

VILLAGE OF GURNEE  
PLAN COMMISSION  
and  
ZONING BOARD OF APPEALS

JOINT PUBLIC HEARING  
held  
October 28, 1998  
7:00 PM

GURNEE MUNICIPAL BUILDING  
325 North O'Plaine Road  
Gurnee, Illinois

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1           PLAN COMMISSION:  
2                           DONALD RUDNY, Chairman  
3                           JIM SULA  
4                           BILL SMITH  
5                           LYLE FOSTER  
6                           BRYAN WINTER

7 KRISTINA KOVARIK

8

9 ZONING BOARD OF APPEALS:

10 TOM HOOD, Chairman

11 BILL FINN

12 ED CLARK

13 BOB McDOWELL

14

15 ALSO PRESENT:

16

17 JON WILDENBERG

18 TRACY VELKOVER

19 BARBARA SWANSON

20 AL MAIDEN

21

22 Reported by: SANDRA K. SMITH, CSR, RPR

23 CSR License No. 084-003104

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1 CHAIRMAN RUDNY: The Village of Gurnee  
2 Joint Plan Commission and Zoning Board of Appeals  
3 meeting will now come to order.

4 Can we have the roll call of the  
5 Plan Commission, please.

6 MS. VELKOVER: Rudny.

7 CHAIRMAN RUDNY: Is somebody calling it  
8 here?

9 MS. VELKOVER: Sula.

10 MR. SULA: Present.

11 MS. VELKOVER: Foster.  
12 MR. FOSTER: Here.  
13 MS. VELKOVER: Smith.  
14 MR. SMITH: Here.  
15 MS. VELKOVER: Winter.  
16 MR. WINTER: Here.  
17 MS. VELKOVER: Kovarik.  
18 MS. KOVARIK: Here.  
19 MS. VELKOVER: Rudny.  
20 CHAIRMAN RUDNY: Here. Can we have the  
21 roll call on the Zoning Board of Appeals.  
22 MS. VELKOVER: McDowell.  
23 MR. McDOWELL: Here.  
24 MS. VELKOVER: Clark.

4

1 MR. CLARK: Here.  
2 MS. VELKOVER: Finn.  
3 MR. FINN: Here.  
4 MS. VELKOVER: Hood.  
5 CHAIRMAN HOOD: Here.  
6 CHAIRMAN RUDNY: First we have the  
7 approval of some minutes. First, the approval of  
8 the September 9th, 1998 Joint Plan Commission and  
9 Zoning Board of Appeals minutes.  
10 Any additions or corrections?  
11 (No response.)  
12 CHAIRMAN RUDNY: If not, I'll entertain  
13 a motion to accept them as presented from the Plan

14 Commission.

15 MR. SMITH: So moved.

16 MR. WINTER: Second.

17 CHAIRMAN RUDNY: Motion and a second.

18 All those in favor say aye and those opposed no on  
19 the roll call.

20 MS. VELKOVER: Sula.

21 MR. SULA: Abstain.

22 MS. VELKOVER: Foster.

23 MR. FOSTER: Aye.

24 MS. VELKOVER: Smith.

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1 MR. SMITH: Aye.

2 MS. VELKOVER: Winter.

3 MR. WINTER: Aye.

4 MS. VELKOVER: Kovarik.

5 MS. KOVARIK: Here. Aye.

6 MS. VELKOVER: Rudny.

7 CHAIRMAN RUDNY: Aye. Motion carries.

8 Tom, do you want to handle the --

9 CHAIRMAN HOOD: Yes. In reference to  
10 the September 9, 1998 minutes, is there a motion to  
11 approve those minutes?

12 MR. McDOWELL: Motion to approve, yes.

13 CHAIRMAN HOOD: Second?

14 MR. FINN: Second.

15 CHAIRMAN HOOD: All those in favor say  
16 aye.

17 ("Aye" responses.)

18 CHAIRMAN HOOD: All opposed?

19 (No response.)

20 CHAIRMAN RUDNY: Okay. Next is the  
21 approval of the September 30th, 1998 Joint Plan  
22 Commission and Zoning Board of Appeals minutes.

23 Any additions or corrections?

24 (No response.)

6

1 CHAIRMAN RUDNY: Do I have a motion to  
2 accept them?

3 MR. SULA: So moved.

4 MR. WINTER: Second.

5 CHAIRMAN RUDNY: A motion and a second.

6 All those in favor say aye in the roll call and  
7 those opposed nay. Roll call, please.

8 MS. VELKOVER: Sula.

9 MR. SULA: Aye.

10 MS. VELKOVER: Foster.

11 MR. FOSTER: Aye.

12 MS. VELKOVER: Smith.

13 MR. SMITH: Aye.

14 MS. VELKOVER: Winter.

15 MR. WINTER: Aye.

16 MS. VELKOVER: Kovarik.

17 MS. KOVARIK: Aye.

18 MS. VELKOVER: Rudny.

19 CHAIRMAN RUDNY: Aye. Motion carries.

20 Tom.



1                   CHAIRMAN RUDNY: I'll entertain a motion  
2                   to accept them.

3                   MR. SMITH: So moved.

4                   CHAIRMAN RUDNY: I have a motion.

5                   MR. WINTER: Second.

6                   CHAIRMAN RUDNY: All those in favor of  
7                   the motion say aye in the roll call; those opposed  
8                   nay. Roll call, please.

9                   MS. VELKOVER: Sula.

10                  MR. SULA: Abstain.

11                  MS. VELKOVER: Foster.

12                  MR. FOSTER: Aye.

13                  MS. VELKOVER: Smith.

14                  MR. SMITH: Aye.

15                  MS. VELKOVER: Winter.

16                  MR. WINTER: Aye.

17                  MS. VELKOVER: Kovarik.

18                  MS. KOVARIK: Aye.

19                  MS. VELKOVER: Rudny.

20                  CHAIRMAN RUDNY: Aye. Motion carries.

21                  And then you get the next three, Tom.

22                  CHAIRMAN HOOD: For the June 24th, 1998  
23                  minutes is there a motion to approve those minutes?

24                  MR. McDOWELL: I make a motion to

1                  approve.

2                  MR. FINN: Second.

3 CHAIRMAN HOOD: And would you please  
4 take a roll call in reference to those minutes.  
5 This is the June 24th, 1998 minutes.

6 MS. VELKOVER: McDowell.

7 MR. McDOWELL: Aye.

8 MS. VELKOVER: Clark.

9 MR. CLARK: Abstain.

10 MS. VELKOVER: Finn.

11 MR. FINN: Aye.

12 MS. VELKOVER: Hood.

13 CHAIRMAN HOOD: Abstain.

14 Next in reference as to the July  
15 29th, 1998 minutes. Is there a motion in reference  
16 to those minutes?

17 MR. FINN: I make a motion to approve.

18 CHAIRMAN HOOD: And we have that same  
19 situation where, Bill, you were at these meetings.  
20 And there's not going to be a second but we'll take  
21 a roll call vote for the July 29th, 1998 minutes.

22 MS. VELKOVER: McDowell.

23 MR. McDOWELL: Aye.

24 MS. VELKOVER: Clark.

10

1 MR. CLARK: Aye.

2 MS. VELKOVER: Finn.

3 MR. FINN: Aye.

4 MS. VELKOVER: Hood.

5 CHAIRMAN HOOD: Aye.





10 major/minor amendments. And we're adding language  
11 to the Village Zoning Ordinance that may be used to  
12 administer major and minor changes to special uses.  
13 So I don't know if Jon or Tracy, are you going to  
14 kind of give us a rundown? Butch?

15 MR. MAIDEN: I'll maybe kick this one  
16 off.

17 I think as the Plan Commission is  
18 well aware of they've had some meetings going until  
19 after midnight so we're trying to get some changes  
20 in the Ordinance so that if there are minor matters  
21 of actions that they've already reviewed but there  
22 have been some adjustments we have opportunities  
23 for the Village Board to look at those minor  
24 changes and perhaps act on them without going back

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1 through a public hearing and continuing on if  
2 they're fairly minor matters.

3 The special use section of the  
4 Ordinance does have a current provision that says  
5 here are the conditions and guarantees that are  
6 going along with a particular special use. What  
7 we're suggesting is adding two subsections to that  
8 section to define a major change and a minor  
9 change.

10 The major change is if there's any  
11 change in the use that we have not identified  
12 whatever the previous hearing was the particular

13 use, say it's for a school or a church or a daycare  
14 center, if the use changes that's a major change  
15 and you have to go back for a hearing.

16 But if the use does not change and  
17 let's say you were doing some particular function  
18 in the church or in the school and all they're  
19 doing is making a minor change in how it operates  
20 but the use is still the same, they could have the  
21 opportunity to consider that a minor change again  
22 subject to review of the Village Board.

23 We also say that if it does not  
24 change the site or structure provisions that are

13

1 listed in the district. If the district  
2 specifically lists a front yard setback, for  
3 example, of a certain distance -- in many of the  
4 special uses you'll see that we have site plans  
5 that may have the buildings on an angle and you may  
6 find that like a point of the building would be  
7 close to the front yard setback but the building  
8 may be at an angle and actually have a greater  
9 setback from the majority of the proposed use.

10 And there may have been a site plan  
11 that was prepared but not a set survey. When we  
12 finally come back for actual building permits and  
13 they actually get a survey we may find it changes  
14 by a few inches or a foot. If that happens, as  
15 long as it doesn't violate the standard in the  
16 Ordinance of site and structure provisions they

17 should be able to consider that a minor change and  
18 not have to go back to full hearing and just let it  
19 go up to the Village Board.

20 We may -- as we start processing  
21 additional special uses in the future you may want  
22 to look at this as a Board and as you view those  
23 and put the conditions on these uses you may want  
24 to look at the particular property and although

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1 they may have a site plan that says 25 feet, you  
2 know, point to point you may want to look at it and  
3 identify as part of your conditions that when they  
4 do the survey if they find it within, you know, 20  
5 feet or 18, 19, whatever the particular standard  
6 that you find is appropriate for that specific  
7 special use you may want to identify that as  
8 considered a potential minor change when they come  
9 back for an actual building permit. So we will be  
10 doing some additional changes I think in Zoning  
11 Administration.

12 Anything other than that would be  
13 considered a major change. So that if an  
14 individual would come to a public hearing and said  
15 they found out it was a proposed school and  
16 suddenly it's changed from a school to totally a  
17 church, that is a major change and that would have  
18 to go back through another public hearing.

19 But this is the intent is to try to

20 add some flexibility so that you would have the  
21 opportunity to do minor changes.

22 This still would require that it be  
23 on the agenda for a Village Board meeting and it  
24 would still require that it would have to happen at

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1 a public meeting but just not a public hearing.

2 We do have these provisions already  
3 in the C/S-3 zone and the village center, we also  
4 have these provisions in the planned unit  
5 development section. So it's not a new concept,  
6 it's just trying to expand it into the special use  
7 section.

8 CHAIRMAN RUDNY: Anybody have any  
9 questions?

10 (No response.)

11 CHAIRMAN RUDNY: Any questions on the  
12 wording?

13 (No response.)

14 CHAIRMAN RUDNY: If not, I'll entertain  
15 a motion to forward a favorable recommendation to  
16 the Village Board on --

17 MR. MAIDEN: You may want to open up  
18 each section to public comment.

19 CHAIRMAN RUDNY: Right, I know.  
20 Exactly. This is a public hearing so we will open  
21 the floor to the public.

22 And so on this matter, A, if anyone  
23 wishes to make a comment or ask a question if you

24 could stand first and be sworn in by the Village

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1 Attorney. There doesn't appear to be anyone.

2 Does anyone wish to make a comment?

3 (No response.)

4 CHAIRMAN RUDNY: So we'll close the  
5 floor to the public on that matter. And again,  
6 I'll entertain a motion for a favorable  
7 recommendation. This would be from the Plan  
8 Commission side now.

9 MR. WINTER: So moved.

10 MR. SMITH: I'll second.

11 CHAIRMAN RUDNY: Is that Mr. Sula? Who  
12 made the motion? Mr. Winter made the motion and  
13 the second was Mr. Smith. Motion and a second.

14 We have some comments or some  
15 discussion here from the Village Attorney.

16 MS. SWANSON: These are just  
17 clarifications as long as you're going to approve  
18 the wording.

19 Paragraph B, minor changes, where  
20 it talks about the office of the zoning  
21 administration should that be administrator?

22 MR. MAIDEN: Yes.

23 MS. SWANSON: And then it shall be  
24 forwarded, f-o-r-w-a-r-d-e-d.

17

1 MR. MAIDEN: Yes.

2 MS. SWANSON: And then the next  
3 paragraph toward the end if the Village Board  
4 determines just add an S at the end of that. If  
5 the Village Board determines the request should we  
6 say not a minimum change or are we using minimum  
7 and minor?

8 MR. MAIDEN: Minor change.

9 MS. SWANSON: So change minimum to  
10 minor.

11 CHAIRMAN RUDNY: So with those changes  
12 all those in favor of the motion signify by saying  
13 aye in the roll call; those opposed nay. Roll  
14 call, please.

15 MS. VELKOVER: Sula.

16 MR. SULA: Aye.

17 CHAIRMAN RUDNY: There was something  
18 else? We need to change one other thing. And  
19 that's in the last paragraph it should be Village  
20 Board. Board should be b-o-a-r-d. It's spelled  
21 b-r-o-a-d.

22 MS. VELKOVER: Sula.

23 MR. McDOWELL: What did you have in  
24 mind?

18

1 MS. KOVARIK: The wonders of spell  
2 check.

3 CHAIRMAN RUDNY: You just use spell  
4 check, right?

5 MR. MAIDEN: Probably, yes. I probably  
6 had it spelled wrong and they probably changed it  
7 to that.

8 CHAIRMAN RUDNY: Okay. So with that  
9 change --

10 MR. SULA: I think we ought to open it  
11 for discussion on the change.

12 CHAIRMAN RUDNY: Okay. All those in  
13 favor of the motion signify by saying aye in the  
14 roll call; those opposed nay. Roll call, please.

15 MS. VELKOVER: Sula.

16 MR. SULA: Aye.

17 MS. VELKOVER: Foster.

18 MR. FOSTER: Aye.

19 MS. VELKOVER: Smith.

20 MR. SMITH: Aye.

21 MS. VELKOVER: Winter.

22 MR. WINTER: Aye.

23 MS. VELKOVER: Kovarik.

24 MS. KOVARIK: Aye.

19

1 MS. VELKOVER: Rudny.

2 CHAIRMAN RUDNY: Aye. Motion carries  
3 and it is so ordered. Tom, do you want to do  
4 the --

5 CHAIRMAN HOOD: Is there a motion to  
6 favorably approve the words?

7 MR. McDOWELL: I move that we accept it.

8 CHAIRMAN HOOD: Is there a second?



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MR. FINN: Second.

CHAIRMAN HOOD: It's been seconded.

Roll call, please.

MS. VELKOVER: McDowell.

MR. McDOWELL: Aye.

MS. VELKOVER: Clark.

MR. CLARK: Aye.

MS. VELKOVER: Finn.

MR. FINN: Aye.

MS. VELKOVER: Hood.

CHAIRMAN HOOD: Aye. Motion carries.

CHAIRMAN RUDNY: Okay. The second matter now. The second change is, B, daycare centers and commercial districts.

Remove from the C/B-1 Neighborhood Business District and the C/B-2 Community Business

District reference to childcare centers, children's day schools, daycare centers, day nurseries and nursery schools as a permitted use and insert as a special use in both districts.

Now again, this is a public hearing so if anyone wishes to make a comment or ask a question on this particular matter if you could stand and be sworn in by the Village Attorney. Okay. It doesn't appear that anyone wishes that.

So, Butch, are you going to take us through this one, too?

12 MS. VELKOVER: I think I'm going to.

13 MR. MAIDEN: I think Tracy is going to.

14 CHAIRMAN RUDNY: Tracy.

15 MS. VELKOVER: As you said, this  
16 addresses daycare centers in our commercial  
17 district.

18 Daycare centers are allowed as  
19 permitted uses in both the C/B-1 Neighborhood  
20 Commercial District and the C/B-2 Community  
21 Business District.

22 In all of our other remaining  
23 zoning districts daycare centers require a special  
24 use permit. What this text amendment is proposing

21

1 is to take daycare centers from a permitted  
2 category in the commercial zoning district and put  
3 them into a special use category.

4 That would give the Plan Commission  
5 the ability to review a request for daycare centers  
6 in any commercial district at a public hearing.  
7 During the public hearing it would give you the  
8 ability to review some of the unique  
9 characteristics that are associated with daycare  
10 centers.

11 Typically they have very strange  
12 traffic patterns. They have high peak traffic  
13 during the mornings and during the afternoon  
14 pickups. They also have in our Ordinance a  
15 requirement for 150 square feet of outdoor play

16 area per child.

17 In any of our residential zoning  
18 districts on a large lot or on a standalone  
19 commercial parcel that requirement for 150 square  
20 feet of outdoor play area per child can be met.  
21 But a lot of our commercial districts have multiple  
22 commercial users within them and it's very  
23 difficult for a daycare center to provide that 150  
24 square feet of outdoor play area per child.

22

1 So moving the daycare centers from  
2 a permitted use category to a special use category  
3 is something that I think that the staff would like  
4 to see because it would give us the Village the  
5 ability to review the unique characteristics that  
6 are associated with these types of uses.

7 CHAIRMAN RUDNY: Okay. Do we have any  
8 questions from either the Plan Commission or Zoning  
9 Board of Appeals? Ms. Kovarik.

10 MS. KOVARIK: The heading health,  
11 medical and care facilities.

12 What happens when we strike health  
13 and medical? What's happening to that? Does that  
14 remain as a permitted or does that also move into  
15 special use? Or is there going to be a new heading  
16 under the permitted that just says health and  
17 medical facilities?

18 MS. VELKOVER: I believe there are other

19 uses underneath that category in both the C/B-1 and  
20 the C/B-2 so that would remain.

21 MS. KOVARIK: As a permitted, all right.

22 When a preschool is part of a  
23 church, would this encompass that with the church  
24 or is that a separate issue?

23

1 MS. VELKOVER: Typically when a  
2 preschool is accessory to a church it's a permitted  
3 use accessory to the church so it does not require  
4 a public hearing or a special use permit.

5 Typically churches are in our  
6 residential zoning districts. You may be thinking  
7 of the daycare center that's over at Lawson and  
8 Grand Avenue in the C/B-1 Commercial Zoning  
9 District. And in that case that was a planned unit  
10 development that specifically indicated that  
11 churches and daycare centers required a special use  
12 permit and that's the reason that went through a  
13 public hearing process.

14 MS. KOVARIK: So we're not making it  
15 harder for a church to operate a --

16 MS. VELKOVER: No, they would still be  
17 the same.

18 CHAIRMAN RUDNY: Any other questions?

19 (No response.)

20 CHAIRMAN RUDNY: There is one  
21 correction. Let's see, it would be eight, similar  
22 and compatible uses to those allowed as permitted

23 in those shall be made and should be in accordance  
24 rather than according. The same thing in eight at

24

1 the bottom as well, the special uses section.

2 Okay. I'd like to open the floor  
3 to the public now. Does anyone have a question or  
4 comment?

5 (No response.)

6 CHAIRMAN RUDNY: If not, the floor is  
7 closed to the public and I'll entertain a motion  
8 for a favorable recommendation on Section B.

9 MR. SULA: So moved.

10 CHAIRMAN RUDNY: Motion by Mr. Sula.

11 MR. WINTER: Second.

12 CHAIRMAN RUDNY: Seconded by Mr. Winter.

13 All those in favor of the motion signify by saying  
14 aye in the roll call; those opposed nay. Roll  
15 call, please.

16 MS. VELKOVER: Sula.

17 MR. SULA: Aye.

18 MS. VELKOVER: Foster.

19 MR. FOSTER: Aye.

20 MS. VELKOVER: Smith.

21 MR. SMITH: Aye.

22 MS. VELKOVER: Winter.

23 MR. WINTER: Aye.

24 MS. VELKOVER: Kovarik.

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1 MS. KOVARIK: Aye.  
2 MS. VELKOVER: Rudny.  
3 CHAIRMAN RUDNY: Aye. Motion carries  
4 and it is so ordered.  
5 CHAIRMAN HOOD: The Zoning Board of  
6 Appeals, is there a motion in reference to this  
7 particular amendment?  
8 MR. McDOWELL: I make a favorable  
9 motion.  
10 CHAIRMAN HOOD: Is there a second to  
11 that motion?  
12 MR. FINN: Second.  
13 CHAIRMAN HOOD: Second. Roll call,  
14 please.  
15 MS. VELKOVER: McDowell.  
16 MR. McDOWELL: Aye.  
17 MS. VELKOVER: Clark.  
18 MR. CLARK: Aye.  
19 MS. VELKOVER: Finn.  
20 MR. FINN: Aye.  
21 MS. VELKOVER: Hood.  
22 CHAIRMAN HOOD: Aye. Motion carries.  
23 CHAIRMAN RUDNY: Okay. Next, proposed  
24 amendment C, business trucks in residential zoning

26

1 districts.

2 Add language to the Zoning  
3 Ordinance that governs the parking, storage of

4 commercial vehicles and equipment in residential  
5 zoning districts.

6 Again, if there's anyone from the  
7 public who wishes to make a comment on this or ask  
8 a question they need to stand now and be sworn in  
9 by the Village Attorney. There seems to be none  
10 so -- Jon, you're going to take this one. Okay.

11 MR. WILDENBERG: Okay. We had talked  
12 about trying to expand and clarify on our parking  
13 requirements or restrictions for trucks and  
14 commercial vehicles in residential districts.

15 Each one of our six residential  
16 districts has a standard clause that deals with  
17 this issue. Over the years since 1980 we've had a  
18 few other circumstances pop up that we'd like to  
19 try to address and maybe clarify a little better in  
20 the proposed text amendment.

21 We're suggesting that trucks and  
22 commercial vehicles should not be stored outside,  
23 they need to be in an enclosed garage or other  
24 permitted structure and that we would allow up to

27

1 one small pickup truck, van or sport utility  
2 vehicle of a size that's typically associated with  
3 residentially generated transportation needs.

4 And if that vehicle happens to have  
5 advertising on it it would be allowed to be stored  
6 outside but you could only have one of those  
7 outside on your driveway.

8                                   And we further go on to say that  
9                                   commercial contractors' equipment is also  
10                                  specifically not allowed to be stored outdoors on  
11                                  the lot. And that includes equipment that happens  
12                                  to also be owned by the owner or the resident of  
13                                  the property in question.

14                                 And we also indicate that no truck  
15                                 or commercial vehicle or equipment can extend over  
16                                 or hang over a public right-of-way. And we do  
17                                 mention the exemption for delivery or service  
18                                 vehicles that are in the area on a temporary basis  
19                                 to drop something off or to repair something at a  
20                                 home.

21                                 So that is kind of the gist of it.  
22                                 I believe that this language will help us address  
23                                 some of the other situations that have come up in  
24                                 town and help us maybe a little bit more readily

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1                                 explain to residents when they ask us what can I do  
2                                 and what can I not do on the property, I think it  
3                                 will help to clarify that a little bit.

4                                 CHAIRMAN RUDNY: Any questions?

5                                 MR. McDOWELL: My understanding is if an  
6                                 individual has a business and they have one van or  
7                                 truck he is allowed to park that at his house in  
8                                 the driveway?

9                                 MR. WILDENBERG: Yes, if it's of a size  
10                                 that you'd normally find in a residential --



11 MR. McDOWELL: Standard van, standard  
12 pickup.

13 MR. WILDENBERG: Right. And he can  
14 always keep that in his garage, too.

15 MR. McDOWELL: But it doesn't say that  
16 here. It says he can park it outside in the  
17 driveway.

18 MR. WILDENBERG: Yes, he can.

19 CHAIRMAN RUDNY: Any other questions?

20 MR. WINTER: Jon, I know we went through  
21 all these various workshops.

22 But as far as enforcement, is  
23 someone from the Building Department going to issue  
24 a citation or do the police issue a citation in

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1 violation of this?

2 MR. WILDENBERG: The way it usually  
3 works is the Building and Zoning Department will go  
4 out and either try to talk to the property owner or  
5 send the initial letter indicating to them that  
6 there's a problem, here is the section that you're  
7 violating, and we'll give them so much time to  
8 correct it.

9 If that's successful then it stops  
10 there. If it's not successful, then the police do  
11 have to be called in to write the ticket and then  
12 we can take it to court. The Building Department  
13 doesn't have the ability to do that right now.

14 CHAIRMAN RUDNY: Any other questions?

15 (No response.)

16 CHAIRMAN RUDNY: There's one minor  
17 correction in the second to the last line. Part of  
18 they -- it should be truck instead of trucks.

19 I'll open the floor to the public  
20 now. Is there any questions or comments regarding  
21 the proposed amendment C?

22 (No response.)

23 CHAIRMAN RUDNY: Okay. There doesn't  
24 appear to be any so the floor is closed to the

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1 public and I'll entertain a motion to forward a  
2 favorable recommendation.

3 MR. SMITH: So moved.

4 CHAIRMAN RUDNY: Motion by Mr. Smith.

5 MR. SULA: Second.

6 CHAIRMAN RUDNY: Second by Mr. Sula.

7 All those in favor of the motion signify by saying  
8 aye in the roll call; those opposed nay. Roll  
9 call, please.

10 MS. VELKOVER: Sula.

11 MR. SULA: Aye.

12 MS. VELKOVER: Foster.

13 MR. FOSTER: Aye.

14 MS. VELKOVER: Smith.

15 MR. SMITH: Aye.

16 MS. VELKOVER: Winter.

17 MR. WINTER: Aye.

18 MS. VELKOVER: Kovarik.

19 MS. KOVARIK: Aye.

20 MS. VELKOVER: Rudny.

21 CHAIRMAN RUDNY: Aye. Motion carries  
22 and it is so ordered.

23 CHAIRMAN HOOD: The Zoning Board of  
24 Appeals in reference to the business trucks in the

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1 residential zoning district amendment, is there a  
2 motion in reference to this amendment?

3 MR. McDOWELL: I move a favorable  
4 recommendation.

5 CHAIRMAN HOOD: There's a movement for a  
6 favorable. Is there a second to that?

7 MR. FINN: I'll second it.

8 CHAIRMAN HOOD: Second. Can we have the  
9 roll call, please.

10 MS. VELKOVER: McDowell.

11 MR. McDOWELL: Aye.

12 MS. VELKOVER: Clark.

13 MR. CLARK: Aye.

14 MS. VELKOVER: Finn.

15 MR. FINN: Aye.

16 MS. VELKOVER: Hood.

17 CHAIRMAN HOOD: Aye. Motion carries.

18 CHAIRMAN RUDNY: Okay. Next matter is  
19 the proposed amendment E, boat and recreational  
20 vehicle parking in residential zoning districts.

21 Add language to the Zoning

22 Ordinance that governs the parking, storage of  
23 recreational vehicles and boats in residential  
24 zoning districts.

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1 Again, anyone from the public who  
2 wishes to speak on this should stand to be sworn  
3 in. Okay. There doesn't appear to be any. So,  
4 Jon, are you going to handle that, too?

5 MR. WILDENBERG: Again, currently we do  
6 allow boats and RVs to be parked on properties,  
7 they're just permitted to be there.

8 Over the years we've had again  
9 other issues come up associated with that. Can it  
10 just be parked directly on the grass, can they  
11 overhang the right-of-way or overhang the sidewalk.  
12 And, you know, we've told people from a common  
13 sense standpoint that no, you really shouldn't do  
14 that and that that's not permitted.

15 And what we'd like to do is I think  
16 get that into some pretty exact wording and have it  
17 in the Ordinance to back it up. The language that  
18 you see before you really just kind of enforces  
19 what we've been trying to apply around town over  
20 the years.

21 CHAIRMAN RUDNY: Okay. Any questions or  
22 comments on that one? Mr. Sula.

23 MR. SULA: What is the definition of all  
24 weather service?

1 MR. WILDENBERG: It can vary with the  
2 type of craft that you're looking at.

3 For the very heavy ones we say you  
4 have to have at least a minimum of gravel or  
5 asphalt or concrete. There are some lighter boats.  
6 I can think of a sailboat, for instance, that we  
7 would allow them to go on pavers because it's not  
8 going to cause a whole lot of depression in the  
9 ground and so forth.

10 CHAIRMAN RUDNY: Anything else?

11 MR. FOSTER: Mr. Chairman.

12 CHAIRMAN RUDNY: Yes, Mr. Foster.

13 MR. FOSTER: Is there a common  
14 definition of what a recreational vehicle is?

15 MR. WILDENBERG: Let me check the  
16 definition section. We do have a definition in the  
17 front of the Zoning Ordinance.

18 Do you want me to go through it?

19 MR. FOSTER: If it's less than 75 words.

20 MR. WILDENBERG: Shouldn't be too bad.

21 Recreational vehicle. Any unit  
22 designed primarily for living or sleeping purposes  
23 equipped with wheels or placed upon a wheeled  
24 device for the purpose of transporting from place

1 to place.

2 This term shall include but not be

3 limited to camping trailers, campers, mobile homes,  
4 tent trailers, motor coaches, tent campers and  
5 shall also include those wheeled devices upon which  
6 they are placed.

7 CHAIRMAN RUDNY: Okay. Any other  
8 questions? Mr. Sula.

9 MR. SULA: How would something like  
10 snowmobiles be considered under this Ordinance?

11 MR. WILDENBERG: We would consider it as  
12 a trailered device much like a boat just from a  
13 practical standpoint.

14 MR. SULA: Do we need to state that in  
15 here or is it defined some place else?

16 MR. WILDENBERG: I don't think that's  
17 really defined anywhere.

18 CHAIRMAN RUDNY: What if we were to add  
19 in there boats and recreational vehicles, wouldn't  
20 we want -- really want to have this apply to any  
21 kind of a trailer?

22 MR. FOSTER: That's why I asked the  
23 question because I've seen trailers with a sports  
24 car so.

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1 CHAIRMAN RUDNY: You could have it on a  
2 trailer.

3 MR. WILDENBERG: Add that to the heading  
4 and --

5 CHAIRMAN RUDNY: Do you think that that  
6 would be acceptable wording then if we just say

7 boats, trailers and recreational vehicles?

8 MR. WILDENBERG: I would think that  
9 would be able to handle the snowmobile situation  
10 and other things that apply, ATVs.

11 CHAIRMAN RUDNY: Put that in each of the  
12 lines.

13 MR. WILDENBERG: Right.

14 CHAIRMAN RUDNY: Okay. Any other  
15 questions?

16 (No response.)

17 CHAIRMAN RUDNY: So do we have -- I'll  
18 entertain a motion for a favorable recommendation  
19 from the Plan Commission.

20 MR. FOSTER: So moved with the addition  
21 of the word trailer in the appropriate places.

22 CHAIRMAN RUDNY: Motion by Mr. Foster.  
23 Second?

24 MR. SULA: Second.

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1 CHAIRMAN RUDNY: Second by Mr. Sula.  
2 All those in favor of the motion signify by saying  
3 aye in the roll call; those opposed nay. Roll  
4 call, please.

5 MS. VELKOVER: Sula.

6 MR. SULA: Aye.

7 MS. VELKOVER: Foster.

8 MR. FOSTER: Aye.

9 MS. VELKOVER: Smith.

10 MR. SMITH: Aye.  
11 MS. VELKOVER: Winter.  
12 MR. WINTER: Aye.  
13 MS. VELKOVER: Kovarik.  
14 MS. KOVARIK: Aye.  
15 MS. VELKOVER: Rudny.  
16 CHAIRMAN RUDNY: Aye. Motion carries  
17 and it is so ordered.

18 CHAIRMAN HOOD: The boat and  
19 recreational vehicle parking in residential zoning  
20 districts. For the Zoning Board of Appeals, is  
21 there a motion in reference to the statement?

22 MR. McDOWELL: I'll make a motion for a  
23 favorable recommendation.

24 CHAIRMAN HOOD: Is there a second to

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1 that motion?

2 MR. CLARK: I'll second it.

3 CHAIRMAN HOOD: Mr. Clark seconds. Roll  
4 call, please.

5 MS. VELKOVER: McDowell.

6 MR. McDOWELL: Aye.

7 MS. VELKOVER: Clark.

8 MR. CLARK: Aye.

9 MS. VELKOVER: Finn.

10 MR. FINN: Aye.

11 MS. VELKOVER: Hood.

12 CHAIRMAN HOOD: Aye. Motion carries.

13 CHAIRMAN RUDNY: Okay. The next



14 proposed amendment, E, is what you've all been  
15 waiting for I think, the Village Center Overlay  
16 District.

17 Add language to the Village Zoning  
18 Ordinance regarding a Village Center Overlay  
19 District that pertains to commercially zoned  
20 parcels at the northwest and northeast corners of  
21 O'Plaine Road and Washington Street.

22 Now even if you're not sure, if  
23 you think you'd like to make a comment or ask a  
24 question I ask you to stand now and be sworn in by

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1 the Village Attorney on this matter.

2 Are you the spokesperson, is  
3 that --

4 (Witness sworn.)

5 CHAIRMAN RUDNY: Okay. You're going to  
6 take us through this?

7 MR. LEE SMITH: I am going to take you  
8 through this.

9 For the last four or five, six  
10 months we've been discussing this concept of the  
11 overlay district in numerous workshops with the  
12 Plan Commission and the Zoning Board so I won't go  
13 through all the aspects of the Ordinance that's  
14 presented in front of me, but I will highlight some  
15 of them.

16 The overlay district concept is an

17 outgrowth of the comprehensive plan. In the  
18 comprehensive plan what was identified was that the  
19 O'Plaine Road corridor and extending to the north  
20 where the Village center is along Grand Avenue and  
21 extending south to Washington Street was the  
22 traditional Village center area.

23 And the goals that were set forth  
24 in the comprehensive plan were to preserve the

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1 character of that area, to provide for a mix of  
2 uses, provide for pedestrian access and connections  
3 within this area.

4 As a result of the course of the  
5 discussions that have taken place and  
6 considerations of a wide variety of issues the area  
7 that has been considered for this overlay district  
8 has been narrowed.

9 The only area that's currently  
10 being considered for the overlay district by the  
11 Plan Commission in the Ordinance and for the  
12 benefit of everyone are the two commercial parcels  
13 that are zoned C/B-2 at Washington Street on the  
14 east and west sides of O'Plaine Road.

15 There are no other areas that are  
16 presently in front of you being considered for the  
17 designation as to the -- it's now called the C/B-2A  
18 Village Center Overlay District. So we've narrowed  
19 the focus to existing commercial parcels that have  
20 C/B-2 zoning.



24

There's always the option for a

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1 similar and compatible use to be applied for if we  
2 missed anything along the way.

3 In addition, we have added a very  
4 few number of uses to the district and some of  
5 those uses relate to -- let me see here. Cafes and  
6 coffee shops, computer sales and service,  
7 convenience stores, some things that had not been  
8 listed specifically in the C/B-2.

9 The thinking of the Plan Commission  
10 and the Zoning Board during our discussions were  
11 that these would be appropriate pedestrian scale  
12 uses and uses that might be appropriate for this  
13 type of district so we've added these.

14 I might note that as the Plan  
15 Commission and Zoning Board continue their  
16 deliberations of the update of the Zoning Ordinance  
17 we're going to start I think down the road you're  
18 probably going to start looking at the use list for  
19 all of your zoning districts.

20 And when we get to the C/B-2 -- the  
21 C/B-1 and the C/B-2 some of the thinking that  
22 you've provided for that you -- some of the debate  
23 and decisions that you made with respect to this  
24 zoning district, the C/B-2A, might be appropriate

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1 for consideration in the C/B-2. So you may be

2 somewhat ahead of the game with respect to the  
3 potential for amending the use list in our C/B-2  
4 District.

5 The overlay district provides for  
6 additional special use categories that are over and  
7 above the requirements of the C/B-2. Some of these  
8 are that any use greater than 5,000 square feet  
9 would be required to have a special use. Any  
10 24-hour establishment, any use with a drive-thru  
11 facility, any use that utilizes external speaker  
12 systems, any use with only one employee between the  
13 hours of ten in the evening and six in the morning,  
14 so a convenience type operation 24 hour a day would  
15 be covered by that. And any commercial use that  
16 had outdoor overnight storage.

17 All of these would be uses that may  
18 not have been specifically listed within the  
19 special use for the overlay district that are --  
20 that provide characteristics that you will look at  
21 in the course of approving a special use  
22 application or considering a special use  
23 application if it may be so applied for in this  
24 district.

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1 We've added provisions for this  
2 district for site plan review of any -- essentially  
3 any project that comes in with new construction or  
4 a major modification to an existing building would  
5 require site plan review by the Plan Commission if

6 it's in the C/B-2A District.

7 That was requested by the two  
8 Boards to provide that extra level of control. If  
9 something was -- happened to be a permitted use  
10 that met all the requirements it would still come  
11 through and you would be able to look at that and  
12 sign off on that project to see that it's meeting  
13 the goals that were established, the purpose  
14 statements and meeting the purpose statements that  
15 are set forth in the overlay district.

16 The site development standards or  
17 what you've traditionally called site and structure  
18 provisions are modified in the overlay district as  
19 compared to the underlying C/B-2.

20 In order to try and provide for a  
21 greater pedestrian focus what we've done is this  
22 recommends that there be no front yard setback  
23 requirement. In the C/B-2 District there's a 30  
24 foot front yard setback so we're trying to push the

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1 buildings up to the sidewalk to enhance the  
2 orientation of the district and so there's no front  
3 yard requirement.

4 In addition, we're offering two  
5 areas of floor area ratio potential. For a single  
6 story building a floor area ratio of point two  
7 would be allowed in contrast for a two or three  
8 story building a floor area ratio of point 35 would

9 be permitted.

10 We think that offering greater  
11 intensity of development or the potential for  
12 greater intensity of development for a two and  
13 three story building would encourage having second  
14 floor office or second floor residential. This is  
15 a concept that's really new for the Village in any  
16 of the zoning districts to provide for the  
17 potential for mixed use commercial and residential  
18 type of development.

19 And we've attempted to provide for  
20 it in this district. In contrast to the C/B-2  
21 District, the FARs in the C/B-2 are a point eight.  
22 Now, I don't think you've probably looked at any  
23 planned unit developments or any developments in  
24 the C/B-2 recently that were at a point eight so

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1 bringing these floor area ratios down is really  
2 consistent to the type of development character  
3 that you're seeing.

4 And once you've -- once an  
5 applicant has considered parking and stormwater  
6 management provisions they're really probably  
7 developing in the point two to point three category  
8 as well.

9 This is another area where making  
10 modifications for the Village Center Overlay  
11 District compared to the C/B-2 might lead to some  
12 changes when you look at C/B-2 further on in your

13 zoning process.

14 With respect to how you will handle  
15 special uses, we took elements from the Village  
16 center, the C/S-3 District to the north and  
17 provided for the special use standards within this  
18 overlay district.

19 So we took the language with regard  
20 to the special use provisions which included the  
21 applicant providing an environmental statement for  
22 properties within -- modified here -- 160 feet of  
23 the property to look at environmental conditions  
24 and if there's any relationships that should be

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1 noted or any environmental considerations that  
2 would be impacted by a proposed development that  
3 those be accounted for and a plan be -- and some  
4 statements be made with regard to how any  
5 environmental features will be preserved or  
6 protected as a result of the development process.

7 The same is true, we've requested a  
8 statement regarding the architecture within 500  
9 feet of the C/B-2A District so that the character  
10 of the development in that surrounding area could  
11 be noted and that when buildings are proposed in  
12 the district common architectural themes could be  
13 used in the design or at least be acknowledged so  
14 that there's some unity of development between  
15 what's existing, the existing uses in the corridor



16 and the potential for future uses at the corners.

17 Finally, I'll get into the  
18 standards. We've provided for some additional sign  
19 standards that are more restrictive than the sign  
20 standards for the C/B-2A -- for the C/B-2 District.

21 And those sign standards limit the  
22 signs to monument ground signs a maximum of 6 feet  
23 high. Wall signs not to exceed 75 square feet on  
24 building fronts.

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1 And where -- we have required  
2 through the design review and some of the design  
3 elements of this Ordinance that where commercial  
4 buildings provide customer access both from the  
5 front of the building and from the rear of the  
6 building that there could be a sign on the rear of  
7 the building but that sign would be limited to a 20  
8 square foot wall sign.

9 The other signs that are allowed in  
10 this district are projecting signs and there are  
11 standards for the control of the size of those  
12 types of signs.

13 We specifically addressed some  
14 prohibited that are not prohibited for all  
15 districts but would be prohibited within the C/B-2A  
16 District. Those being open tube neon signs,  
17 advertising signs, and illuminated signs. And  
18 illuminated signs are the type of signs that are  
19 illuminated externally not illuminated by an

20 external light that points on the sign. So you can  
21 light your sign, it's just it's not the type of  
22 internal neon sign where you don't see the tubing  
23 but it's illuminated internally.

24 There is a set of design guidelines

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1 that were provided with this Ordinance and we've  
2 discussed them. Some of the -- I'll just go  
3 through some of what I think are the highlights of  
4 that is that 30 foot building and parking setbacks  
5 are required from all adjacent streets.

6 And within those setback areas  
7 specifically we reference the provision of  
8 landscaping and pedestrian access. And the  
9 pedestrian access is a minimum of 12 feet wide so  
10 that we're trying to accomplish really creating a  
11 good pedestrian orientation in front of the stores  
12 so that there's opportunities for merchants to put  
13 out flowers for display if there's a flower shop,  
14 or tables outside a restaurant to create a level of  
15 -- a greater level of action and pedestrian  
16 movement on the street.

17 Site parking, it's required to  
18 provide for bicycle parking facilities within this  
19 district. And those would be -- you'll have an  
20 opportunity to review those as well as Village  
21 staff would.

22 We're discouraging the use of flat

23 roof buildings in the area. There are various  
24 discussions regarding the type of building

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1 materials that can be used and I won't go into  
2 those details.

3 Buildings should be designed to  
4 provide open space -- buildings and site plans  
5 should be designed to provide open space amenities  
6 including plazas with street furniture, building  
7 overhangs where a building comes over the sidewalk  
8 to provide for covered pedestrian walkways and  
9 street furniture to enhance the pedestrian  
10 character of the area.

11 I would be happy to answer any  
12 questions. That was a brief overview. And if you  
13 have anything I would be happy to discuss them.

14 CHAIRMAN RUDNY: Okay. Thanks. I think  
15 we should point out that overall what we're trying  
16 to do here is to create a less commercial character  
17 and trying to make it more of a residential -- we  
18 can't make it a residential character because it is  
19 still commercial property but put some residential  
20 elements in there kind of to cut down on that more  
21 intense commercial atmosphere that you see in a  
22 typical commercial development.

23 We're not trying to open the door  
24 here for any additional businesses or anything of

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1 that nature. We're trying to put more controls on  
2 it so that it looks more pedestrian and looks  
3 nicer, we have a nicer village center. And that's  
4 what we're really trying to attempt here. So --

5 MR. LEE SMITH: May I add one thing,  
6 Don?

7 CHAIRMAN RUDNY: Yes, go ahead.

8 MR. LEE SMITH: As I read in the paper  
9 and there's a proposal for the parcel on the west  
10 side to possibly accommodate a post office and a  
11 police station in the future. Those uses are  
12 listed as permitted uses.

13 So we've accommodated the potential  
14 for those future government functions within the  
15 context of this Ordinance in the use list.

16 CHAIRMAN RUDNY: I'm sure that was  
17 probably going to come up.

18 Do we have any -- Ms. Kovarik.

19 MS. KOVARIK: Well, that was my first  
20 question.

21 Does the police station and the  
22 post office have to be pedestrian focused then and  
23 the same, you know, the roof design and the signage  
24 and the landscaping and parking? Does that have to

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1 follow this?

2 MR. LEE SMITH: We would hope that they  
3 would come in. Now they might not -- there are  
4 some other government entities such as the post

5 office are allowed to build their buildings  
6 typically with -- typically as they configure them  
7 on the site.

8 But we would hope that since we're  
9 providing for design guidelines and elements of  
10 pedestrian friendly and some elements that would  
11 not necessarily change the use or the layout of  
12 their buildings that we would hope that they would  
13 meet those standards.

14 MR. WILDENBERG: And I believe if the  
15 building itself is over 5,000 square foot in size  
16 right now they would be slated to come through a  
17 special use process and you'd have an opportunity  
18 to review those particulars as well.

19 MS. KOVARIK: So if the post office is  
20 10,000 square feet it's going to come through as a  
21 special use and we could say we want the design --

22 MR. WINTER: But I think -- and Lyle I  
23 think is going to say the same thing -- I think  
24 when they came to our last meeting they said they

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1 had standardized plans now.

2 MR. FOSTER: One.

3 MR. WINTER: And that they were an  
4 autonomous sector. And I don't think that if they  
5 would acquire the land for purposes of a post  
6 office, I kind of got the impression that they  
7 wouldn't have to follow necessarily --

8 MR. WILDENBERG: That's what they like  
9 to tell you.

10 MR. WINTER: That's what he did tell us.

11 MR. WILDENBERG: Yeah, many times.

12 CHAIRMAN RUDNY: But the thing is that  
13 he still went through the process and it didn't get  
14 him very far, did it, with the Village Board?

15 MR. WINTER: Or with us really. I mean  
16 we didn't recommend that.

17 CHAIRMAN RUDNY: But my point is is  
18 that, you know, at some point if they're willing to  
19 work with us at least we've got some guidelines in  
20 place that we know we can say this is what we would  
21 like to see there.

22 Now whether they're, as he put it  
23 that they're sovereign and they can do whatever  
24 they want, that's -- I guess that may eventually be

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1 true. But at least we've got something to fall  
2 back on and we can attempt to direct them because  
3 I'm sure they're still going to come before us.

4 MR. WILDENBERG: Plus there was at least  
5 some notion that, you know, the post office might  
6 be an appropriate use to try to retain in this  
7 particular area.

8 So I think we -- as Don is saying,  
9 we do have our foot in the door to talk about other  
10 design criteria and elements. You know, at least  
11 we have an opportunity to discuss that with them.

12 MS. KOVARIK: And then what I'm afraid  
13 of -- not necessarily afraid of, but we'll have  
14 this nice pedestrian friendly development on one,  
15 the east side of the street and then we'll have two  
16 big boxes on the west side of the street which  
17 almost defeats this.

18 CHAIRMAN RUDNY: Well, the thing is that  
19 the Plan Commission is the recommending body to the  
20 Village Board but the Village Board clearly is  
21 going to have input on the police station.

22 Now if they -- it wouldn't make  
23 sense to me that they would be supporting those  
24 kind of things on one side and then build a police

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1 station that contradicts those elements.

2 Now we may have trouble with the  
3 post office, but I think since the Village is going  
4 to own the land and they will eventually have to  
5 work something out with the post office that  
6 might -- they might be able to work out at least  
7 some direction there to the post office.

8 But that's our position is all we  
9 can do is recommend to the Village Board what they  
10 should do from a character standpoint and we have  
11 this in place as a guideline.

12 I mean the Village Board doesn't  
13 have to follow it if they don't want to. But I  
14 would think that they would.

15 MR. LEE SMITH: Don.

16 CHAIRMAN RUDNY: Yes.

17 MR. LEE SMITH: Just noting the  
18 character of the Village Hall, the opportunity  
19 might have presented itself for the Village to put  
20 a box here and they didn't and took time to build a  
21 building that had good character and is really --  
22 you know, provides a very nice element of the  
23 streetscape here.

24 And I would think that the Village

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1 in its design for a new police station and being a  
2 specific entity that really these days with  
3 community policing all the rage you want to provide  
4 that easy access and pedestrian type of connection  
5 and I'm sure you would have an opportunity at least  
6 with the Village police department to have your  
7 input and have them really consider that.

8 CHAIRMAN RUDNY: Well, there's another  
9 thing here, too. The Village Board, if they're the  
10 ones that are going to be approving this overlay  
11 district, now why would they approve something that  
12 they're not going to follow. That wouldn't make  
13 any sense. I mean they could do it, but it just  
14 wouldn't make any sense.

15 MS. KOVARIK: That's kind of what I  
16 wanted to make sure.

17 The other thing I wanted to clarify  
18 or ask, in 5.2A.2 you have one definition of this



19 overlay and then in 5.2A.15 you've got a longer  
20 definition.

21 MR. LEE SMITH: 5.2A.2?

22 MS. KOVARIK: Right, is your first  
23 definition of what is included in the overlay  
24 district.

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1 MR. LEE SMITH: 5.2A.15.

2 MS. KOVARIK: Fifteen, which is on Page  
3 12, you've got a longer definition that encompasses  
4 more area. They should at least be consistent I  
5 think.

6 MR. LEE SMITH: Yes, I agree. We'll  
7 make that consistent with the definition that is in  
8 5.2A.2.

9 MR. SULA: Which one?

10 MS. KOVARIK: The first one.

11 MR. LEE SMITH: We are going to refine  
12 5.2A.15 to reflect the definition in 5.2A.2.

13 MR. SULA: Is Grand Avenue 132 at that  
14 point or is Grand Avenue the street that's farther  
15 north?

16 MR. MAIDEN: It's going to get scratched  
17 anyway.

18 MR. LEE SMITH: We're just going to  
19 refine it to the parcels that are right at O'Plaine  
20 and Washington.

21 MR. SULA: That's not what that actually

22 says.

23 MR. LEE SMITH: Washington Street  
24 located north of the C/B-2.

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1 MR. SULA: You can read that as anything  
2 along O'Plaine Road or Washington Street.

3 MR. MAIDEN: That's zoned C/B-2.

4 MR. SULA: Right.

5 MR. LEE SMITH: That's zoned C/B-2. And  
6 those are the only parcels that are zoned C/B-2.

7 CHAIRMAN RUDNY: Okay?

8 MR. SULA: Yes.

9 MS. KOVARIK: And then the last one,  
10 just grammatical, hyphen pedestrian oriented.

11 CHAIRMAN RUDNY: Barb, you have  
12 something?

13 MS. SWANSON: Yes. On Pages 9 and 10  
14 there's reference to a base map that needs to be  
15 prepared as well as the environmental statement.

16 Is there any restriction as to who  
17 that needs to be prepared by? For instance, does  
18 the environmental statement need to be prepared by  
19 a licensed surveyor or can the petitioner, can  
20 anyone just say here is what the drainage patterns  
21 are and I'm qualified to tell you what the soils  
22 are?

23 You might want to limit that as to  
24 who is qualified to give that statement and then

1 the base map with that List A through H, you know,  
2 who prepares that.

3 MR. LEE SMITH: Okay.

4 MR. MAIDEN: We have limited for the  
5 C/S-3 Districts sometimes the realtor or the land  
6 owner have prepared those. It just depends when  
7 they apply to you if you find it acceptable or not.

8 Probably the majority of them have  
9 been prepared by architects but we haven't said it  
10 has to be. Just considering that area I would  
11 imagine it is probably going to be an architect but  
12 we haven't specified it in the past.

13 MR. LEE SMITH: I think the question  
14 relates more to the environmental statement and  
15 whether we should have that be a certified, you  
16 know, professional engineer.

17 And I am not sure how that's  
18 treated in the C/S-3. I believe that -- I believe  
19 it's the same requirement and that we took it from  
20 the C/S-3. We do not require a professional  
21 engineer to put that together, the environmental  
22 statement.

23 Sometimes it's put together by an  
24 ecologist or some other professional that has

1 information relative to natural resource  
2 information.

3 I think that the Plan Commission if

4           they find in an application that the evidence is  
5           not sufficient or have been put together by someone  
6           who may lack the certain qualifications they would  
7           always have the opportunity to request additional  
8           information be provided by someone with a  
9           professional accreditation.

10                   CHAIRMAN RUDNY: Does everyone feel  
11           that's okay?

12                   MR. SULA: I don't necessarily think  
13           that it has to say an engineer, but I think it  
14           should be a statement that's prepared by a  
15           reputable --

16                   CHAIRMAN RUDNY: By somebody reputable?

17                   MR. SULA: Well, what is the right word?

18                   MS. KOVARIK: By a professional with  
19           expertise in that area.

20                   CHAIRMAN RUDNY: I think you have, you  
21           know, then you're going to get into definitions. I  
22           think you have one choice here, either you just say  
23           it needs to be prepared or it needs to be prepared  
24           by a licensed architect or licensed engineer.

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1                   I don't think there's anything  
2           really in between that you're going to be able to  
3           define.

4                   MR. SULA: Prepared by a licensed  
5           individual.

6                   MR. WILDENBERG: Especially when we get

7 into the areas of flood plain and floodway which  
8 probably isn't going to come into play down here  
9 because we don't have floodway and flood plain down  
10 on Washington and O'Plaine, but in the other areas  
11 where it does come into play we have to have a  
12 registered professional engineer for those items  
13 anyway.

14 I think the tendency is going to  
15 be, as Butch and Lee are saying, since these are  
16 commercial properties you're going to tend to see  
17 the engineers and architects involved up front  
18 anyway in their pre-planning and in looking at  
19 things before they even draw any plans and submit  
20 any proposals to the Village.

21 I don't know that it's going to be  
22 a big problem.

23 CHAIRMAN RUDNY: Well, I think the other  
24 thing to point out is that this is in the special

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1 use section so it's going to be a public hearing.  
2 Staff is going to be recommending things and it may  
3 be that as Lee indicated that what's provided to us  
4 is felt to be inadequate either by staff or by the  
5 commission and we could say this is inadequate,  
6 you're going to have to get a licensed engineer or  
7 a licensed architect to review this if the  
8 particular matter is more critical.

9 And the same thing would be true in  
10 the C/S-3 District because we don't know what we're

11 going to run into there. And it might be a simple  
12 matter where you don't really need to have the  
13 professional expertise.

14 MR. SULA: I think putting something in  
15 like a recognized expert or a licensed registered  
16 professional.

17 CHAIRMAN RUDNY: Jon.

18 MR. WILDENBERG: The only thing that  
19 does, though -- and again it's probably not going  
20 to come into play here -- but in the C/S-3  
21 District, for instance, there are some of the  
22 projects that have been really minor where there  
23 have been no changes to the topography of the land,  
24 no asphalt added, nothing done to the buildings and

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1 it really didn't seem to make much sense to have  
2 somebody go out and hire an engineer and an  
3 architect to look at that site.

4 It almost falls in place naturally  
5 as you look at the projects. We typically -- when  
6 we start getting knowledge of people looking at  
7 things we will typically suggest to them that, you  
8 know, you're probably at the point where you need  
9 to get an engineer and/or an architect involved  
10 with the project because if you're going to public  
11 hearing you're going to have to have some good  
12 plans together to be able to show what it is that  
13 you want to show.

14                               But if you make it part of the  
15                               Ordinance then you'll require each and every  
16                               instance everyone has to go out and hire an  
17                               engineer and an architect whereas they really might  
18                               not actually have to in all circumstances.

19                               And again the fail safe is if  
20                               you're not comfortable with the information that  
21                               you're receiving from the petitioner you can always  
22                               have that upgraded.

23                               MR. SULA:   Isn't it easier to waive  
24                               something that's required as opposed to require

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1                               something that's not required?

2                               MR. WILDENBERG:   It depends who you're  
3                               sitting at the table with at the time.

4                               If we're talking to a resident at  
5                               the counter that's looking to develop one of these  
6                               lots that may come about in this commercial center  
7                               and if we get into an area where everything has  
8                               been pre-engineered and so forth it's not going to  
9                               make sense for us to tell them you have to go out  
10                              and get another engineer and look at all this  
11                              again.

12                              Any commercial development is going  
13                              to have to be engineered anyway and before they get  
14                              any development permits they're going to have to go  
15                              through final engineering with our engineering  
16                              department.   So that it really all gets pretty well  
17                              addressed before they ever get to the point where

18 they could draw a building permit, especially so on  
19 a commercial project.

20 MR. MAIDEN: And that's part of what  
21 we're looking at with the smaller users.

22 If someone comes in, for example,  
23 next to the post office and has a building that's  
24 going to have three or four users in it, we were

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1 looking at it that maybe someone comes in and says  
2 I want to have a dance school or I want to have  
3 a -- or some of the other uses, just some of these  
4 special uses where it might be more the ma and pa  
5 operation or some local resident that sees an open  
6 store front and says they would like to do it.

7 We didn't want to put too many  
8 restrictions on it just as they didn't with the  
9 Village center area that says you must get a  
10 licensed architect, you must do this. Buildings  
11 may exist, this is just consistent with the special  
12 use. If you find that information -- you can deal  
13 with it. If you get to the point that they don't  
14 deal with something, wait a minute I want more  
15 information on that environmental statement, I  
16 think you can deal with it at that particular time.

17 MR. SULA: I'm feeling a lot of  
18 resistance to adding the additional requirement and  
19 I'm not quite sure why but we're trying to make  
20 this area as something that looks nice, something



21 that we're proud to be part of the Village but yet  
22 we're willing to cut corners and I have a problem  
23 with that.

24 MR. WINTER: Jim, I think part of the

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1 problem is certification or registration can mean  
2 many different things and there may be a spectrum  
3 of what people could potentially -- what people  
4 could submit an environmental statement and I don't  
5 know that it's going to serve any purpose to say  
6 staff has to get something from a certified  
7 engineer on this.

8 I think in light of what they said  
9 is that we're going to take a look at it. If they  
10 give us something that's inadequate, we're going to  
11 point it out to the Board and I guess I kind of  
12 agree.

13 I think -- I'll give you an example  
14 even in court what we consider to be an expert  
15 doesn't necessarily have to be licensed. His  
16 experience in the field. And so if a builder came  
17 in -- and just as Butch has mentioned, some of  
18 these indications they know this better than maybe  
19 a licensed engineer -- why would you make someone  
20 pay a licensed engineer to look into this and is  
21 staff really going to check whether his  
22 registration is up.

23 I think it really doesn't make any  
24 sense as long as the purpose is served here in that

1 we have adequate information and we ultimately have  
2 the authority to pass judgment as to whether what  
3 they've submitted is sufficient or not.

4 And so I would be reluctant to just  
5 put that in instead of really relying on us to  
6 exercise our judgment.

7 CHAIRMAN RUDNY: I might point out, too,  
8 that I'm a licensed engineer but I don't get  
9 involved with environmental statements.

10 So there are licensed engineers  
11 that are in various disciplines so just putting in  
12 licensed engineer doesn't guarantee that you're  
13 going to have somebody who is an expert in  
14 environmental matters.

15 MR. WILDENBERG: And I don't know if it  
16 will do your heart any good on this one but for  
17 every commercial property all civil engineering  
18 aspects of it, all drainage, utilities, roadways  
19 and so forth, those plans have to be prepared right  
20 now under the Village Ordinances by a state  
21 licensed civil engineer.

22 So those are always handled no  
23 matter what by a licensed civil engineer and  
24 reviewed by our engineers before there's any

1 development permits issued. So that aspect always  
2 takes care of itself because that's just a

3 requirement of any development right now.

4 MR. SULA: As long as that overriding  
5 condition is there regardless of the size then  
6 I'm --

7 CHAIRMAN RUDNY: This is just for the  
8 special use they have to provide special  
9 information.

10 Is everyone else comfortable with  
11 that now?

12 MR. SMITH: It's just too bad they  
13 didn't move a little farther north a little sooner  
14 before the library went up.

15 CHAIRMAN RUDNY: Barb, you had some  
16 corrections.

17 MS. SWANSON: Just to be consistent on  
18 Page 10 still under environmental number three  
19 under architectural and number B-2 under  
20 development where it says a statement should be  
21 prepared I think that should be changed to shall so  
22 that it's consistent with everything else we're  
23 requiring. So a statement shall be prepared.  
24 Shouldn't be strong enough in my opinion.

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1 MR. LEE SMITH: Okay.

2 CHAIRMAN RUDNY: Is that it?

3 MS. SWANSON: Yes.

4 CHAIRMAN RUDNY: Any other questions or  
5 comments?

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(No response.)

CHAIRMAN RUDNY: Okay. At this time then I'd like to open the floor to the public. If you wish to make a comment or ask a question you may do so at this time. Anything?

MR. KLOCZKOWSKI: Is there a copy of what you guys are reading up there for us?

CHAIRMAN RUDNY: Why don't you step up to the mic because you're going to have to state your name and address for the record so. You just want a copy?

MR. KLOCZKOWSKI: Yeah. Dan Kloczkowski, K-l-o-c-z-k-o-w-s-k-i. That's 487 North O'Plaine. And I just want to know if we can have a copy and it's been taken care of. Thank you.

CHAIRMAN RUDNY: Okay. You got your name on the record now. Is there anything else? Any other questions or comments?

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(No response.)

CHAIRMAN RUDNY: Okay. The floor is closed to the public. And back to the Plan Commission. I'll entertain a motion to forward a favorable recommendation on this.

MR. SMITH: So moved.

CHAIRMAN RUDNY: Motion by Mr. Smith. Do I have a second?

MS. KOVARIK: I'll second.

10 CHAIRMAN RUDNY: Second by Ms. Kovarik.

11 Any discussion on the matter?

12 (No response.)

13 CHAIRMAN RUDNY: All those in favor of  
14 the motion signify by saying aye in the roll call;  
15 those opposed nay. Roll call, please.

16 MS. VELKOVER: Sula.

17 MR. SULA: Aye.

18 MS. VELKOVER: Foster.

19 MR. FOSTER: Aye.

20 MS. VELKOVER: Smith.

21 MR. SMITH: Aye.

22 MS. VELKOVER: Winter.

23 MR. WINTER: Aye.

24 MS. VELKOVER: Kovarik.

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1 MS. KOVARIK: Aye.

2 MS. VELKOVER: Rudny.

3 CHAIRMAN RUDNY: Aye. Motion carries  
4 and it is so ordered.

5 CHAIRMAN HOOD: For the Zoning Board of  
6 Appeals in reference to the Village Center Overlay  
7 District requirements, is there a motion with  
8 respect to that?

9 MR. McDOWELL: I'd make a favorable  
10 motion.

11 CHAIRMAN HOOD: Is there a second to  
12 that?

13 MR. FINN: I'll second that.  
14 CHAIRMAN HOOD: Mr. Finn seconds that.  
15 Could we have a roll call, please.  
16 MS. VELKOVER: McDowell.  
17 MR. McDOWELL: Aye.  
18 MS. VELKOVER: Clark.  
19 MR. CLARK: Aye.  
20 MS. VELKOVER: Finn.  
21 MR. FINN: Aye.  
22 MS. VELKOVER: Hood.  
23 CHAIRMAN HOOD: Aye. Motion carries.  
24 MR. CLARK: And I'd like to say it's

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1 kind of nice to see this thing finally come to an  
2 end. It was a lot of work put into this thing and  
3 I like the looks of it. I really do.

4 CHAIRMAN RUDNY: So that's it then on  
5 that particular matter. So you're certainly  
6 welcome to stay.

7 The last matter is going to be the  
8 proposed amendment on neon tube controls so I don't  
9 know if you have an interest in that, but if some  
10 of you leave I thank you very much for coming. We  
11 appreciate your input on this whole thing. I think  
12 it worked out pretty well.

13 So the next proposed amendment is  
14 F, neon tubing controls. Add language to the  
15 Village's Sign Ordinance that prohibits neon tubing  
16 outside of the sign area and independent of any

17 information conveyed by a permitted sign from being  
18 affixed directly or indirectly to any building or  
19 structure except as a special use in the C/B-2 and  
20 C/S-2 Districts.

21 Also add language that addresses  
22 the area of calculation for the neon tubing and  
23 provisions for signs in the Village Center Overlay  
24 District. So, Tracy, are you going to take this

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1 one or everybody is pointing.

2 MR. MAIDEN: I think you've basically  
3 summed it up already that really that's what we're  
4 looking at is just the issue of whether this should  
5 require a special use hearing for the neon tubing  
6 questions that have come up recently.

7 I think one of the issues that we  
8 have been concerned with is since these are  
9 becoming attention attracting devices should you  
10 include them in your sign limitations.

11 We're also finding with some of the  
12 recent applications whereas the first individuals  
13 were coming in with one band of neon now they're  
14 coming in with two bands of neon and we understand  
15 some of the people are coming in now asking about  
16 three bands of neon with different colors on all  
17 three bands.

18 And so this is where I think we're  
19 getting to the point where does it stop. And if

20 you don't start providing for some special use  
21 review how far are you going to let it continue.

22 CHAIRMAN RUDNY: Okay. Were there any  
23 questions or comments on the wording of this? Ms.  
24 Kovarik.

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1 MS. KOVARIK: The statement which does  
2 not convey a specific message except as permitted,  
3 do we have a process -- and what I'm thinking of I  
4 guess is -- and I've been noticing this the last  
5 couple weeks like a little strip mall has five  
6 stores and each one of them in their window has the  
7 open and then the Miller and then the little needle  
8 going through the spool and, you know, on and on  
9 and on.

10 Are those -- is that something they  
11 have to get a permit for to put those in their  
12 windows because that is neon tubing.

13 MR. WILDENBERG: Those would be signs  
14 that would be outside of this neon tubing control  
15 as it's proposed right now in the document.

16 MS. KOVARIK: Does it count under their  
17 signage?

18 MR. WILDENBERG: They're allowed to have  
19 I believe window signage up to 50 percent.

20 MR. MAIDEN: 25 percent.

21 MS. KOVARIK: So the messages and  
22 whatever they are are permitted up to 25 percent?

23 MR. WILDENBERG: And when we get to the



24 Sign Ordinance portion of the overall Zoning

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1 Ordinance update that's probably a very good thing  
2 to get into.

3 MS. KOVARIK: If they were to outline  
4 their windows with the neon tube, is that  
5 encompassed there?

6 MR. MAIDEN: If they're not conveying a  
7 message then they should come in for special use  
8 review.

9 MS. KOVARIK: Why not C/B-1? Why only  
10 C/B-2?

11 MR. MAIDEN: Right now I don't believe  
12 -- well, I don't think we have any in the C/B-1 now  
13 where they're lining the buildings. And what we're  
14 basically saying is that in the C/B-1 you couldn't  
15 do this, it's more of a neighborhood type use.

16 MS. KOVARIK: So prohibited everywhere  
17 and when you get to a C/B-2 it would be under a  
18 special use.

19 MR. MAIDEN: Well, C/B-2 and C/S-2  
20 because we do have apparently one of the new  
21 restaurants up on the north area has it in the  
22 C/S-2.

23 CHAIRMAN RUDNY: Any other comments?  
24 Mr. Sula.

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1 MR. SULA: What happens with the ones

2 that are already there, are they grandfathered?

3 MR. MAIDEN: Yeah, they would be legal  
4 nonconforming uses. If they want to start  
5 expanding and adding more tubing they would have to  
6 come back for special use approval. But they would  
7 be able to continue what they have.

8 MS. KOVARIK: Can't we go back and count  
9 it in their signage?

10 MR. MAIDEN: I don't think so. If they  
11 have a legal permit I don't think we could make  
12 this retroactive.

13 CHAIRMAN RUDNY: The only thing you  
14 could do is you'd have to do some like what we  
15 talked about in the Lighting Ordinance, you'd have  
16 to do some amortizing or something like that. I  
17 suppose you could look at something like that.

18 MS. KOVARIK: Ownership changes on the  
19 site or the use changes on the site?

20 CHAIRMAN RUDNY: If the use changes.

21 MR. MAIDEN: Right, if the use changes  
22 and it's no longer that use, yes, you could. Then  
23 the amortization could take over.

24 MS. KOVARIK: What about ownership?

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1 MR. MAIDEN: Ownership if it's the same  
2 -- you know, just one restaurant sells to another  
3 owner but it's still a restaurant and they don't  
4 change that, no, I think that's -- we've

5 grandfathered those types of conditions in before  
6 as well.

7 And again, it's something as Jon  
8 said, you may want to look at when you do the  
9 overall update of the Sign Ordinance. This is I  
10 think since we're getting these applications like  
11 monthly this is one that sort of needs to have the  
12 control in at this time so you have some ability to  
13 review it now.

14 CHAIRMAN HOOD: And you had mentioned  
15 in the special use process when they come in and  
16 say we want to put tubing around the top of our  
17 restaurant is that going to be every time?

18 MR. MAIDEN: I think they're going to  
19 relate it to the size of all the other signs. And  
20 if that's part of the character of the area I don't  
21 see how we can say no.

22 I think what you can do, though, is  
23 when they start going from the character of the  
24 area is one color outlining the building and

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1 suddenly they come in with fifteen different colors  
2 of neon tubing all over the place then I think you  
3 can have some input.

4 No, I don't think in the areas  
5 where they're doing it now I don't think you're  
6 going to be able to ban it completely with this  
7 provision.

8 MS. VELKOVER: But this provision does

9 at least set some amount of neon tubing that you  
10 can get because it would factor it into the overall  
11 signage that you're allowed for a site.

12 And one of the other things that I  
13 don't know if we've brought up yet but in the draft  
14 here we do have, you know, a question to you about  
15 whether you want to maybe restrict it to certain  
16 walls, either walls that front out onto a public  
17 street or a parking lot.

18 So, you know, it would basically  
19 prohibit them from putting it on the back of the  
20 building that doesn't have any frontage on any  
21 really visible area.

22 And that's really just a question  
23 to the Commission about whether they want to put  
24 that restriction on.

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1 CHAIRMAN RUDNY: Okay. Mr. Smith, you  
2 had something?

3 MR. SMITH: I don't really find it that  
4 intrusive and apparently they're not getting their  
5 money's worth that they're spending because you  
6 told us there's seven or eight places in Gurnee  
7 that got it, we all couldn't figure out who they  
8 were.

9 People didn't even know probably  
10 six of the seven places. The only one they knew of  
11 was Avalon. Apparently they're not getting their

12 money's worth and apparently they're not that  
13 intrusive, not standing out or we would have  
14 noticed it maybe.

15 MR. MAIDEN: That may be something you  
16 could deal with through the special use process  
17 after you have a few applications that staff can  
18 work with them.

19 If suddenly you start finding, as I  
20 said, they're doing fifteen different colors and  
21 the rest of it and saying yes and we're putting it  
22 on the side next to residential, that's not the  
23 intent, why do you need it on the side next to the  
24 residential or why do you need it on whatever

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1 particular area.

2 MS. VELKOVER: And I don't think anybody  
3 is saying that it should be banned completely.

4 But for a business to have the  
5 ability to put it on or to outline their building  
6 with it, it's basically a sign. It's drawing  
7 attention to their building and for that not to  
8 count into their signage calculation, you know,  
9 just -- it really should be counted in in some  
10 manner.

11 And that's what this Ordinance does  
12 is put a calculation in there so that attention  
13 attracting device does get calculated in and  
14 figures into the overall signage for the site.

15 MR. SMITH: But apparently they're not

16 attracting that much if none of us knew that there  
17 was that many of those around here. We couldn't  
18 even name them, the ones that had the neon signs.  
19 So apparently whatever it is isn't attracting.

20 CHAIRMAN RUDNY: I think at the last  
21 meeting I think somebody mentioned five or six  
22 places that had --

23 MR. SMITH: Tracy told us there was like  
24 seven or eight of them and we almost looked in

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1 amazement, we couldn't believe that there was that  
2 many of them. None of us could name maybe one or  
3 two.

4 I'm just saying I don't think that  
5 they're attracting that much what they're paying  
6 for.

7 MR. WINTER: As far as the wording for  
8 the footnote where it says counted against, I  
9 thought that was maybe a little awkward.

10 Maybe it should read shall be  
11 included as part of the maximum total sign area  
12 permitted instead of counted against. I'm not  
13 sure.

14 CHAIRMAN RUDNY: I don't know if that's  
15 clear, though, when you say include. How do you  
16 want to word it?

17 MR. WINTER: And shall be included as  
18 part of the maximum total sign area.

19 CHAIRMAN RUDNY: I don't know. Is that  
20 clear?

21 MR. MAIDEN: How about it shall be  
22 calculated within the maximum total sign area.

23 MS. KOVARIK: Shall be calculated as  
24 part of.

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1 MR. SULA: Or utilized in the  
2 calculation of maximum total signage. How about  
3 that?

4 CHAIRMAN RUDNY: I would say it shall be  
5 counted as one square foot of signage and  
6 subtracted from the maximum total sign area.

7 MR. SULA: You don't want to subtract it  
8 from that, you want it to be part of the  
9 calculation of what the total signage really is.

10 MS. KOVARIK: Yeah, because if they have  
11 a 50 square foot sign and 25 square feet of tubing  
12 then they only get a 25 square foot sign because  
13 they've already used the 25.

14 CHAIRMAN RUDNY: Barb says shall be  
15 calculated as part of the maximum total sign area.

16 MS. KOVARIK: Give me this again, I'm  
17 still getting hung up on the special use thing.

18 If Wendy's came forward in a C/B-2  
19 District where they're permitted they would now --  
20 just because they want neon tubing they would get  
21 kicked into -- they have to go through the special  
22 use process?

23 MR. MAIDEN: Only for the tubing. You  
24 couldn't get into issues about whether that

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1 restaurant is an allowed use or not.

2 The restaurant is an allowed use,  
3 all you're doing is getting into can they have the  
4 tubing as part of it.

5 MS. KOVARIK: So it doesn't make the  
6 whole use special, it's just the neon tubing they  
7 would have to apply for a special use for?

8 CHAIRMAN RUDNY: Right.

9 MR. MAIDEN: And if they want to come  
10 back because they've got one band or two bands of  
11 tubing and they want to add another band of tubing  
12 or two or three more bands of tubing, they have to  
13 come back for approval.

14 CHAIRMAN RUDNY: It's like somebody  
15 coming who wants a bigger sign that's larger than  
16 the permitted sign they have to come in for a  
17 special use permit for that sign. So they have to  
18 come in for a special use permit for the neon  
19 lighting. Mr. Sula.

20 MR. SULA: What would happen if someone  
21 came in and wanted to line their roof with 20 watt  
22 red translucent light bulbs every 12 inches along  
23 their roof line?

24 MR. MAIDEN: Right now your ordinance

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1 does say if it's -- if the function is nothing more  
2 than an attention attracting device then it is to  
3 be considered a sign.

4 The question has been is this truly  
5 only an attention attracting device. I think in my  
6 opinion that's what they do, it's all that type of  
7 lighting and it serves no other purpose. I think  
8 you should bring up that it is -- it's a sign, it's  
9 an attention attracting device.

10 MS. KOVARIK: So it's really a matter  
11 that our Ordinance doesn't define neon tubing or  
12 address neon tubing.

13 MR. MAIDEN: I think because this  
14 appears now to be the latest fad. We are finding  
15 this with other communities as you mentioned  
16 about -- you're not finding it to be all that --  
17 attracting that much attention.

18 And that's what we're finding in  
19 other communities is that first they're coming in  
20 with one row of lighting and it's not all that  
21 offensive.

22 But then when they wait two months  
23 and say, you know, what I really want to do is  
24 attract more business to my restaurant versus that

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1 restaurant so I'm going to have to add more colors  
2 and two rows of tubes. And six months later  
3 they're adding more colors and more tubes.



8 this case? Is it through our Sign Ordinance then?

9 MR. LEE SMITH: This is a modification  
10 to the Sign Ordinance.

11 CHAIRMAN RUDNY: Then that knocks it  
12 into the sign and actually technically we could  
13 have done the same thing with the neon tubing.

14 MR. MAIDEN: Yes.

15 CHAIRMAN RUDNY: Only this really  
16 confirms that the tubing is going to be a special  
17 use and it's going to be considered in the Sign  
18 Ordinance.

19 (Exit Mr. Winter.)

20 CHAIRMAN RUDNY: So we're really pinning  
21 this one down because you can have other things,  
22 too.

23 You can have flags, for example.  
24 Somebody could put flags completely around the

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1 building but then that automatically drops them --  
2 there's something in our Sign Ordinance that  
3 prohibits that, right?

4 MR. MAIDEN: Other than national signs  
5 or official signs.

6 CHAIRMAN RUDNY: Anything else?

7 MR. SMITH: How do you determine  
8 attention getting?

9 I'm not picking on the Avalon, but  
10 they've got white lights on the sides of their

11 building now. To me they're attention getting.  
12 Would that be considered as part of their lighting,  
13 the side ones?

14 MR. MAIDEN: You'd have to do it on a  
15 case-by-case basis.

16 MR. SMITH: They can say it's for  
17 security.

18 MR. LEE SMITH: But you do now have a  
19 lighting -- an Exterior Lighting Ordinance that  
20 comes into play as well.

21 Now the neon really doesn't provide  
22 that much light per se. You can see it but it  
23 doesn't shed light all that far.

24 But if someone did have a row of

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1 incandescent bulbs and we have that control over  
2 being able to see glare with the new exterior  
3 lighting provisions that those would be controlled  
4 through that Ordinance.

5 MR. WILDENBERG: This doesn't prohibit  
6 the application of neon tubing. It allows for it.

7 However, it does create the  
8 opportunity for at least a review of the  
9 application and also an examination of how that  
10 application fits in with how much signage is  
11 already on the property or proposed for the  
12 property.

13 MR. SMITH: I just want to make sure  
14 that we're not just isolating one where we're

15 isolating neon tubing and open ourselves up to --

16 MR. WILDENBERG: And some lighting is  
17 purely decorative or, you know, to enhance the  
18 architecture of the building, too.

19 So it gets pretty tricky to write  
20 something that addresses each and every nuance that  
21 could come up, but those are things that have to be  
22 looked at.

23 MS. KOVARIK: Maybe we should include  
24 the word ornamental or decoration rather than just

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1 attention getting.

2 MR. WILDENBERG: Well, you know, I --  
3 the concern that was brought out was with  
4 specifically the application of neon tubing.

5 If we're going to get into all the  
6 other kinds of lighting possibilities we may want  
7 to have a workshop or, you know, take some time to  
8 talk about that, too, you know, because --

9 MS. KOVARIK: No, no.

10 MR. WILDENBERG: And it may be  
11 worthwhile doing that.

12 MR. MAIDEN: I think part of the  
13 discussion if it is truly ornamental and that's its  
14 purpose and it's part of the integral part of the  
15 architecture, for example, the skylight that you  
16 have in this building, it's ornamental.

17 But its sole function isn't to

18 attract people to come in here and do your  
19 business. If that's the only purpose and it only  
20 is just as an attention attracting device it's  
21 truly a sign. But if it truly is ornamental and  
22 it's part of some Frank Lloyd Wright design then  
23 you're not trying to limit it, you will let that  
24 occur.

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1 CHAIRMAN RUDNY: Okay. I think there  
2 was a question here does the Plan Commission want  
3 to limit neon tubing only to certain walls such as  
4 the walls fronting the street or parking lot and  
5 those walls which are not visible from a  
6 residential district.

7 So does anybody have any thoughts  
8 on that?

9 MR. SULA: Can we limit it to ones that  
10 aren't visible from the street?

11 Seriously, I think we should limit  
12 it to only those walls that are not visible to any  
13 sort of a residential district.

14 CHAIRMAN RUDNY: Wasn't that something  
15 that we would -- we were going to go through the  
16 special use process so isn't that something that we  
17 could handle on a case-by-case basis?

18 MR. MAIDEN: We just didn't know and  
19 some of them were starting to come in and ask  
20 what's the policy. Right now we're not sure what  
21 to tell them.

22                                   And I think maybe that's the best  
23                                   we can tell them is make your special use  
24                                   application and let's see what the policy is going

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1                                   to be.

2                                   MS. KOVARIK:   How would you tell just  
3                                   for real if somebody came before us with a special  
4                                   use it's not like you can measure this total  
5                                   footage.

6                                   So how would you look at a flat  
7                                   plan sitting here in front of you to tell what it  
8                                   would look like from a residential area to judge  
9                                   whether it would be, you know, unobtrusive or too  
10                                  bright or --

11                                  MR. MAIDEN:   Now I think you have some  
12                                  examples.   Again, what's the purpose of it,  
13                                  attracting attention, do you need it on the  
14                                  residential side, do you need three or four bands  
15                                  of different colored neon on that one side, what's  
16                                  the purpose of it, whose attention are you trying  
17                                  to attract?

18                                  If they truly have as part of their  
19                                  architecture one white band around that side of the  
20                                  building that's next to residential and it has a  
21                                  parking lot or something in that area, I guess  
22                                  you'll have to decide, maybe that's not that  
23                                  offensive as part of the architectural theme of  
24                                  this building.

1                   You'll have to wait and see what  
2                   they come in and apply for.

3                   MS. KOVARIK: Are there like degrees of  
4                   neon tubing or is it all the same?

5                   MR. MAIDEN: I think some of it is  
6                   similar just like colors, you know, if someone  
7                   starts painting that side of the wall fluorescent  
8                   blue and fluorescent yellow and ten different  
9                   colors and all that, some of it is a bit subjective  
10                  now, you are getting into some aesthetic questions.

11                  The problem with the tubing is it's  
12                  the nighttime issue near these residents.

13                  MR. WILDENBERG: One of the things that  
14                  Gurnee Mills has done in some of their applications  
15                  of neon tubing is to require that it be linked to a  
16                  rheostat so you can adjust the intensity of the  
17                  tubing if, you know, there's a hot spot or a  
18                  concern that arises so that the actual illumination  
19                  level of the tubing can be adjusted.

20                  CHAIRMAN RUDNY: I think the other thing  
21                  is you may run into a case where somebody can see  
22                  the front of a building from a residential area.  
23                  And that may be, you know, taken a mile away or  
24                  something.

1                   But right, you have the Cafe  
2                   Oceana, there's probably some residents that can



3 see the front of that building so.

4 MS. KOVARIK: I think this is a good  
5 start. It at least gives staff some direction to  
6 give these people putting them through the special  
7 use process.

8 We may find we have to do something  
9 more with it but at least it's a step, a small  
10 step. At least there's something that does  
11 control.

12 CHAIRMAN RUDNY: It doesn't seem overly  
13 restrictive and it certainly doesn't open up  
14 anything more than we have now.

15 I mean it's going to just cause  
16 them to come before us and justify their plan. And  
17 it doesn't sound like there's a whole lot of these  
18 so it's not like it's going to overwork us or  
19 anything.

20 Does the Zoning Board of Appeals  
21 have any comments on this?

22 MR. CLARK: I think you guys have  
23 covered it.

24 CHAIRMAN RUDNY: I think so, too.

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1 Let me open the floor to the  
2 public. Was there anyone from the public that  
3 wanted to make a comment or ask a question?

4 (No response.)

5 CHAIRMAN RUDNY: Okay. The floor is  
6 closed to the public. Jon.

7 MR. WILDENBERG: I did have contact with  
8 a sign contractor who is doing work in town and who  
9 is also -- has a permit pending for a neon tube  
10 application here in town.

11 They would be here tonight to talk  
12 and to ask questions and exchange ideas but they  
13 had other hearings that they had to attend to in  
14 other towns tonight so they weren't able to be  
15 here.

16 They had asked me if the Boards  
17 were going to hold this particular item over that  
18 they have an opportunity to address the Boards. I  
19 told them that if that wasn't the case they would  
20 have an opportunity to address the Village Board  
21 when it went on to them.

22 But they are very interested in  
23 this topic and they have done work in town. And I  
24 think they would like to participate but it's just

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1 unfortunate timing tonight that they can't be here  
2 so.

3 CHAIRMAN RUDNY: Did you give them a  
4 copy of the draft?

5 MR. WILDENBERG: We went over the basic  
6 guidelines of trying to, you know, relate it to  
7 signage and relate it to square foot basis.

8 And they were familiar with a  
9 concept in another community which they didn't name

10 that kind of went way overboard with what they were  
11 doing. They kind of at first blush thought we  
12 might be a little more on the reasonable side than  
13 what some other communities had done.

14 The one example that this gentleman  
15 alluded to with me was in one application in a  
16 community if you had neon on any wall of a building  
17 the entire wall was counted as square footage  
18 towards your signage. So if you have a 4,000  
19 square foot wall on the side of a building that was  
20 counted against your signage so it was a little  
21 extreme.

22 CHAIRMAN RUDNY: I mean really with  
23 regard to what they're doing in other communities,  
24 what did they think of ours here? Did he have

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1 objections to what we were doing here?

2 MR. WILDENBERG: He really didn't have  
3 anything put together yet, but I think he'll take  
4 the time to do so later.

5 CHAIRMAN RUDNY: Well, like you said, he  
6 can always go before the Village Board, too.

7 So if there's no other comments or  
8 questions I'll entertain a motion for a favorable  
9 recommendation.

10 MR. FOSTER: So moved with the  
11 amendments as added.

12 CHAIRMAN RUDNY: I have a motion. Do I  
13 have a second?

14 MS. KOVARIK: I'll second.

15 CHAIRMAN RUDNY: Second by Ms. Kovarik.

16 All those in favor of the motion signify by saying  
17 aye in the roll call; those opposed nay. Roll  
18 call, please.

19 MS. VELKOVER: Sula.

20 MR. SULA: Aye.

21 MS. VELKOVER: Foster.

22 MR. FOSTER: Aye.

23 MS. VELKOVER: Smith.

24 MR. SMITH: Aye.

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1 MS. VELKOVER: Kovarik.

2 MS. KOVARIK: Aye.

3 MS. VELKOVER: Rudny.

4 CHAIRMAN RUDNY: Aye. Motion carries  
5 and it is so ordered. Tom.

6 CHAIRMAN HOOD: Zoning Board of Appeals  
7 in reference to the neon tubing. Is there a motion  
8 in reference to this?

9 MR. CLARK: I'd move for a favorable  
10 motion with the appropriate changes.

11 CHAIRMAN HOOD: Is there a second to the  
12 motion?

13 MR. FINN: I'll second it.

14 CHAIRMAN HOOD: Could we have roll call,  
15 please.

16 MS. VELKOVER: McDowell.

17 MR. McDOWELL: Aye.  
18 MS. VELKOVER: Clark.  
19 MR. CLARK: Aye.  
20 MS. VELKOVER: Finn.  
21 MR. FINN: Aye.  
22 MS. VELKOVER: Hood.  
23 CHAIRMAN HOOD: Aye. Motion carries.  
24 CHAIRMAN RUDNY: Okay. That's it for

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1 tonight. Do we have a motion to adjourn?  
2 MR. SMITH: So moved.  
3 CHAIRMAN RUDNY: Do I have a second?  
4 MR. SULA: I'll second.  
5 CHAIRMAN RUDNY: All those in favor say  
6 aye.  
7 ("Aye" responses.)  
8 CHAIRMAN RUDNY: Opposed, nay.  
9 (No response.)  
10 CHAIRMAN RUDNY: Meeting adjourned.  
11 CHAIRMAN HOOD: Motion to adjourn by the  
12 Zoning Board. Aye?  
13 ("Aye" responses.)  
14 (The hearing concluded at 8:49 p.m.)  
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STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF L A K E )

I, SANDRA K. SMITH, do hereby  
certify that I am a court reporter doing business  
in the County of Lake and State of Illinois; that I  
reported by means of machine shorthand the  
testimony given at the foregoing Report of  
Proceedings, and that the foregoing is a true and  
correct transcript of my shorthand notes so taken  
as aforesaid.

---

SANDRA K. SMITH, CSR, RPR  
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