

**VILLAGE BOARD
COMMITTEE OF THE WHOLE MEETING**

**JULY 16, 2012 – 7:00 P.M.
LEMONT POLICE DEPARTMENT
14600 127TH ST.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. UNFINISHED BUSINESS**
- IV. DISCUSSION ITEMS**
 - A. PRESENTATION FROM KEEPATAW DAYS FESTIVAL INC.
(ADMINISTRATION)(REAVES)(WEHMEIER/SCHAFER)**
 - B. DISCUSSION OF ST. ALPHONSUS SIGN VARIATION
((PLANNING & ED)(STAPLETON)(BROWN/JONES)**
 - C. DISCUSSION OF ELECTRONIC MESSAGE CENTER (LED) SIGNS
(PLANNING & ED)(STAPLETON)(BROWN/JONES)**
 - D. DISCUSSION OF ON-STREET DISABLED PARKING
(PW/PUBLIC SAFETY)(BLATZER/MIKLOS)(SCHAFER/SHAUGHNESSY/PUKULA)**
- V. NEW BUSINESS**
- VI. AUDIENCE PARTICIPATION**
- VII. ADJOURN**

Village Board
Agenda Memorandum

Item #

To: Mayor & Village Board

From: Ben Wehmeier, Village Administrator
George Schafer, Assistant Village Administrator

Subject: **Discussion of Keepataw Days Festival**

Date: July 12, 2012

BACKGROUND/HISTORY

The annual Keepataw Days Festival will take place in Lemont August 29th through September 3rd. As typical protocol, the Keepataw Days Festival committee will be presenting their plan for the festival and their request for Village support.

PROS/CONS/ALTERNATIVES (IF APPLICABLE)

RECOMMENDATION

ATTACHMENTS (IF APPLICABLE)

1. Letter from Keepataw Days Festival Inc.

SPECIFIC VILLAGE BOARD ACTION REQUIRED

The item is up for discussion purposes only.

Dear Village Board Members,

Keepataw Days Festival Inc. (KDFI) is requesting the support of the Lemont Village Board to hold the 2012 Keepataw Days Festival. The following dates & times relate to the Festival.

Set-up	Wed. Aug. 29th	Starting @ 6:30 PM through
	Fri. Aug. 31st	Completing by 12:00 PM for inspection
Festival	Fri. Aug. 31st	4:00 PM - 12:00 AM
	Sat. Sept. 1st	12:00 PM - 12:00 AM
	Sun. Sept. 2nd	12:00 PM - 12:00 AM
	Mon. Sept. 3rd	12:00 PM - 10:00 PM *
Clean-up	Mon. Sept. 3rd	Starting @ 9:00 PM **

*Beer Garden will close between 9:00p.m. and 10:00p.m. on Monday.

** All materials are scheduled to be picked up after closing Monday evening. The main parking lot will be clear for the Village crews to get ready for the morning Metra parking.

The Main points of the Festival are as follows:

- The Festival site will begin at Peterson's Hardware parking lot on Canal St. and continue around the corner on Bossert Dr. to Front St.. This will include the Metra parking lots on both sides of Bossert Dr.
- Alpine Amusements Inc. will set their carnival rides, games and other equipment in these parking lots.
- The Beer Garden will be in the parking lot on the north side of the main parking lot. The beer will be served from the west side of this area and the stage on the east side. The family viewing area will be located on the west side of Bossert Dr.
- Food vendors will be set up along the south side of the area to be able to serve both the Beer Garden and the Midway. Any gaps will be blocked by food vendor tents, fence or other means to contain the area.
- Entertainment will be set up on the East side of the Beer Garden. Any of the Entertainment's specific equipment will be unloaded at the end of the parking lot on Bossert Dr. The vehicles will be moved before setting up. There will also be a trailer for the bands next to the stage in the N/E corner of the lot. This will block the canal and beer garden area from all patrons at the fest.

- The South side of Canal St. will begin with the "professional booths" and then open to the children's stage at the east end of the lot.
- Fencing will be placed along the railroad tracks to stop patrons from crossing in the wrong area.
- The streets will be blocked for through traffic on Bossert Dr. at the entrance of Front St. from Wed. evening. We would like to close Canal St. at Lemont St. on Saturday at the close of Peterson's Hardware business day.
- KDFI and Alpine Amusements will provide the Village with proof of liability insurance and KDFI will also provide proof of Dram Shop insurance.
- There will be NO admittance to the Beer Garden by anyone under the age of 21 after 6:00 PM Friday, Saturday & Sunday night.
- The parade will begin at 1:00 PM on Monday and will start on Stephen St. south of Main. The parade will proceed East on Main St. to Illinois St. It will then proceed along Illinois to Lemont St. The parade traffic will be diverted at Lemont St. either North on Lemont or straight to State St. as needed.

The following items we are asking the Village for your support and assistance to complete for a successful and safe Keepataw Days Festival.

- * We ask that the commuter's using the parking lots on the North side of the tracks be relocated from 7:00 PM on Wednesday through Tuesday approx. 4:00 AM. This allows ample time for Alpine Amusements, KDFI, the Village of Lemont's crew and any others involved ample time for set-up and clean-up for the Festival.
- * We ask that the Metra commuters be notified that parking will not be permitted after the last train on Wednesday evening and their vehicles will have to be moved from the parking lot.
- * We ask that there is a "slow down order" for any trains through this area. This would include the time for set-up (Thursday AM) through clean-up on Monday (Midnight).
- * We ask that Main St., Stephen St., and Illinois Streets be closed as needed Monday for the Parade. This will be from the beginning to the end of the parade.
- * We ask for your assistance in any conflicts with the local businesses. We will do our best to accommodate their needs and apologize for any parking inconveniences.
- * We ask for the use of the Village's garbage cans for the festival. These will be placed along the midway, by the food vendors and in the beer garden.
- * We ask for the use of any barricades and/or cones the Village may have available for the Festival.

- * We are asking for assistance from the Lemont police Department in the checking of I.D.'s at the entrance of the Beer Garden.
- * We would like a contact person for questions, needs and problems that may occur during the planning and during the event.
- * We ask for your assistance to contact the mosquito abatement to spray the area prior to the event for the comfort of the community attending this year's Festival.
- * We that the festival committee have the authority in conjunction with the Lemont Police Department, to be able to send officers home. Due to inclement weather, but, not in the event of threatening weather.

On behalf of Keepataw Days Festival Inc., we would like to thank you for your support and assistance with this year's Festival. We hope to continue this event for many years to come. With every year's success we will be able to give back to the community and it's needs.

Sincerely,

Keepataw Days Festival Inc. (NFP)

Mike Carey - President

Wendy Peebles - Vice-President



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Planning & Zoning Commission #74-12

FROM: Charity Jones, Village Planner

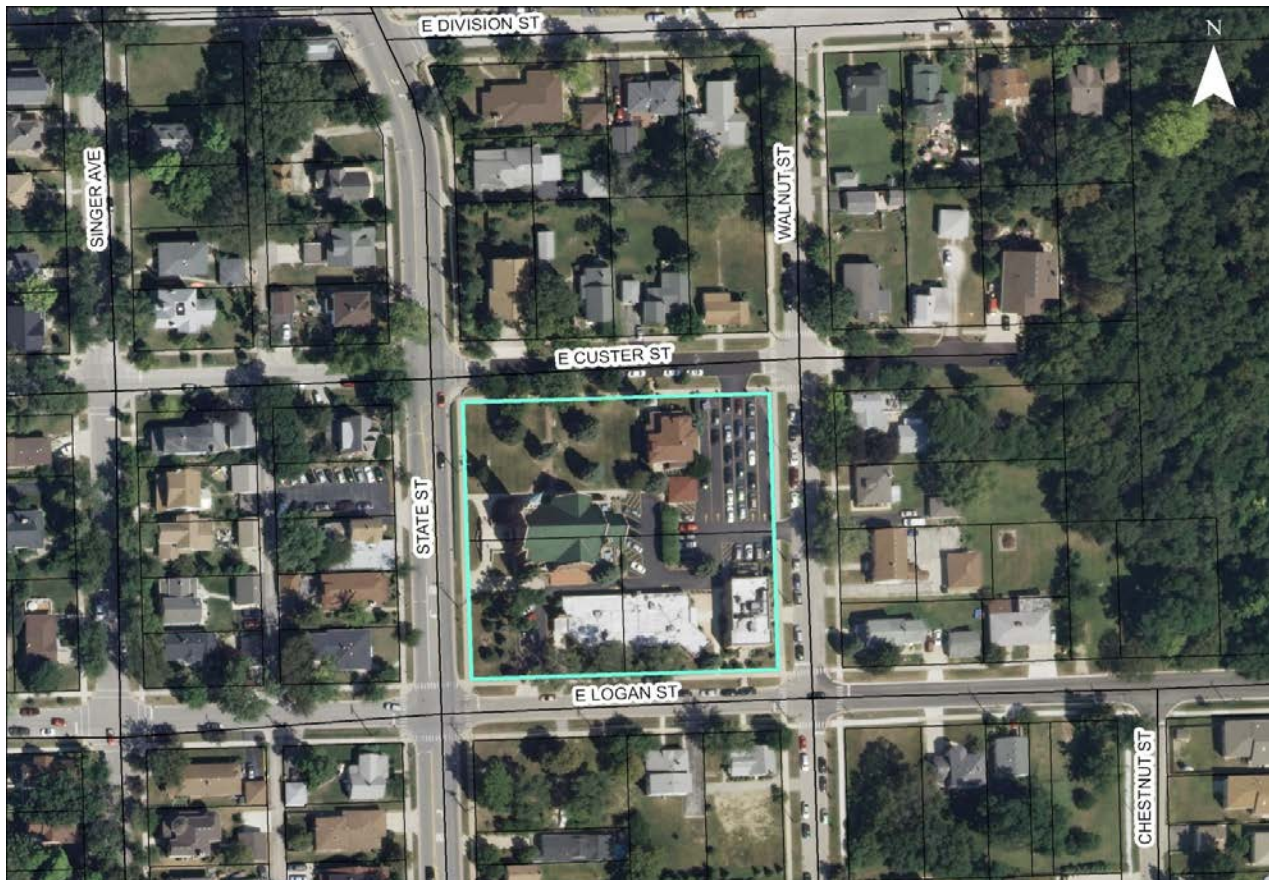
THRU: James A. Brown, Planning & Economic Development Director

SUBJECT: Case 12-10 St. Alphonsus Sign Variation

DATE: July 11, 2012

SUMMARY

Saint Alphonsus Church, acting on behalf of the owner of the subject property, has requested a variation from UDO §17.11.080.D to allow internal illumination of existing monument sign for the church. The Planning & Zoning Commission and staff recommend denial.



PROPOSAL INFORMATION

Case No. 12.10
Project Name St. Alphonsus Sign Variation

General Information

Applicant	St. Alphonsus Church
Agent Representing Applicant	Don Betley
Status of Applicant	Agent acting on behalf of Property Owner
Requested Actions:	Variation to allow internal illumination of existing monument sign
Site Location	210 E. Logan Street (PINs 22-29-201-001, 002, and 003)
Existing Zoning	R-4A Single-Family Preservation and Infill District
Size	1.77 acres (76,950 sf)
Existing Land Use	Institutional
Surrounding Land Use/Zoning	East: Residential, R-6 Multi-Family Residential District West: Residential, R-4A Single-Family Preservation and Infill District North: Residential, R-4A Single-Family Preservation and Infill District South: Residential, R-4A Single-Family Preservation and Infill District
Comprehensive Plan 2002	The Comprehensive Plan calls for this site to be neighborhood commercial.
Zoning History	N/A
Special Information	
Public Utilities	The site is serviced by Village water and sewer.
Transportation	N/A
Physical Characteristics	The site is fully developed with the St. Alphosus church building, offices, parking, and other attendant structures.

CASE HISTORY

PZC Public Hearing. The Planning & Zoning Commission (PZC) reviewed the requested variation on June 20, 2012. The applicant was present and spoke at the hearing. No nearby property owners were present. The PZC voted 4-0, with Commissioner Messer abstaining, against the requested variation. The PZC felt that because the church is in a residential area, approving the requested variation would set a precedent for most other churches in the community. Additionally, some PZC members felt that this kind of sign, a changeable copy sign, should not be allowed to be internally illuminated anywhere in the Village. Rather, these Commissioners felt internal illumination should be limited to certain parts of signs, like only sign lettering, as opposed to the entire sign area.

BACKGROUND

On August 15, 2011 the applicant submitted a sign permit application for a new monument sign. The sign was originally proposed to be internally illuminated. Village staff informed the applicant that internal illumination is not allowed and the applicant revised their sign application accordingly. The sign permit was issued on March 20, 2012. The applicant is now seeking variation to make the sign internally illuminated.

STANDARDS FOR VARIATIONS

UDO Section 17.04.150.D states that variation requests must be consistent with the following three standards to be approved:

1. The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

Analysis. The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, four are not applicable to this variation request. The remaining four are detailed below.

- **Promoting and protecting the general health, safety and welfare.** Aesthetics are valid municipal health, safety and welfare concerns. The UDO's sign provisions adequately accommodate institutional uses yet seek to prevent the aesthetic degradation of corridors and neighborhoods.
 - **Ensuring adequate natural light, air, privacy, and access to property.** The variation will have no impact on air, privacy, or access to property. It will increase light emanating from the subject site, but this would have no effect on natural light.
 - **Protecting the character of established residential neighborhoods.** The subject property is surrounded by residential uses and residential zoning. Signs within residential zoning districts are strictly regulated. Small signs for home occupations and bed and breakfasts are allowed. Additionally, subdivisions are permitted monument signs along major street frontages. Commercial and institutional uses in residential zoning districts are permitted to have monument signs and changeable copy signs are allowed; however, the total sign area is less than what is typically permitted in commercial districts. The intent of these regulations is to limit the intrusion of signs in neighborhoods. To permit the internal illumination of a monument sign, which projects light outward, would be a greater intrusion into the residential area than a sign in conformance with the current regulations, which focus the illumination on the face of the sign.
 - **Conserving the value of land and buildings throughout the Village.** The illumination of this monument sign could have an impact on the value of adjacent properties due to increased light emanating from the subject site. The sign variation would likely have minimal to no impact on the value of land and buildings throughout the Village. However, a precedent could be set by approving this requested variation that may have an unknown impact on land throughout the Village.
2. The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unique

conditions that are not generally found on other properties in the same zoning district;

Analysis. Staff sees no unique circumstances that would result in practical difficulties or exceptional hardships for this property. The UDO standards related to internal illumination of monument signs apply to all monument signs equally. The applicant contends that the unique circumstance in this case is that the sign represents a significant investment by the church, and to not internally illuminate it is a waste of resources. Section 17.04.150.A of the UDO specifically states that variations are “not intended merely to remove an inconvenience or financial burden that the requirements of this ordinance may impose.” Additionally, §17.04.150.D.2 details the factors which the Planning & Zoning Commission should consider when making a determination whether there are unique circumstances, practical difficulties, or particular hardships in a variation case. Within this list of factors, item c is that “the alleged difficulty or hardship has not been created by any person presently having an interest in the property.” The applicant was made aware of the Village’s restrictions on illumination of monument signs prior to issuance of the building permit; therefore any financial hardship is self-imposed. Moreover, options for illumination of the sign exist—the illumination must be external, however.

3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Analysis. As noted above, the internal illumination of this one sign would likely have little impact on the essential character of Lemont. It may be a detriment to adjacent property, but the degree of impact would likely depend on factors like the configuration of the relevant property in relation to the sign (e.g. is the sign in line with a bedroom window), the brightness of the sign illumination, and the hours the sign is illuminated. Additionally, because no unique circumstances exist, the precedent set by approving this variation could have larger impacts across the municipality.

Engineering Comments. The Village Engineer stated he has no objections to the variation application.

Fire District Comments. The Fire District had no comments on the variation application.

RECOMMENDATIONS

The PZC and staff do not recommend approval of the variation request. Staff finds no unique circumstances in this case that warrant a variation. Although the Planning & Zoning Commission has discussed amending the UDO to allow internal illumination of monument signs, they do not believe it is appropriate in residential areas such as this.

ATTACHMENTS

1. June 20, PZC draft minutes
2. Applicant Submission
3. Site Photos

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

Variation Application Form

APPLICANT INFORMATION

ST. ALPHONSUS CHURCH

Applicant Name

ST. ALPHONSUS CHURCH G/O DON BETLEY

Company/Organization

210 E. LOGAN ST.

Applicant Address

630-257-2414 FAX 630-257-2476

Telephone & Fax

JSTERNAT@ST-ALS.ORG

E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

605 STATE STREET

Address of Subject Property/Properties

~~22-29-215-009~~ 22-29-201-001, 002, +003

Parcel Identification Number of Subject Property/Properties

32 SQ. FT.

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

INTERNAL ILLUMINATION OF NEW CHURCH SIGN

Brief description of the proposed variation

REQUIRED DOCUMENTS

See Form 500-A, Variation Application Checklist of Required Materials, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

Variation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee = \$250 (per zoning lot)

Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the variation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the variation review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

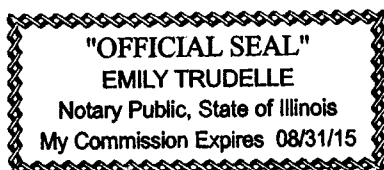
Rev. Brian Ardagh 3/30/12
 Signature of Applicant Date
ILLINOIS COOK
 State County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that Rev. Brian Ardagh is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Emily Truelle
 Notary Signature

Given under my hand and notary seal this 3 day of April A.D. 20 12.

My commission expires this 31 day of August A.D. 20 15.



Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

UDO Section 17.04.150.D.1.a

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

THE GRANTING OF THE VARIATION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD IN WHICH THE SUBJECT PROPERTY IS LOCATED.

UDO Section 17.04.150.D.1.b

The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

THIS SIGN WAS A FINANCIAL INVESTMENT OF \$19,300 FOR THE BENEFIT OF THE VILLAGE OF LEMONT AND IT'S RESIDENTS, TO HAVE A BRAND NEW INTERNALLY ILLUMINATED MESSAGE SIGN THAT WE CAN'T LIGHT TO ACCEPT THE COMMUNITY OF EVENTS IS A WASTE OF MONEY.

UDO Section 17.04.150.D.1.c

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

THE SIGN BLENDS IN WITH THE CHURCH PROPERTY AND THE NEIGHBORHOOD. THE CURRENT ALLOWED USE OF FLOODLIGHTS IS APPROXIMATELY THE SAME AMOUNT OF ILLUMINATION AS THE SIGN INTERNALLY WOULD DISPLAY, THUS NOT AFFECTING THE NEIGHBORHOOD IN ANY WAY.



Current Sign on Subject Site



Properties across State Street.



Subject Site



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the While #75-12

FROM: James A. Brown, Planning & Economic Development Director

THRU

SUBJECT: **Case 12-12 UDO Amendments – Electronic Message Center (LED) Signs**

DATE: 11 July 2012

BACKGROUND

The current regulations on electronic message centers, i.e. LED signs, are contained in Chapter 11 of the Unified Development Ordinance. An electronic message center may be established provided that:

1. Its location is would be within the LED overlay district (the area around the State St/127th intersection.
2. It would be at least 500 ft away from any other LED sign.
3. The electronic portion of the entire sign would be limited to 25% of total sign area. In the B-3, maximum sign area for limited to 64 square feet, so the electronic message center portion of the sign would be 16 square feet.
4. Messages must be displayed for at least three seconds.
5. Display must be red lettering on a black background.
6. Flashing, scrolling, etc. are prohibited.

At a public hearing in May, the Planning & Zoning Commission considered several changes to the Lemont Unified Development Ordinance. The PZC postponed making on changes to the provisions for electronic message signs, however. The PZC again considered the changes to the electronic message center provisions at its June meeting. Ultimately, the PZC was unable to come to agreement on specific recommendations. Here is a summary of some of the discussion topics and views of PZC members.

Geographic limitations on EMCs. Some commissioners leaned toward prohibiting EMC signs throughout the Village while others preferred enlarging the geographic scope of areas where such signs are permitted. Bell Road was mentioned as a corridor where EMCs might be appropriate. Few seemed happy with the Village's current overlay district for EMCs.

Size and Display. If EMC were to continue to be allowed, virtually all but one commissioner were in favor of tighter restrictions on the EMC's display. Most agreed that colors should be limited (e.g. white/red lettering on black background), and that the message's minimum duration should be lengthened. One commissioner preferred multi-colored EMCs, finding them more aesthetically pleasing than single-color lettering on a black background. Most appeared willing to allow slightly larger EMCs in conjunction with tighter display restrictions. Here they bought the rationale presented by the pastor of the Church of the Nazarene: a larger sign allows more words and images to be displayed at once, and hence decreases the need to scroll or change text and images.

Enforcement. All commission members agreed that the Village should be willing to enforce any sign provisions it adopts. The commissioners perceived a lack of enforcement of current sign regulations.

COW DISCUSSION

To help guide COW discussion, staff will provide a PowerPoint presentation and videos at the meeting.

ATTACHMENTS

Minutes,

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 127th 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 127th, Derby Plaza, the Target/Kohl's on Archer and down the west end of 127th. 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 127th 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

Village Board

Agenda Memorandum

Item #

To: Mayor & Village Board

From: Ben Wehmeier, Village Administrator
George Schafer, Assistant Village Administrator
Kevin Shaughnessy, Chief of Police
Ralph Pukula, Public Works Director

Subject: **Discussion of On-Street Disabled Parking**

Date: July 12, 2012

BACKGROUND/HISTORY

In the past, residents have been given handicapped parking in front of their home in the street upon request. However, many of these spots continue to exist after the spot is needed. Staff wanted to bring this to the attention of the board and receive direction on how to handle requests in the future, and what to do with the existing spots. Currently, there is no policy or criteria to authorize a disabled parking spot. If the Village is to allow these requests and have the ability to enforce the restrictions, updates to the code and a policy for approval would need to be drafted.

PROS/CONS/ALTERNATIVES (IF APPLICABLE)

RECOMMENDATION

ATTACHMENTS (IF APPLICABLE)

SPECIFIC VILLAGE BOARD ACTION REQUIRED

The item is up for discussion purposes only.