

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of April 18, 2012

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, April 18, 2012, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Schubert led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

Present: Kwasneski, Maher, Messer, Murphy, Sanderson, Spinelli, Schubert

Absent: None

Village Planner Charity Jones and Village Trustee Ron Stapleton were also present.

**C. Correction to Minutes: February 15, 2012 meeting.**

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to approve the correction of the date from the February 15, 2012 minutes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**D. Approval of Minutes: March 21, 2012 meeting.**

Commissioner Kwasneski made a motion, seconded by Commissioner Maher to approve the minutes of the March 21, 2012 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN COMMENTS**

Chairman Schubert greeted the audience. Chairman Schubert stated that Commissioner Murphy would have to leave the meeting at 8:00 p.m. that evening to catch a flight. He then asked everyone to stand and raise his or her right hand. He then administered the oath.

**III. PUBLIC HEARINGS**

**A. Case #12-07 – Advocate Sign Variation.**

Continued from March 21, 2012. A public hearing for a variation to allow an internally illuminated monument sign at 15900 W. 127<sup>th</sup> Street.

Chairman Schubert called for a motion to open up the public hearing for Case #12-07.

Commissioner Messer made a motion, seconded by Commissioner Kwasneski to open the public hearing for Case #12-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Jones stated that this case was continued from last month. She stated that it is a variation for an internally illuminated monument sign at the Advocate Medical Center on 127<sup>th</sup> Street. She stated that back in September of 2011 the applicant submitted a permit for a new sign on the site and it was originally suppose to be internally illuminated. Mrs. Jones stated that staff informed them that the UDO (Unified Development Ordinance) does not allow this. She stated that the new sign was installed and is currently being lit up by a spot light at the base of the sign. She said now they are requesting to have it internally illuminated. She stated that the applicant has several representatives present at the meeting.

Mrs. Jones said there are three standards for variations that staff is required to look at. The first is that the variation is in harmony with the general purpose and intent of the UDO. She said staff did not find that it will have any negative impact on the general health, safety and welfare of the public or any negative impacts to light, air, or privacy. Mrs. Jones stated that there will be some light spillage but it would not be any different to what they have now. There are no residential neighbors next door to the subject site. She said that one of purposes or intents of the UDO is to maintain or promote economically vibrant and attractive commercial areas. She stated that this does affect sign variances. Currently, internally illuminated monument signs are prohibited and there are detailed sign regulations for the Village. The purpose of the UDO is to create economic vibrant commercial areas and the sign regulations are intended to implement that purpose. By not allowing internally illuminated monument signs the Village has determined that these signs are not vital to economic vibrant and attractive areas. Mrs. Jones said another consideration is conserving the value of land and buildings throughout the Village. She said that one individual sign does not have much of an impact on the value of land throughout the Village. However, any precedent that is set on a variation can open a door for more variations for further signs which could then have an impact.

Mrs. Jones said that the second standard is that the plight of the owner is due to unique circumstances that would not be applicable to other properties in the same zoning district. She said that staff does not see the unique circumstances. The applicant suggests that the unique circumstances are that their facility is a medical use. There is an urgent care on site, and people need to be able to see the sign to know whether they are open or closed. Mrs. Jones stated that staff would not disagree that people should be able to see the sign to tell if they are open or closed. However, staff disagrees that an internally illuminated sign is needed for that purpose. It can also be achieved through compliance with UDO requirements.

Mrs. Jones said that the third standard is that the variation will not alter the essential character of the locality. She said that this is similar to the part under the purpose of the UDO that it will not have an adverse effect on the value of property throughout the Village. She said as stated before, one sign would not have much of an impact, but there are two sign variations on the agenda tonight and another one next month. She said that precedence does matter.

Mrs. Jones stated that staff does not recommend approval of the variation request. She said that they do not see unique circumstances in this case that warrant variation. She stated that it is not to say that their sign is unattractive or anything in that matter. She said if the Board wants to see signs like this in the Village, then staff would recommend that the code be changed to reflect such as apposed to granting a variation.

Chairman Schubert asked if any of the Commissioners had any questions for Mrs. Jones.

Commissioner Messer asked if LED signs are considered internally illuminated signs.

Mrs. Jones stated that if there is a message that can be changed and it has LED lights then it is called an electronic message center. She said those are currently permitted in a very small area of the Village.

Commissioner Messer asked if it was only on the State Street corridor.

Mrs. Jones stated yes and a little on 127<sup>th</sup>.

Commissioner Maher asked what other businesses on that street had internally illuminated signs.

Mrs. Jones stated that the only ones that do are ones that have older signs that predate the UDO. She said that if they were ever to change their sign then they would be required to come in and become compliant with the current regulations.

Commissioner Murphy asked if this was a B-3 corridor.

Mrs. Jones stated that it is B-3 more on the south side than the north side. She said the north side has more B-1.

Chairman Schubert stated that Silver Cross, KFC, and Forzley Eye Clinic are the only businesses in the area that have internally illuminated signs.

Commissioner Sanderson asked if the new medical office across the street had an internally illuminated sign.

Mrs. Jones stated that she could not honestly answer that question. She said that it could have received its entitlements prior to the UDO.

Chairman Schubert asked if there were any other questions. None responded. He then

asked if the applicant would like to come up and speak.

Candance Williams, 561 Quail Creek Drive, Grayslake, Illinois passed out a packet to each of the Board members. She stated that she was present on behalf of Advocate Good Samaritan Outpatient Center on west 127<sup>th</sup> Street. She said that they are requesting the Board's approval to allow internal illumination on the existing ground sign. The illumination would be contained in the cross, the copy and the open/close section of the signage. Ms. Williams stated that the sign was recently installed last year, and the prior sign was internally illuminated. She said that if the variation is granted it would not injury the public health or safety because there once was an illuminated sign at this location. This supports staff's findings of no accidents occurring in the past three years. Ms. Williams stated that they feel the sign will have a positive effect on public safety because the sign will be visible in any weather conditions. It will not force motorist to slow down or make abrupt stops when approaching the facility. She said that there will be minimal illumination directed toward the street and not toward any residential properties. She stated that they further believe the illumination will improve the visibility of the sign. Because they are an immediate care facility they do believe that the visibility of the sign is important not only for the illumination but for the citizens of Lemont as well.

Gary Pece, 3815 Highland Avenue, Downers Grove, stated that he was the Project Manager for Good Samaritan Hospital. He said that the Good Samaritan Hospital was recognized as 1 of 4 hospitals in Illinois as a 100 top hospital by Thomson Reuters'. He stated that they have the privilege of providing Lemont residents with the highest level of emergency care. Mr. Pece stated that he was here tonight to talk about the variation approval and why it is so important to the community. He said that a few important highlights to their request are aesthetics, environmental stewardship, neighborhood impact and safety. He stated that an internally lit sign is more aesthetically pleasing than an externally lit sign and it is easier to read at night. Mr. Pece said that the illumination would be more energy efficient with LED lamps in lieu of traditional lighting for external illumination. As an organization, Advocate Health Care is working at all their sights to implement an environmental sound practice. One way would be to use internal LED lighting technology instead of current technology. He said many communities are looking for opportunities to go green allowing them to use efficient LED lighting. Mr. Pece stated that while the immediate care center is near resident homes, Advocate Good Samaritan Hospital strives to be a good neighborhood partner. The location of the sign will not direct illumination toward any homes or businesses within the surrounding area. He said that the proposed monument sign with internal illumination would cast and direct lighting and inform residents of the location of the immediate care center and whether it is open or closed. Mr. Pece stated that this is a medical facility with immediate care services that improve the health and well being of the Lemont community. An effective sign would inform the public when the immediate care service was available versus medical office hours. He said in closing, many communities have shown an interest in being green and moving to LED technology is one way to demonstrate environmental stewardship. He stated that they would like the Board to consider providing them with a variance to the existing ordinance. The facility is an immediate care center providing medical services. An internal illumination of the monument sign would assist residents to quickly locate a medical facility during an

emergency and indicate whether the center is open or closed. He thanked the Board for their time and consideration.

Beth Beranek, 1127 Berkley, Lemont, stated that she has been a Lemont resident for 10 years and is the manager of the immediate care center. She stated that the center has been open since November of 2004 and continue to have patients that didn't know that the facility was around. She said that since the building is set off the road, they rely on the sign to bring attention to the building. Mrs. Beranek said that they still get calls asking for the address because clients have driven pass the facility. She stated that with internal illumination the address would be lit so patients will know where they are located. She said recently a patient had come to their facility not knowing whether they were open or closed. The hours are stated on the sign but it is not visible until you are directly upon the sight. She stated luckily M&M Orthopaedics were open because it was a patient that was having chest pains. They had to call 911 and the patient did not know they were open. Mrs. Beranek stated that over the summer they had many frantic parents come into the immediate care center with their children who were injured due to ball games or from the skate park. With the internal illumination they would be able tell if the facility was open or closed when seeking treatment for their children. She said that as a Lemont resident, Lemont does not have a medical facility that is staffed by emergency physicians. If there is proper illumination the community would be aware that they are around to help seek treatment for their patients. Mrs. Beranek stated that she hands out flyers and does everything she can to help advertise for their facility. She said that the sign needs to be lit so patients are aware. The open and closed is vital for patients when they are driving by to be able to see it right away. She stated that they have had an increase in transfers of patients. People think that they are a medical facility and can treat all injuries. She said they have had to transfer about 5 patients a week and they try not to call 911, because they do not want to take Lemont out of service to transfer patients. If they could see what kind of patients can come then they can transfer patients appropriately. With the illumination of the open and closed on the sign, they would know that they weren't open and then they could go to the closest emergency department which is actually 15 minutes away or 9 miles. She stated that they are available to public as needed.

Chairman Schubert asked if anyone else wanted to present for this case. None responded. He then asked if there was anyone present that would like to come up and speak in regards to this case. None responded. Chairman Schubert asked if Mrs. Jones had anything else to say in regards to what was presented this evening.

Mrs. Jones said she understands the frustration of people saying they did not know that they were there. She stated that they hear that from many, many businesses in town. Although, Good Samaritan provides a different kind of service then a business does, that same claim would be made by many businesses. Mrs. Jones said if Advocate has had an internally illuminated sign and people are driving pass the sight and aren't aware that they are there it just underlies the fact that there are many factors that go into sign visibility besides illumination.

Chairman Schubert asked if the Board had any questions.

Commissioner Messer asked how the brightness of a sign is regulated.

Mrs. Jones said that they have light spillage maximums at the property lines that are defined in the UDO. When a new development comes in and say they have a parking lot, they would have to do a photometric plan. This would show what the light will be at the property line and in the parking lot. Mrs. Jones stated that with signs they do not require a photometric plan, however if there were complaints there is a light meter that the code enforcement office has access to.

Commissioner Messer asked if there was anything from the sign company itself that talks about the illumination for the brightness.

Mr. Knab, 1418 Elmhurst Road, Elk Grove Village, said that the sign itself draws 180 watts total and draws only 1.5 amps.

Commissioner Sanderson stated that currently there is ground lighting that is lighting the sign. He asked what the wattages were on those bulbs right now.

Mr. Knab stated that they are about 25 watts each but they are not lighting the sign at all. The lights are just landscape lighting. They are just lighting the base of the sign and they were put there temporarily. He said if they can not get a variance for the sign, they are looking at putting metal halogen lights that will light the entire sign.

Chairman Schubert stated that it was internally illuminated before, and he wonders why people still do not know that they are there. He said when that building was built there was a lot of talk in town about them being there. He stated that there could have been a lot of new comers that came into town over the past few years that might not know that they are there. Chairman Schubert stated that because they have changed the sign now they have to meet the requirements that the Village has. He said that he was one of the people that went through the codes and they put a lot of thought into what the community would want. He stated that this was one of the changes; they did not want to have internally illuminated signs. Chairman Schubert stated that he feels strongly about this, but he always like to listen to what people say. He said that he feels that the sign would be visible if they put the right lighting out there.

Mrs. Beranek said as a Lemont resident she has seen businesses come and go. She is very passionate about their immediate care center especially because there are emergency room physicians staffing the facility. She stated that in regards to the pomp and circumstance when they first opened, the immediate care facility went in after the building. She stated that people do not know that they are around. Mrs. Beranek stated that they changed their name and that is why they went with a new sign. It used to be called a walk-in facility, but that was causing a lot of confusion to patients. She said that the open/closed illumination is red so people would know that they were open for patients. She said that Dr. Enacopol's sign across the street is internally lit. Mrs. Beranek stated that it is like a little medical campus that they are creating for the people within the community. She said that she feels that this will bring some attention to patients. She stated that changing the name was why they did get the new sign. Mrs. Beranek said that people did not understand a walk-in facility, but they will know what

an immediate care facility is. She stated that people in Lemont need to know that there is an area where they can go, and people still do not know that.

Chairman Schubert stated that in regards to Dr. Enacopol's sign he is not sure if it was prior to the new UDO or if it was part of the annexation agreement.

Mrs. Beranek stated that they are a medical facility and there are certain codes and regulations. She said that as a medical facility this should be looked at and the variance should be made for them. She stated that you can't put everyone in the same category, and that they are different from everyone else.

Chairman Schubert stated that in regards to treating them special, they hear the same argument from every person who comes before the Board. He said that they have had at least ten signs before them that want the same thing.

Mrs. Beranek stated that her neighbors whose kids were injured didn't even know they were open because they couldn't tell if they were open by the sign. She said they ended up going 15 minutes away for stitches. She stated seeing that open/close draws attention. Mrs. Beranek stated that they are different because they are the only medical facility in town that treats walk-in patients. She said for Lemont having so many young parents it is important for them to see that they are available for their kids needs. She stated that she is a nurse and not a public speaker and hopes that she was not disrespectful to the Board.

Mrs. Jones stated that it is a medical use and an urgent care medical use. She said that she is not saying that does not deserve any consideration; however the Board has to be very cautious in regards to any regulations on signs. Regulations on signs are regulations on first amendments, so the Board has to content neutral on whatever decisions they make. Mrs. Jones stated that because they like a particular message, does not mean they can approve a sign for that specific message.

Mr. Pece stated that earlier the Chairman had talked about why the Village does not allow internally illuminated signs. He asked the Board to reconsider the fact of lighting the sign properly by using LED lighting versus having a big spotlight on both sides of the sign. The new signs are LED, more energy efficient, they look a lot nicer and have come a long way over the years. Mr. Pece stated that it would look a lot nicer for the Village to have these types of signs.

Dr. Horatio Enacopol, 12655 Thornberry Road, Lemont, stated that he supported their request for a variance. He said that Mrs. Beranek stated that they have an internally illuminated sign and he does not. He stated that it was built to be internally illuminated but they never did. He said that he, his wife and the other owner in the facility have considered the halogen lighting or the garden variety lighting. Dr. Enacopol stated that he felt it was very unaesthetic to have these lamps by the walkway. He said it was his concern to make sure that his office was visible. He stated that he was in the Good Samaritan building for several years and nobody knew where he was located. Now being across the street he is more visible. Dr. Enacopol stated that having a business in Lemont, it helps when your business is visible when people drive-by in those two to

three seconds timeframe. It also helps in the later months when there is not much daylight. He said that he had inquires for tenants and they have asked about the sign. They think it is internally illuminated, but it is not. He stated that they have been there now for three years and have not installed the spotlights on the signs because they do not think it is very aesthetically pleasing.

Ms. Williams stated that she wanted to mention that they do have a graphic that shows how the sign is LED lit. She said that it is not “loud” as far as the illumination. She stated that she knows Mrs. Jones mentioned that they do not want to have an issue with legal issues with the message. She asked if there was an exception with public services, because that is how they are different.

Commissioner Messer said that if they are talking about the message and the concern about the public knowing whether they are open/closed, when he looks at the proposed sign it looks like the open/closed is over M&M Orthopaedics. He stated that his peripheral vision does not even read the immediate care part.

Commissioner Sanderson asked if M&M Orthopaedics had the same hours as the immediate care. He said that what Commissioner Messer is saying is that it looks like the sign is saying whether M&M Orthopaedics is open or closed.

Commissioner Messer stated that it is exactly what he is saying. He stated that is why he is pointing this out because it diminishes the comment about it being a safety issue. He said reading the sign it looks like it pertains to M&M Orthopaedics and not the immediate care.

Ms. Williams said that all of the copies say that the immediate care would be illuminated. She said that there is a better version of the sign, if they would look at the picture of the sign that they did in Niles, which was handed out to the Board.

Commissioner Messer stated that is a really good point because their similar sight actual view does not have any advertisement below it for some other types of businesses. It is only showing the immediate care center.

Commissioner Sanderson asked if there was a way to not have M&M Orthopaedics internally illuminated. He said then it will only look like the immediate care center is open at night.

Mr. Pece said that he had another picture of a sign.

Commissioner Sanderson asked when was the UDO written in regards to internally illuminated signs.

Mrs. Jones said that when the UDO was originally adopted, the Village decided to take a very hard line on illumination signs. She stated that originally wall signs in the B districts were not allowed to be internally illuminated. She said they have since amended that to allow wall signs to be internally illuminated in the B-3. Mrs. Jones stated that they have since softened their stance on signs to a certain extent, but when



the UDO was adopted the thinking was they wanted to create a quaint aesthetic look.

Commissioner Sanderson stated that their old sign looks bad and can see why that would be considered not desirable. He said the new sign looks much nicer, not saying that he is agreeing with the variance. He stated that he is trying to understand the UDO and asked if the Village was trying to avoid any internally lit signs versus the look. Commissioner Sanderson said that he does not want to get into a debate on appearance he is just trying to understand.

Mrs. Jones stated that originally the kinds of internally illuminated wall signs that were not allowed when the UDO was adopted were the kinds that were box and pan faced. She stated that channel letters were initially not allowed, but that has changed. She said that the current code allows internally illuminated channel letters on wall signs. The UDO also allows the box signs on walls but the entire face can not be translucent only the letters or message can. Mrs. Jones stated that is what applies to wall signs in the B-3.

Commissioner Murphy stated that there was a history of very poor choices in signs and thought so by a very large number of people. She said that it has been looked at all over and in the historic district. She stated that things have changed over the past 15 years many times to get to the point where there was some caution in regards to size, material and lighting.

Commissioner Spinelli stated that it appears that the sign is set-up for an additional tenant. He said that there is a blank panel at the bottom and asked if they plan on adding another tenant to the sign.

Mr. Pece said that they don't own the building and the owner had asked them when they put the sign up to leave a space for a future tenant.

Chairman Schubert asked if there was anyone else who would like to speak in regards to this case. None responded.

Chairman Schubert called for a motion to close the public hearing.

Commissioner Murphy made a motion, seconded by Commissioner Maher to close the public hearing for Case # 12-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Schubert then read the Findings of Facts:

- a. The variation will not adversely affect public health, safety or welfare because it will not create excessive light for nearby residential properties or glare for passing motorists. *All Commissioners agree.*
- b. The variation will have limited impact to adjacent properties and that impact is not

predicted to be negative. *All Commissioners agree.*

- c. The use of the subject site, an outpatient urgent care clinic has unique needs for visibility that are greater than the visibility needs of other uses; therefore, a variation is warranted. *Two Commissioners agreed and four Commissioners disagreed.*

Chairman Schubert called for a motion to recommend approval for Case #12-07.

*Commissioner Maher made a motion to approve Case #12-07.*

Commissioner Messer asked if they were placing any conditions on the variance.

Chairman Schubert stated that if they wanted to place conditions then they would have to be made with the motion. He then asked if Commissioner Maher to rescind his motion.

Commissioner Maher stated no. He said that he does not want to add something to change the sign.

Commissioner Spinelli asked Mrs. Jones if this variance request is specific to this sign. He asked if they were granted a variance can the sign come down and the old sign be put back up.

Mrs. Jones stated that it can be however the Board would want to write it. She said they could write the variance so it is specific to this sign and only this sign or it can be more specific to describe the type of illumination that they have on the sign.

Commissioner Spinelli stated that he liked this type of sign because it only has the letters lit from the internal illumination. He said that he would hate to give them an approval blanket for an internally lit sign which could allow them to go back to the old because it is cheaper.

Chairman Schubert asked for a second motion for a recommend approval then they would go into discussion.

*Commissioner Spinelli seconded the motion.*

Commissioner Spinelli stated that he would like to see verbiage included that states this request is specific to this sign.

Commissioner Messer stated that he would like to see that the tenant is blacked out for back up lighting at night.

Commissioner Sanderson stated the picture of the sign under alternate option is what they are looking for. He said that if they want to be known so people know that they are there then the alternate option does that for them.

Commissioner Spinelli stated that his only problem with that is in the winter months it

gets dark at 4:30 and these other tenants are open later, now people do not know that they are there. He said that if they were going to allow an internal lit sign he would hate to penalize the other tenants just because someone might be confused with what is actually open.

Chairman Schubert stated that he feels this discussion is leading to a precedence that they might not want to see in the future. He stated that they are taking a sign and trying to modify all the types of things that were presented prior to this. He said in the future there will be a lot of other people coming to them for the same thing with the same options.

Commissioner Maher stated that the precedence has already been set. He said you have the Park District and school with back lit lights. He stated that some of these might go away, but it could be 20 to 30 years down the road.

Commissioner Murphy stated that this is what this is all about. She said it is putting an end to that.

Commissioner Maher stated that he prefers this sign compared to every other sign that they have going. He said that if this is the precedence that they are looking for then that is an acceptable sign. He stated that their old sign would be unacceptable and could see why the Village was trying to go away from those types of signs. Commissioner Maher stated that some of the types of signs that are up down that street are obtrusive signs. He stated that there is less light coming out of the proposed sign than the spotlights that are up. He said that he would prefer this sign compared to the spotlights that are sitting out there. Commissioner Maher stated his personal opinion is that he would prefer this sign to be the precedence. He said that Good Samaritan is just one of the businesses that are going into that site so they can not choose which business can light up. He stated that this is a very nice sign, it is not bright at all and they did a great job. He said that he does not mind putting the condition in there that it is just for this sign. Commissioner Maher stated let people come before the Board and if they present a garbage sign then the Board has the right to say no.

Commissioner Murphy stated that Mrs. Jones talked about potential changes to the ordinance and if they were to do so if is appropriate to use examples of what is acceptable so things can be changed globally if they need to be.

Mrs. Jones stated that they recently did amendments to the sign requirements in the downtown district and the historic district. She stated that those did get very specific requirements. She said that it can be written with very detailed sign regulations.

Commissioner Spinelli stated that it can be solved if you put a percentage on what can be lit up. He said you can restrict it so that not 100% of the sign is lit up.

Commissioner Murphy stated that if you are clear that it can only be the letters.

Commissioner Spinelli stated that if you use the percentage then you don't get a restaurant sign that is 100% lit up.

Commissioner Murphy stated that they need to decide because it is clear that the Board appreciates the work they did on this sign and they know that they don't like what was there.

Commissioner Messer stated that he would like to go back to the tenant issue. He said that he appreciates the fact that the alternate option was presented by the applicant and not something that was drawn up here. He stated that there must be some background as to why the alternate was proposed, and maybe there was some internal issue with the ir tenants. He said apparently it was something considered outside of this meeting.

Commissioner Maher stated that this is not a Good Samaritan building and they are only tenants in this building.

Commissioner Spinelli stated that he likes the way the original sign is presented with all tenants illuminated.

Commissioner Maher stated that he agreed that he also liked the original sign.

Commissioner Murphy verified that it was only the letters and logos being illuminated.

Commissioner Kwasneski stated that he liked the original sign proposal also.

Chairman Schubert then asked if Commissioner Maher wanted to amend his motion.

Commissioner Maher made an amended motion, to recommend approval of the Advocate sign variation as is, with the ability to add and remove tenants' names within the approved sign only, and any changes or replacement to the sign, other than tenant, would have to come before the Planning and Zoning Board for approval. Commissioner Sanderson seconded the motion.

A roll call vote was taken for the first motion:

*Ayes: Maher*

*Nays: Kwasneski, Messer, Sanderson, Spinelli, Schubert*

*Abstain: Murphy*

*Motion denied*

A roll call vote was taken for the amended motion:

*Ayes: Kwasneski, Maher, Messer, Sanderson, Spinelli, Schubert*

*Nays: None*

*Abstain: Murphy*

*Motion passed*

**B. Case 12-09 – First Church of the Nazarene Sign**

A public hearing for multiple variations to allow an internally illuminated and electronic message center sign at 12725 Bell Road.

Chairman Schubert called for a motion to open the public hearing for Case #12-09.

Commissioner Murphy made a motion, seconded by Commissioner Kwasneski to open the public hearing for Case #12-09. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Jones stated that the First Church of Nazarene had requested a few different variations: to allow an internally illuminated monument sign, to allow a monument sign in excess of eight feet, to allow an electronic message center, to allow an electronic message center in excess of 25% of the total sign area, and to allow an electronic message center that displays full color. She stated prior to the adoption of the UDO, electronic message centers were considered special uses under the code and there was kind of a proliferation of them in 2006 and 2007. She stated in the UDO the electronic message centers are now only allowed in the State Street corridor in an overlay district. She said this is limited to where there already are electronic message centers. Mrs. Jones stated that it is her understanding that the intention of the UDO is that the Village did not want any more of those types of signs. They wanted to limit them to where they already are and just contain them.

Mrs. Jones said a little background on the First Church of Nazarene is that they did have a sign and somebody hit the sign with a car and it was destroyed. She stated that now they are coming before the Board asking for some variations for the sign they would like to build. She said the variations would have to meet the three standards. The first standard being that the variation is in harmony with the general purpose and intent of the UDO. She stated in regards to the health, safety and welfare it is a little different when you look at the electronic message centers. There are a lot of different studies that have been done about electronic message centers, primarily billboards along highways and whether they cause distractions or not. Mrs. Jones stated that Pastor Combs, in his application, referenced the federal highway administrations information where they summarize a lot of the current literature that is out there. She stated that the literature was not definitive one way or the other. It is difficult to say whether there would be negative health, safety and welfare. Mrs. Jones stated that the requested height variation would make the sign more visible. Whether that would have a negative impact on health and safety, it is unknown or questionable. She said it is very difficult and if you look at sign regulations you would have to get into very scientific analysis. She stated that she could not think of a single community that has the kind of regulations that addressed or looked at the speed of the car, distance from the sign to the road, and angle at which a person sees the sign to just name a few.

Mrs. Jones said another component to the first standard is ensuing adequate natural light, air, privacy and access to property. She said that there is no negative impact. It will increase light coming off of the sign but the light will be directed toward the street. Mrs. Jones stated that there are no residential neighbors. Another component is maintaining and promoting economically vibrant and attractive commercial areas. She stated that the applicant argues that the Bell Road corridor is going to become commercial. She said probably with good reason, the Village has recently annexed some property and had it zoned commercial. However, the nature of that activity and

the design has yet to be determined and that very much impacts the character of the corridor. She stated that the portion of Bell Road that they are on is certainly not a residential corridor either. Mrs. Jones said that she would have to say that the UDO sets up the Village's standards for the commercial corridors and among those is the prohibition on internally illuminated monument signs. She stated that there are set height restrictions for a reason. She said her contention is that electronic message centers are limited to the area that they are limited to because the Village did not want any more of them. Mrs. Jones said lastly in regards to conserving the value of land and buildings throughout the Village, one individual sign there is not much impact. However, signs like this up and down Bell Road would have a much different impact.

Mrs. Jones said the second standard is the unique circumstances. She said that she does not want to go over every single point because it is a very lengthy staff report. She stated that the applicant did put a lot of effort into making their case. She said that she would summarize by saying that they do have a lot of activity going on at the church. It may be considered unique among the churches in the community or compared to other commercial properties in the area. That does mean that they do need good legibility and sign visibility; however that does not mean that the Village needs to grant them an electronic message center. She said that you can see a sign that is externally illuminated particularly on a dark corridor like Bell Road is and see the facility to know where to turn in. Mrs. Jones stated the argument that the applicant makes about wanting to let people know about all the activities that they offer is no different then the argument a shopping center owner would make about advertising every one of their tenants.

Mrs. Jones said the last standard is that it will not alter the essential character of the locality. She stated that staff feels that the introduction of an electronic message center would change the character of this portion of the Bell Road corridor. There is an electronic message center to the south towards Homer Glen and there is one to the north towards Archer Avenue. Neither of them is visible from the subject site. She stated that staff feels that both of those signs are far enough away that the character of this area is different and the future character has yet to be determined. The property that is going to be built out commercial is located in the Village of Lemont and we do not allow internally illuminated signs or message centers, so why would they want to set that precedence.

Chairman Schubert asked if the Board had any questions for Mrs. Jones.

Commissioner Spinelli stated that it was brought up about the issue of placement of signs with regards to the property line. He asked what that current requirement is.

Mrs. Jones stated that it is a four foot minimum along the property line. There is a particular triangle that is set whether it is a street and a street or a street and a driveway and that sets those distances and creates that vision triangle.

Commissioner Spinelli stated that this sign is set between the two entrances. He then asked if there was anything restricting the placement of the sign with the property line in aspect to the height of the sign. Such as, if the sign was 10 feet high then it would have to be set 10 feet off of the property line.

Mrs. Jones said that the sign would have to be set back half the height of the sign. She said she mentioned in the staff report that the applicant noted that it is hard to see where to turn in and out of their property particularly at night. She said it is true and they could have entrance and exits signs but they could not be internally illuminated. They would have to be illuminated by spotlight and they would not be advertisement signage.

Commissioner Spinelli asked if that would take away from their maximum signage that they are allowed.

Mrs. Jones stated that it was completely separate.

Chairman Schubert asked if there has been any talk about the amount of signs that are on the property at this time.

Mrs. Jones stated that she did not realize how many signs there were until she went out to the site to take pictures for the staff report.

Commissioner Messer asked what the electronic message signs are north and south of the subject site.

Mrs. Jones stated that there was a church that was south of 131<sup>st</sup>, which is an electronic message center. The other is Everest Academy which has an electronic message center, but right across the street from them is a church that has a regular changeable copy sign that is internally illuminated. She stated that both of those signs are not in the Village of Lemont. Although, it does have an impact when you look at the character of the area. She said that the Village of Lemont wants the portion of the Bell Road corridor, where they started to annex property into Lemont, to have Lemont's aesthetic and not unincorporated Will or Cook County's.

Reverend Andy Combs, 14542 S. Mustang Drive, Homer Glen, stated that their sign was mowed down by a car in January of 2012. He thanked the Board for taking the time to listen to their request. He said that his church has been in Lemont since 1974. He stated that they started in the city of Chicago in 1904 and moved out here when there was nothing but corn fields and beans. The church immediately began being not just a religious center for youth, teens and adults, but also started a preschool and built a gymnasium which was used for roller skating on Friday nights. Rev. Combs stated that from day one the church was more than just a typical Wednesday or Sunday church facility. It was a community center where there were multiple activities for multiple uses. He said that today it has grown even more. There is a preschool with 140 students, a recreation program that has over 4,000 kids a year involved in sports or camps. They are also the home of the Southwest Community Concert Band who practice and perform there. The passion play at Easter time brings in about 1,500 people. The block party in the summer brings in over 3,000 people and there are many more activities. He stated that it is a facility that is unique with its place and purpose and trying to communicate all these events, activities, and happenings. Rev. Combs said that if it was simply a church listing its service times then it would be different.

Rev. Combs showed a picture of the past sign that was destroyed in January 2012. He said at that time they had to think about replacing the sign. He thanked Mrs. Jones for all the help she has given to him over the past few months. He stated that he could not build back the sign he had today. He said that it is over nine feet three inches tall, there is no limestone base, the sign area is too large, and the sign area is internally illuminated. He said that he had to come up with a sign that would meet the spirit of UDO and Lemont's character, but also be able to communicate to the public their activities. Rev. Combs then presented a display of what the new sign would look like to the Board. He said that the new sign is the same height as the old sign. The sign does reside 50 feet from Bell Road across a grassy front lawn and will have the limestone base that is required. The top portion is internally illuminated, but only 10% of that surface area is lit up. Rev. Combs stated that he talked with his sign person and if they had spotlights there it would have to have 500 watts per side and more excessive light going in all directions. He said this contains the light in a specific area where it is visible and not obtrusive. He stated that the bottom portion is an LED electronic message center. It will give them the ability to display multiple images and change them. He said that he knows that there is much concern about signs that are scrolling and where text is exploding. Rev. Combs stated that he brought in a sample of what they are proposing to display. He then passed out a copy to each of the Board members and it was also presented on a board. He stated that at any point in time that a car passes by the message center it would appear as an aesthetic fixed graphic image. The image does not move, there are no videos, no flashing and no exploding. He said that every three seconds the sign will switch from one graphic image to the next.

Rev. Combs stated that he knows that they are concerned about safety, height, and illumination. He said when it is compared, the old sign was much larger and the right side of the sign was like a large light bulb. It had eight 100 watt fluorescent tubes in there. The new sign is much more muted, the light is more contained, and it is a more attractive sign than the old. Rev. Combs stated that Mrs. Jones talked about how signs can be a traffic hazard, but he feels that it has not been proven to be truthful.

Rev. Combs stated as far as the atmosphere of Bell Road changing, he feels that Bell Road is a corridor. A mile south and north the electronic message signs already exist. He said that they are not creating this; they are just joining in with what is there. Rev. Combs stated that in summary it allows them to display multiple images. When you look at the sign it is an aesthetic graphic image, there is no flashing or scrolling or exploding. He said that the speed limit is 45 mph on Bell Road and it may be widened. To be able to see a sign 50 feet away at that speed the letters would have to be at least an eight or ten inch letter. This could cause it to have a sign that is much larger than what he is presenting. He stated that the electronic sign would be able to display multiple images and he can make the images smaller. Rev. Combs said that we are in a graphic era with things like you tube and videos that people look at. He stated to communicate their message most effectively it is better to do so graphically as he has shown this evening. Rev. Combs said that they have one shot to do this, that you don't change signs every year. He stated that this sign is going to cost them a lot of money if it is approved. He said that it is his belief that electronic message centers are going to become the norm. If they built a sign like the old one, it sends a message to the people that they are not into technology and not with the times. He stated that the new sign



sends an image that they are more current with society and culture. Rev. Combs said that he knows that it is a big “ask”. He stated that it is smaller and uses less light. When you look at the sign it will not be moving or flashing, but just an aesthetic graphic sign.

Commissioner Spinelli stated that looking at the survey that was submitted it appears that the sign is right on the property line. He asked if they would object moving the sign eight feet closer to the building. He stated that in the future if Bell Road does get widened he would hate to have this sign right on the property line.

Rev. Combs said that the current sign was built 12 years ago. They were planning on using the same structure or pole to save money. He stated that if it was a requirement they would definitely move the sign four or five feet closer to the building.

Commissioner Spinelli stated that he would ask the applicant to move the sign at least four feet. To make it work with the existing sign base at five feet, then he would want five feet.

Rev. Combs stated that he was not sure how much room he had from the existing sign to the building.

Commissioner Spinelli stated that if he moved it eight feet then the sign would be 20 feet away from the building.

Chairman Schubert stated that Commissioner Murphy had to leave the meeting. She left at 8:01 p.m.

Commissioner Spinelli stated that he did not like signs right on the property line. If the county comes in with a sidewalk, then there is an issue and the county could make them move the sign. He said that there had to be certain clear areas for various hazards along a pedestrian way.

Rev. Combs stated that he knows the Bell Road expansion has been surveyed but he has not seen which side it was going to be on. He said that you have 50 feet there even a 20 foot lane would leave 30 feet between the sign and the roadway.

Commissioner Messer stated that with the line of sight, the speed of traffic coming down Bell Road and the sign sitting closer to the road the less you have pulling out of the driveway.

Commissioner Maher asked what the typical usable life was for these signs was.

Rev. Combs stated that there is a five year warranty and that there are some that have lasted 15 years. He said they are going with a 16 millimeter sign which has a finer image. He stated that at least 10 years, but they are hoping for 15 years.

Commissioner Maher asked if the sign burns out, would each section go or does the whole thing go out.

Rev. Combs said that there are sections.

Commissioner Maher asked if they have thought or done any plans on this sign without the LED at the bottom.

Rev. Combs said that he is not sure how he would do that. He said that he could replace it with something like the old sign, but they have to have the ability to advertise all their programs that they offer. He stated that there are so many things happening that is what makes them a unique establishment. They are not just a church they are a multi-entity which is providing a service for the community. Rev. Combs stated that they are open seven days a week, ten hours a day. He said that they have one shot at this. If the Board says no today and they spend \$25,000 on a new sign, he could not come back in five years if the UDO changes and spend \$50,000 on another new sign. He stated that they are trying to keep it simple, muted, less obtrusive and he will put it in writing that there will be no flashing, scrolling or video. Rev. Combs reiterated that when you pass the sign it is just an aesthetic image, just a picture that has no motion to it. The ability to change the message is paramount to us.

Commissioner Sanderson asked what the code was for the three seconds.

Mrs. Jones stated that three seconds is the code.

Rev. Combs stated that he is saying three seconds it could end up being five second, he is just not sure.

Mrs. Jones stated that it could be a condition if the Board wanted to make it longer. She said however the vote goes today; one thing that the Board might want to address is the fact that they have another free standing sign on the property. Mrs. Jones stated that it was for the Nazarene sport which is their recreation program. She said technically under the UDO whatever monument sign they put up, whether it is LED or not, staff would not be able to approve because they already have another free standing sign. Mrs. Jones stated that the Board will need to take that into consideration and either require them to remove the other sign or allow that one to stay if approved for the new monument sign. She said that she was not aware of the other sign until she went out to the site.

Rev. Combs stated that was approved under Cook County not under Lemont. He said that the sign was really far enough away and it is smaller.

Commissioner Sanderson asked what the size requirement was for LED.

Mrs. Jones stated that the LED's are not supposed to exceed 25% of the maximum sign area. The maximum sign area can not be more than 64 feet.

Rev. Combs stated that their sign is less than the maximum square footage on the sign. He said that their sign is 60 square feet. He said that the LED is larger. He stated that they have to remember that now they are 55 feet from Bell Road with cars passing at 45

mph. He said that if they shrink the size to one foot high then you would have to scroll just to get the message. He stated that is when you cause more problems, but if he can show just one image with a message then they are only seeing one sign.

Commissioner Sanderson stated that he liked the sign, but it is not suppose to be a billboard. It is suppose to show people who you are, the address and maybe a phone number. He stated that they are putting out more information than most businesses get to put out there. He said that it just looks big to him.

Rev. Combs stated that he has been in Lemont for 12 years and if you say the word Nazarene in the area, there is always someone who has a heard of them. He said that they have kids who attended preschool or who participated in baseball there that are now bringing their kids there. He said that they have been there for almost 40 years. They have a huge impact on this area and have a lot to offer. He said that they are trying to communicate a lot because what they have to offer is important. People need to know what they are doing.

Commissioner Spinelli asked if the temporary signs that they have up now, were those permitted.

Mrs. Jones stated that they were not permitted.

Commissioner Spinelli asked if this type of message board was approved is there a need for these temporary signs anymore.

Rev. Combs stated that if there was then they would have to ask for a permit. He stated that the Village does allow a temporary sign for 30 days. He said for example in January for preschool registration, but not like they have presently where they have multiple signs for everything.

Commissioner Spinelli asked if they have thought about the number of images that they would try to display in a single day or would the sign only allow you so many images.

Rev. Combs said that it has not been thought about. He stated that it would very with the time of year. The end of the year they have a lot more going on. He said that it might be important, but the point he wants to keep making is that as a car goes by they see one graphic image. Rev. Combs said that he does not think that there is a limit on the sign, but they do not plan on doing many.

Chairman Schubert stated that a vehicle can see at least three different messages as they are approaching their building. He said that he has driven past the building several times and you can see the building for a length of time before you pass it.

Rev. Combs stated that from the north you would have less time because of a hill, but he agreed that you might get two messages from the south. He said the problem with a smaller sign is like the sign that is south of them, your only seeing half a message because it changes. The sign at Everest Academy scrolls and you are trying read as you are driving by which is worse and more hazardous. Rev. Combs said that on their old

sign they would stack eight lines of text that people were trying to read as they drove by, which would be worse than seeing a graphic image.

Commissioner Spinelli asked if on the board of the sign do they have the ability to change the brightness.

Rev. Combs stated that he did not know that answer.

Mrs. Jones stated that many of the current LED signs have a dimmer capacity. She said that in many communities that allow them, more so than Lemont, require them to be dimmed by a certain percentage after dusk.

Commissioner Messer asked in regards to the secondary sign, when would the new sign become ineffective to them that they would need a second sign.

Rev. Combs said at any point in time there are at least ten things going on in the building. He stated that they can not communicate all those things to people passing by so they would have to pick and choose. He said that the example he gave would give them a 30 day window to let people know about a specific event that was opened for registration. He said that example would only happen once a year and the Village would have control over that. Rev. Combs stated that he does not see it as a normal occurrence that was just one thing that he thought of.

Commissioner Messer asked what Rev. Combs meant when he referenced his sign as a "beacon" in his application. He stated that when he hears the word beacon he thinks of something like a lighthouse. He said that it might draw a person's attention away from the main purpose of being on the road, and that is to drive. Commissioner Messer stated that as far as lighting, that area is a very quiet area. He said that what he sees in the area is that they get a beacon, then there is another beacon, then another and then the whole corridor is filled with beacons.

Rev. Combs stated that they are the third beacon, that there are already two beacons in the area. He said that the word beacon to him was an identifier. It will identify who they are and also what they are offering. He stated that to him a beacon is not a negative term it just states that this is where this is happening.

Chairman Schubert asked if there was any way that the second sign could go away. He said that the sign only had three lines on it and it should be able to be modified on the message center.

Rev. Combs said that it could go away. He stated that it was put there many years ago because the church sign was consumed with church events. He said that there is no way to advertise what they were doing for recreation. He stated that now they can put up a graphic stating when registration begins. Rev. Combs said that they can take that sign down and use the new message center sign.

Chairman Schubert asked Mrs. Jones what size can the entrance and exits signs be that would be lit up by a glow light.

Mrs. Jones said that she does not recall what the maximum size would be.

Chairman Schubert stated that for safety at the roadway you could have something for entrance and exit that would be lit up by spotlight.

Rev. Combs stated that they haven't asked about that yet.

Mrs. Jones stated that she wanted to mention it because he had spoken about how the road was dark.

Commissioner Kwasneski asked how late the sign would be lit up, would it be 24 hours a day.

Rev. Combs stated that would be the idea or hope. He said if there was a spotlight on there then it would be the same thing.

Commissioner Sanderson asked if there were any restrictions on the hours of the current LED lights.

Mrs. Jones said that there might be some restrictions on some of the special uses. She said that each one is different. She stated that Illinois Bar and Grill and the Lemont Park District did comply with the 25% requirement. She said that she believed that District 113A also complied, but does not think District 210 does.

Ron Devries, 4 Misko Court, Lemont stated that he attends the church and the lady holding the signs is in charge of the recreation programs at the church. He said that he wanted to go back to the issue of maybe moving the sign closer to the building. He said just like Pastor Andy stated the reason why they wanted to have it on the current location was because the foundation was there. He said if they move it eight feet closer to the building it will increase the cost by \$10,000 to put a new foundation in. Mr. Devries stated that they would rather not do that, but they could make it a condition. He asked would they make it part of there condition to leave it where it is and if Bell Road approaches within so many feet of the sign then they would have to move the sign. He said that he is not sure what the negotiations were or what the plan was as of right now.

Commissioner Spinelli stated that they are asking for a lot of variances. If they don't move the sign at least four feet from the property line then that would be another variance. He said if it got approved it would be four feet, what he actually wanted was no less than eight. He stated that looking at the sign he can not tell if there was a concrete foundation or not. He said to him it looks like a post mount and an enclosure around the post to make it look like a solid base. He stated that he could not see how that would add \$10,000 to the cost, because you are still going to have to build a limestone base. Commissioner Spinelli stated that he strongly suggests they agree to the four feet minimum or else they would be asking for another variance.

Chairman Schubert stated that they do have a lot people coming to visit the church and the cost might have to pass on to the people who use the facility.

Rev. Combs stated that it would cost about \$60,000. He said that he feels that it is a much less obtrusive sign, serves a much greater purpose, and puts them into the 21<sup>st</sup> century. He stated that they have a window and they did not ask for the window. Rev. Combs stated that now they are forced to replace the sign. They would hate to replace it with something that doesn't reflect the current thinking, connection, or culturally aware church body. They want to communicate to the people that this is a place that knows what is going on and who can relate to what is going on. Especially to the young people that are living on the internet. He stated that this is the world we are moving to. He said the point he is trying to make is that they can not replace the sign again in five years.

Commissioner Maher stated that the thing he struggles with is that the message center they are proposing is a billboard. He said that he does not want billboards in their town in general. He stated that he understands that they are just trying to advertise their business.

Commissioner Sanderson stated that he likes the idea and understands that LED's attract a lot of people for business. He said that their struggle is they do not want the whole town LED's.

Rev. Combs stated that he understands but they are on the fringe of Lemont on the Bell Road corridor. He said that they are far enough away and two of these signs exist presently. He stated that there is going to be commercial on the corners of Bell Road. Rev. Combs stated that they have a message that they feel is important to communicate and this is the best way to communicate that message. It will be less glaring, less obtrusive, and less distracting then what was there before.

Commissioner Messer stated what scares him is that we are calling this a static sign. To change it every three seconds is so far removed from what he calls a static sign. The ability to change it every three seconds is so close to video that it scares him.

Rev. Combs stated that is the Village's code that it can change every three seconds.

Commissioner Messer stated that he understands that is the code, but he would prefer three a day.

Chairman Schubert stated that they don't know what will end up there on Bell Road.

Chairman Schubert asked if there were any other comments or questions. None responded. Chairman Schubert then called for a motion to close the public hearing.

Commissioner Messer made a motion, seconded by Commissioner Kwasneski to close the public hearing for Case #12-09. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Schubert then read the Findings of Fact.

- a. The variation will not adversely affect public health, safety or welfare because it will not create excessive light for nearby residential properties or glare for passing motorist. *Six Commissioners agreed and one Commissioner did not agree.*
- b. The variation will have limited impact to adjacent properties and that impact is not predicted to be negative. *Six Commissioners agreed and one Commissioner did not agree.*
- c. The use of the subject site draws many people for many various reasons and therefore has unique needs for visibility that are greater than the visibility needs of other uses; therefore, a variation is warranted. *All Commissioners disagreed.*

Chairman Schubert then called for a motion to recommend approval.

Commissioner Spinelli made a motion, to recommend approval for Case #12-09 with the following condition:

1. The sign must be placed at least five feet from the property line.

Chairman Schubert then called for a second motion. None responded. Chairman Schubert stated that the motion dies for lack of a second motion.

Chairman Schubert then called for another motion.

Commissioner Sanderson made a motion, seconded by Commissioner Messer to recommend denial for Case #12-09. A roll call vote was taken:

*Ayes: Sanderson, Messer*

*Nays: Kwasneski, Spinelli, Schubert*

*Abstain: Maher*

*Motion failed.*

#### **IV. SPECIAL PRESENTATION**

##### **A. Legal Training by Jeff Stein, Village Attorney**

Jeff Stein, Village Attorney, provided a presentation via Power Point that covered property rights, statutory highlights, land use matters, due process and procedures for the Planning and Zoning Commissioners.

#### **V. GENERAL DISCUSSION**

Mrs. Jones stated that staff is drawing up some amendments to the UDO for next month's meeting. She asked if the Board would like for staff to look into allowing some internally illuminated signs.

Commissioner Maher stated yes and asked about LED signs.

Mrs. Jones stated that the position is no LED signs unless within the State Street corridor.

Commissioner Spinelli stated that Bell Road, some where in the future, is going to be a

commercial corridor. He said if that is the easiest way to advertise to people and bring their business into Lemont then it is a benefit. He stated that there has to be some way to restrict it.

Discussion continued on LED signs.

Chairman Schubert asked what was coming up for the next meeting.

Mrs. Jones stated besides another sign variation, Old Quarry Office Park is trying to get on next month to renew the PUD.

## **VI. ADJOURNMENT**

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

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*