

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of June 20, 2012

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, June 20, 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: Maher, Messer, Murphy, Sanderson, Schubert

Absent: Kwasneski, Spinelli

Economic Development Director Jim Brown, Village Planner Charity Jones and Village Trustee Ron Stapleton were also present.

**C. Approval of Minutes:**

Commissioner Messer made a motion, seconded by Commissioner Sanderson to approve the minutes from the May 16, 2012 meeting with not changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS   None**

**III. PUBLIC HEARINGS**

**A. Case #12-10 – St. Alphonsus Sign Variation.** A public hearing for a variation for an internally illuminated monument sign at 210 E. Logan Street.

Chairman Schubert called for a motion to open the public hearing for Case #12-10.

Commissioner Murphy made a motion, seconded by Commissioner Messer to open the public hearing for Case #12-10. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Schubert asked the audience to stand and raise his/her right hand. He then administered the oath.

Mrs. Jones stated that St. Alphonsus was requesting a variation to allow internal illumination of their sign that is currently located on their property. She said that they submitted a sign permit application back in August of 2011. The sign was originally proposed to be internally illuminated. Staff informed them that it was not allowed. Mrs. Jones stated that they built the sign as it is and are now coming in requesting a variation.

Mrs. Jones stated that there are three standards that the variation has to meet. The first is that the variation is in harmony with the general purpose and intent of the UDO. Mrs. Jones stated that of the eight components listed, four are not applicable to this variation request. She said of the remaining four she would like to focus on protecting the character of established residential neighborhoods. She stated that staff feels that this is primarily a residential area and it is residential zoning. Mrs. Jones stated that within residential areas commercial and institutional uses are permitted to have signage, but it is more limited than what is allowed in commercial districts. It is intended to be less intrusive on the residents in the neighborhood. Mrs. Jones stated that staff feels internal illumination of the sign would project light outward toward the residents which would be more intrusive than the current requirements. The current requirement focuses the illumination on the face of the sign rather than out.

Mrs. Jones stated that the second standard is that the plight of the owner is due to unique circumstances. She said staff feels that there are no unique circumstances to warrant approval of the variation. Mrs. Jones stated that variations are “not intended to merely remove an inconvenience or financial burden that the requirements of this ordinance may impose”. She said that it is not enough to say that a requirement of a code causes a financial burden. It has to be that it is unduly burdensome for a particular property and that property has a burden that it would bare that is out of proportion to other similarly zoned properties, therefore it is unique. Mrs. Jones stated that it states in the UDO that “the alleged difficulty or hardship has not been created by any person presently having an interest in the property.” She said that the Church did know that the Village did not allow internal illumination.

Mrs. Jones said that the last criteria is the variation will not alter the essential character of the locality or will not be a substantial detriment to adjacent property. She said because staff feels that there is no unique circumstance, they feel it would set a precedent which could change the character of the neighborhood. Mrs. Jones stated that there are representatives from the Church that are present at the meeting.

Chairman Schubert asked if any of the Commissioners had questions for Mrs. Jones. He then asked if the representatives would like to come up and speak.

Don Betley, 62 W. Peiffer, Lemont stated that he was the maintenance supervisor at St. Alphonsus’s Church. He said when they applied to get the permit to install the monument sign, they were aware that the sign would have to be lighted with flood light illumination. Mr. Betley stated that this sign has the capabilities for internal

illumination. He said that they were told that they could apply for a variation after the sign was installed to possibly have it internally illuminated. He stated that this is what they would like to do so the changeable message board is clearly displayed to passing traffic. Mr. Betley stated that he understands the concerns about the light projecting outward. He said that he does not feel that it would project any more light than the flood lights that are out there. He stated that it is a residential area, but there are not many houses near the church. He said that there are a couple of houses that are across the street and he is not sure if they have any objections. Mr. Betley stated that they sent out the mailings. He said that they are not asking to keep the sign on throughout the day. This time of year you would not have to turn it on, but during the winter they would like to light it up from 4 p.m. till 8 or 9 p.m. at night. Mr. Betley stated that they had the sign installed with a timer so the Board can set a time for the variation that they would allow having it illuminated. He said they can adjust the timer so it would not be intrusive to the residents in the area. Mr. Betley stated that they were aware of the restrictions when they installed the sign, but they thought they would go through with the process of the variation to try and make the sign fully usable in its capacity.

Chairman Schubert asked if they would set the timer so it would only be on during the darker times of the year.

Mr. Betley stated that during the winter it would go on at 4:30 or 5 p.m. and it would go off at whatever time they felt comfortable. He said that they would never leave it on all night; they don't even leave the church lights on all night.

Chairman Schubert asked if anyone else would like to come up and speak. None responded. He then asked if any of the Commissioners had any questions.

Commissioner Messer asked if the original sign was still up.

Mr. Betley stated that the original sign was removed, but the base is still there. There are future plans to turn it into a grotto with a statue of the Virgin Mary.

Mrs. Jones stated that staff did not receive any calls for this application.

Chairman Schubert stated that he is concerned because there are multiple churches within the community that are surrounded by residential homes more so than this one. Also, there could be a concern that a house on McCarthy Road would allow St. Cyril's to use his/her lot to put up a sign. Chairman Schubert stated that his biggest concern is setting a precedent not only for churches but for small businesses that could go into a residential area. He said that he did like the idea of only in the evenings for a short period of time. He stated that if this was allowed, who would be the caretaker to make sure that all these different organizations follow those particular set standards.

Commissioner Murphy stated that she was concerned about setting precedence too. She said that if the sign illumination was only on a short time then the value of that is very marginable and in summer it is not valuable at all.

Commissioner Sanderson stated that he agreed with Chairman Schubert.

Commissioner Messer stated that the sign looks very nice. He said that he drives by the sign quite often in the evening. He said that he feels that the existing lighting is very effective and looks elegant in the evening the way it is.

Commissioner Maher stated that when they talked about sign variances before, they had talked about making changes to internally illuminated “letters”. He said having the white portion of this sign be lit is against what the Board had talked about when they made that change. He said that this is a really nice sign, but these are the types of signs they are trying to restrict from being lit. Commissioner Maher stated that this sign is not located where it is all commercial or nonresidential and some of the signs that they denied were in those areas. He said that he is definitely against trying to police sign variances. Commissioner Maher stated that he feels that the church would follow any restrictions; however this would be setting precedence for other variances. He said that either they give it to them or not, but he does not like setting time limits to the variance.

Chairman Schubert stated that he also drives by in the evening and he thinks that it is very well done. The way it is lighted now with the proper lighting, he does not mind if it is lit all night to get more use out of it. He said that he is totally against the precedence it would set.

Chairman Schubert called for a motion to close the public hearing for Case #12-10.

Commissioner Maher made a motion, seconded by Commissioner Murphy to close the public hearing for Case #12-10. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Schubert called for a motion to approve Case #12-10.

Commissioner Murphy made a motion, seconded by Commissioner Sanderson to approve Case #12-10. A roll call vote was taken:

*Ayes: None*

*Nays: Maher, Murphy, Sanderson, Schubert*

*Abstain: Messer*

*Motion denied*

Commissioner Maher made a motion, seconded by Commissioner Sanderson to authorize the Chairman to approve the Findings of Fact as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**B. Case #12-12 – UDO Amendments.** A public hearing for amendments to the Unified Development Ordinance, continued from the May Planning & Zoning Commission meeting.

Chairman Schubert called for a motion to re-open Case #12-12.

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

*Ayes: All*

*Nays: None*

*Motion passed*

Mr. Brown stated that last month they talked about several changes to the UDO, but this one portion the Board decided to continue. He said it was the portion that talked about electronic message centers. Mr. Brown stated that he is very happy with the current provisions for electronic message centers with maybe one exception. However, the Board has been seeing a number of variation requests and that is always a signal to maybe reexamine the zoning provisions especially if they are being passed by the Village Board.

Mr. Brown presented a chart via power point showing the Village's goals for regulating signs and business's goals for having signs. The Village's goals are aesthetics, safety, nuisance, and promote. The business's goals are identification, visibility, flexibility, and promote. He then talked briefly about each of the Village's goals and business's goals. Mr. Brown stated that the area where the Village and business goals conflict is with visibility relating to size, color, and movement.

Mr. Brown stated that there other means of communication that a business could be using. Some examples are facebook, e-mails, or a church bulletin. A sign should not be the primary means to displaying all of your services. He said that the Board should take a view that they are content neutral about the message. So to the Board it should not matter if the message is coming from the Park District, a school district, a commercial entity, or a church. There are still the concerns of aesthetics, illumination, safety and nuisance. Mr. Brown stated lastly the Board tries to be equal to everyone who comes in. He said that there has to be a compelling reason to treat someone differently. He stated an example where they might treat someone differently would be to say a church in a residential neighborhood compared to a church in a commercial corridor. He said that the downtown area is another example that is treated differently. If they were looking at two business that were right across the street from each other then they would be treated the same.

Mr. Brown then presented the current provisions for electronic message centers. He then went through those provisions.

Commissioner Messer stated that when he drives down State Street he sees signs that are violating the provisions. He said if it is prohibited why is it not enforced.

Mr. Brown stated that some of the signs were approved prior to these provisions.

Commissioner Messer asked what the formal enforcement procedure is when you see something like this.

Mr. Brown said that the Village's concerns of promotion of business are out weighing the provisions of the ordinance, so they are not enforcing them.

Commissioner Sanderson stated that the Board's job is to recommend to the Village Board what they feel is best for the community. He said what the Village does to enforce it or what the Village chooses to approve is out of their control.

Commissioner Murphy stated that she agreed with him. She said that the fact that people are coming in asking for a variance request is a red flag to her that they are going to get their way if not through them then through the Village Board.

Mr. Brown stated there are some red flags that might alert the Board that they should consider changing some of the provisions. The lack of enforcement is one of those red flags.

Commissioner Murphy stated that she would like to see what other towns have done and then decide what they would like in their community. She said changing sign ordinances, approving sign variance, or promoting signs is not going to promote a business any more than not having them. Commissioner Murphy stated that when she is trying to find a business she does not go out and drive around looking for a sign, but instead she goes online to look for it. She said that there are really successful businesses in communities that have much stricter sign ordinances than Lemont.

Mr. Brown stated that everyone wants the biggest sign, but they want to make sure that they are treating everyone equally.

Commissioner Sanderson said that he feels that there are different corridors that they need to look at other than State Street.

Commissioner Messer stated that they are not all looking at an 8 by 8 sign out there because there are old signs that are out there that lays precedence to what is acceptable. He said if they go with an illuminated sign board than it further out date's signs that are out there and creates more of a contrast to what you see. There is a difference in signs when you drive down State Street compared to when you drive down 127<sup>th</sup> Street.

Mr. Brown stated that he would like to go over the suggestions that staff has prepared. He said the first one would be to increase the sign area, which would accommodate the greater flexibility. He stated that when he is talking about the sign area he is referring

to the electronic message center. Currently it is limited to 25% so in most cases it is a 16 square foot area. Mr. Brown said one point that was brought up during a previous hearing was that if you have a larger area for the electronic message center you can put more of a text. If you can put more of a text than there is less of a reason that it has to scroll or change.

Mr. Brown said that if they increased the size of the electronic message than they would limit the duration of the message. He stated that currently it is at three seconds but staff is recommending 10 seconds. He said if the sign has a bigger message area than it does not have to change so much.

Mr. Brown stated that staff recommends that they maintain the prohibition on movement and maintain some type of limitation on color. He said that they could expand it to red or amber on a black background. Lastly, to expand areas for electronic message centers to all B-3 zoned parcels. He said that there is a cluster of B-3 zoning around State and 127<sup>th</sup>, Derby Plaza, the Target/Kohl's on Archer and down the west end of 127<sup>th</sup>. Mr. Brown stated that there are also properties along Bell Road. He said that it doesn't really address institutions like Park Districts, schools, or other churches. He stated that they can leave them out or have separate regulations for them.

Commissioner Messer asked if they have given any consideration to instead of limiting the color, to limiting the number of colors used. He said what about having a primary background color with two other colors.

Mr. Brown said you have to look at the goal. He said pertaining to visibility, flexibility, and treating everyone equal if you have red or amber letters on black background you can still advertise. He stated you have to create a balance and try to keep it fairly simple.

Mrs. Jones stated that the one advantage to a black background is less light illuminating from the sign and readability.

Commissioner Murphy said if they do change this how many businesses in the B-3 are going to want one and what if they all had one. She stated what would it do to the community. She said that they have to look at worst case scenario. Commissioner Murphy stated that she has always been in favor of a stricter sign ordinance.

Commissioner Sanderson asked if they were keeping the 500 feet standard.

Mrs. Jones stated that they were not because it would not be fair.

Discussion continued about different electronic signs within the community.

Mr. Brown showed the Board a movie that he had taken of some different signs.

Commissioner Murphy asked if they were going to lose businesses in community if they do not allow them.

Mr. Brown said not if you are treating everyone equally.

Mrs. Jones stated that the reality is that the Board is approving applications for electronic message centers. She said that in the last six years not a single one has been turned down. She stated why are they making people go through the process if they are not being turned down.

Mr. Brown stated that if you are against these types of these signs then make that recommendation. He said that staff felt it was time to reevaluate because of the lack of enforcement for the current provisions and because the granting on numerous variations.

Discussion continued as to what is better for the community in regards to signs.

Commissioner Sanderson stated that it doesn't seem that anyone on the Board or staff wants to change any of the provisions.

Mr. Brown stated that if they were going to make any changes then the suggestions that staff made would be the extent that they would recommend. Mr. Brown stated that he did not like the 500 feet requirement.

Commissioner Maher stated that expanded the overlay district to all B-3 zoning is the one that he liked. He said Bell Road has signs up and down it, so why because you cross a random line do you stop having signs. He stated that there are areas to him where he feels it makes sense.

Commissioner Sanderson stated that he agreed. He does not like it on State Street or 127<sup>th</sup> but Bell Road is on the outskirts.

Mr. Brown stated that he would not want it to turn into Ogden Avenue.

Commissioner Maher stated that it already is, but they are limiting it. He said Bell Road is possibly going to be four lanes.

Mrs. Jones stated that Homer Glen does not allow electronic message centers or any internally illuminated sign. She said that it will not be that everyone along that corridor would be allowed to have one and the signs that do exist are in unincorporated counties. She stated as the communities continue to grow those areas will be less and less.

Commissioner Murphy stated that she was not for all B-3 parcels.



Commissioner Maher stated that he agreed with the stricter limit on duration of message, maintaining prohibition on movement, and maintaining limitation on color or expanding it to red/amber lettering on black background.

Commissioner Sanderson stated that stricter limits on duration would have to go with the increase in sign area.

Mr. Brown stated that he agreed. Mr. Brown asked if the Board agreed with increasing the sign area and a stricter limit on duration of message.

Chairman Schubert stated that he liked the first two. Nobody else responded.

Mr. Brown stated that he would suggest increasing it to 40%.

Chairman Schubert stated that he would recommend 35%.

Commissioner Messer asked if everyone would be all right with making no changes at all.

Commissioner Murphy, Commissioner Sanderson and Chairman Schubert stated that they would all be fine with that.

Commissioner Maher stated he would like to get rid of the scrolling signs. He said he would like to approve the duration time and prohibit the movement. He stated that he would increase the message size area so that the duration time would be set at 10 seconds.

Chairman Schubert agreed.

Commissioner Murphy asked if there were other towns that did not allow electronic message centers.

Mr. Brown stated yes there were.

Discussion continued on whether to make any changes to the electronic message centers.

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

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

*Ayes: All*

*Nays: None*

*Motion passed*

Commissioner Messer made a motion, seconded by Commissioner Murphy to recommend changing the ordinance to prohibit electronic message centers. A roll call vote was taken:

*Ayes: Messer, Murphy, Schubert*

*Nays: Maher, Sanderson*

*Motion denied*

#### **IV. GENERAL DISCUSSION**

Mrs. Jones stated that next month the meeting will be taking place at the Lemont Police Department.

Commissioner Maher asked if staff heard anything in regard to the Tri-Athletes.

Mrs. Jones stated that there are some requirements from the State Department of Public Health. If they start letting people swim in the quarries the Village would have to get a license as a public swimming beach. She said that the Village is starting that process and looking into what would be involved.

Commissioner Messer asked if the Village approved the Old Quarry Office Building from last month.

Mrs. Jones stated that it was approved.

Trustee Stapleton stated that the applicant from Old Quarry submitted a landscaping plan and it included vegetation that was very dense.

Commissioner Messer asked if any homeowners were present at that meeting.

Mrs. Jones stated that there were none present.

#### **V. ADJOURNMENT**

Chairman Schubert called for a motion to adjourn the meeting.

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

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*

