Motion passed

Commissioner Glomp made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 14-12 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

Mr. Berry said there are two items on the agenda for next month.

V. GENERAL DISCUSSION

A. Update from Village Board

Mr. Berry stated that the Village Board just recently approved the Mayfair Estates. They released the Letter of Credit. Due to the length of time it took to get to this point it was past the maintenance period so the Village waived the maintenance period and accepted the improvements. Derby Pines is still working on getting an easement from Ruffled Feathers.

Chairman Spinelli asked if Ruffled Feathers has been open to this.

Mr. Berry said no but they are still attempting to get the easement.

Chairman Spinelli asked if there has been any further discussion between the Village Attorney and staff with their Homeowner's Association regarding the concern he has raised about public utilities not having an easement.

Mr. Berry stated there has not been any discussions that he knows of.

Commissioner McGleam stated that should be going in parallel with that developer.

Discussion continued regarding easements with public utilities.

Chairman Spinelli said Illinois Bar and Grill has made some changes to their electronic sign, however they have continued to have the flashing on the sign. He stated their noncompliance with their sign is going to make it rough for approval of

any future electronic signs. Enforcing the conditions that are set on these signs is very difficult.

Mr. Berry stated code enforcement has been out there at least three times and has talked with the property owner.

Discussion continued in regards as to how to enforce conditions for electronic signs.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

Chairman Spinelli called for a motion to adjourn the meeting.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to adjourn the meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper