

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, FEBRUARY 21, 2012**

Members Present: Todd Wallace, Chairman
 Brian Doyle
 Curt Henningson
 Tom Schuetz
 Tim Kessler, Vice Chairman/Secretary
 Thomas Pretz

Members Absent: Sue Amatangelo

Also Present: Matthew O'Rourke, Planner
 Russell Colby, Planning Division Manager
 Bob Vann, Building and Code Enforcement Div. Manager

1. Call to order

The meeting was called to order at 7:00 p.m. by Chairman Wallace.

2. Roll Call

Chairman Wallace called the roll. A quorum was present.

3. Presentation of Minutes

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the January 17, 2012 meeting.

A motion was made, seconded and unanimously passed by voice vote to amend the Agenda to discuss item #5 prior to the public hearing.

MEETING

5. Munhall School Subdivision (St. Charles School District #303) (1304 & 1400 Ronzheimer Ave.)

Application for Final Plat of Subdivision

Supporting Documents:

- Final Plat of Subdivision of Munhall School Subdivision; Trotter & Associates.; received 2-8-12

Mr. O'Rourke reviewed the staff report dated February 17, 2012.

Mr. Doyle asked about the purpose of the subdivision. John Board, St. Charles School District #303, said the site has been referred to as a couple different names and addresses and that they are trying to get a separation of the two sites for signage to be separate, and in addition to that the co-op

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is sponsored by five different entities whereas the school district owns the property, but the building is owned by the Co-op.

The Plan Commission asked about traffic flow and access. Mr. O'Rourke said this is simply a subdivision for the two existing buildings and that access easements will be provided for the lots.

Regarding staff comments, the engineering dept. is looking for a wider easement for a watermain, proposed originally at 10 ft. and they would like 20 ft. He said a plan has already been submitted to address that issue.

Mr. Kessler made a motion to recommend approval of the application for the Final Plat of Subdivision for Munhall School Subdivision (St. Charles School Dist. 303) contingent upon resolution of all staff comments. Mr. Henningson seconded the motion.

Voice Vote:

Ayes: Schuetz, Henningson, Wallace, Kessler, Doyle, Pretz

Nays: None

Absent: Amatangelo

Motion Carried.

PUBLIC HEARING

4. General Amendments (City of St. Charles)

17.30.030, "General Definitions - Sign, Flashing" and 17.28.060, "Illumination" pertaining to electronic reader boards, 17.30.030, "General Definitions" pertaining to a yard location diagram, 17.28.090, "Exemptions" pertaining to the creation of regulations for drive-through menu board signs, 17.28, "Signs" pertaining to regulation for windows signs, Table 17.14-2, "Business and Mixed-Use Districts - Bulk Regulations", 17.22.020.A, "General Requirements", and 17.22.020.B, "Detached and Attached Garages" pertaining to the amount of buildable square footage allowed for detached garages in the CBD-2 Mixed Use Business District, 17.24.060, "Location of Off-Street Parking" pertaining to parking facilities provided on a separate lot, 17.02.430 C, "Authorized Administrative Changes" pertaining to signs in PUDs

The attached transcript prepared by Sonntag Reporting Service, Ltd., is by reference hereby made a part of these minutes.

Mr. Kessler made a motion to continue the public hearing to Tuesday, March 6, 2012 at 7:00pm in the City Council Chambers. Mr. Doyle seconded the motion.

Voice Vote:

Ayes: Schuetz, Henningson, Wallace, Kessler, Doyle, Pretz

Nays: None

Absent: Amatangelo

Motion Carried.

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6. Meeting Announcements

Tuesday, March 6, 2012 at 7:00pm in the Council Chambers

Tuesday, March 20, 2012 at 7:00pm in the Council Chambers

Tuesday, April 3, 2012 at 7:00pm in the Council Chambers

Mr. Colby noted there is no meeting scheduled for March 20.

7. Additional Business from Plan Commission Members, Staff, or Citizens

Mr. Doyle asked if there should be a consideration to issue some sort of a resolution statement in regard to Lexington Club that would urge the Planning & Development Committee to give proper attention to the Plan Commission's Findings of Fact.

Mr. Colby said the Planning & Development Committee has not yet made a recommendation, but the project has been discussed at the last three meetings. He said there was a lot of public comment at the first two meetings and that the last meeting on Feb. 13th was the first time the Committee members weighed in on the project. The comments were mostly in regard to density in terms of number of units, traffic impact and a preference toward single-family versus townhomes. The Committee has yet to make a decision and the project was continued to the next Planning & Development meeting.

Mr. Doyle said he feels the Comprehensive Plan establishes what the community's expectations are for that parcel and he knows the Plan Commission was not unanimous in the recommendation, but there was a majority Finding of Fact. He would like to convey to the Committee in an appropriate manner, and publicly, that the Commission has been charged by the City Council to do this work and serve at their pleasure, and that he hopes the Committee will give proper attention to their deliberation and findings that inform the recommendations.

Mr. Kessler said he understands the concern being expressed by the Plan Commission; however, he doesn't feel it's the Commissions' place.

Mr. Wallace said for several other projects he had gone to Planning & Development meetings as the Plan Commission Chairman to answer questions and he felt that he was made to defend a view that Council does not share. He feels the Plan Commission's role is not well understood, which is a technical role in the process, and we are not a subservient body that's trying to impose policy opinions on them.

Mr. Schuetz said he read the article in the Daily Herald and that he felt it sounded like the Plan Commissions' time, effort and recommendation did not matter. Mr. Kessler said there is nothing that the Commission can do to combat the impression that newspaper articles provide.

Mr. Doyle said the Commission serves a particular purpose as a technical body to receive testimony and investigate issues at a level of detail that Council and Planning & Development does not have the capacity to do and some of the things he read from the minutes were criticizing the traffic study and saying that a new independent study is needed. He said that the Plan Commission requested one and it was done and confirmed by the traffic consultant that there is

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sufficient capacity. He said he doesn't feel the City needs to spend more tax payer dollars to ask questions that have already been answered. He feels it's appropriate to say to the Committee that it is our sincere belief that these things have been analyzed and some of these things have been answered to our satisfaction. If there is a persistent disconnect of what the Plan Commission does and what the findings are and then what occurs at the P&D or Council, then he feels the Plan Commission needs more guidance as to how to fulfill their charge more effectively.

Mr. Kessler said in regard to the disconnect, he is not sure it's due to the Lexington project in particular. He said he is not pointing blame at anyone but there has always been a disconnect between Plan Commission and City Council. He said the elected officials decisions will be more constituent-based than fact based. He referenced the Towne Centre project and how it was dismissed without even a discussion.

Chairman Wallace said the state statute actually lays out what a Plan Commission is and should do. He said he feels the issue is, do members of the City Council understand what the role of the Plan Commission is, and do they give due consideration to their recommendation, and do they have to.

Mr. Doyle said he doesn't feel that the Council is not being sincere but that amid the strong public opposition and occasionally some misinformation that's out there, in the context of this Commission sticking to its procedure, our Commission's recommendations and communications to the Council are much less visceral and persuasive than a member of the public. He said there are other mitigating considerations that the Commission believes are in the City's and community's interest to consider, and one of them being that developers should not be continuously saying that after five years, the feedback is shocking and the development community will be sent running. He said this is not in the City's interest. He said if the Commission all agrees this is an issue, we may want to consider an appropriate formal way to register our concerns to the City Council and engage in a constructive conversation.

Mr. Henningson said the difference with this project is there was a public hearing in regard to the TIF, and then a public hearing for the development and in the past the discussion has been limited to no public comment at the Committee level, and he feels public hearings have been reopened. He said residents have more power than the Commission because their position has not been advocated.

Plan Commission members discussed sending a representative to the Committee meetings to answer questions as they arise and help the Committee understand what the Plan Commission was saying.

Mr. Doyle said, to summarize the Commission's position, that there is some concern their role is not well understood and what they are doing is not receiving as much weight as they would hope in relation to public opposition. The Commission members agreed.

Chairman Wallace said he feels there should be some communication with the Council, followed by some type of action, such as making themselves available at the request of the P&D Committee. He said the Commission was unanimous on the issue and Mr. Doyle could

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communicate this to the Ald. Carrignan. He suggested thinking about this and discussing it at the next meeting.

Mr. Henningson asked what the Plan Commission's recommendation was in regard to Lexington. Mr. Colby said it was split, the Map Amendment/Rezoning was unanimous, the PUD Special Use he thought was 6 to 1, or 5 to 2.

Chairman Wallace discussed the process of public hearings and said that after the Plan Commission receives testimony, the public hearing should be closed and no other information for consideration should be received. He questioned the practice of allowing additional public comment.

Mr. Colby said staff recommendations come after the public hearing and staff provides the Plan Commission and Staff recommendation to the Committee. He said staff's duty is to facilitate the process.

Mr. Colby gave a brief update on the Comprehensive Plan Project.

8. Adjournment at 8:51PM

1 PRESENT:

2 MR. TODD WALLACE, Chairman;

3 MR. TIM KESSLER, Vice Chairman;

4 MR. BRIAN DOYLE, Member;

5 MR. CURT HENNINGSON, Member;

6 THOMAS PRETZ, Member; and

7 MR. TOM SCHUETZ, Member.

8

 ALSO PRESENT:

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 MR. RUSSELL COLBY, Planning Division Manager;

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 MR. MATTHEW O'ROURKE, Planner; and

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 MR. BOB VANN, Building & Code Enforcement Manager.

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1 CHAIRMAN WALLACE: Okay. So that
2 would be six ayes -- five and one abstention.

3 At this point in time, I'd recommend that
4 we amend the agenda to do Item No. 5 prior to the
5 public hearing. I guess we'll do it by motion.

6 MEMBER KESSLER: So moved.

7 MEMBER SCHUETZ: Second.

8 CHAIRMAN WALLACE: All in favor.

9 (The ayes were thereupon heard.)

10 CHAIRMAN WALLACE: Opposed.

11 (No response.)

12 CHAIRMAN WALLACE: In that case the
13 next item on the agenda is Item No. 5, which is
14 Munhall School Subdivision, St. Charles School
15 District No. 303, 1304 and 1400 Ronzheimer Avenue,
16 application for final plat of subdivision.

17 Supporting Documents: Final plat of subdivision
18 of Munhall School Subdivision, Trotter &
19 Associates, received 2/8/12.

20 All right. Go ahead.

21 MR. O'ROURKE: The St. Charles School
22 District, represented here tonight by John Baird,
23 has submitted an application for a final plat of
24 subdivision.

1 Essentially the Munhall Elementary and
2 Mades Johnstone Schools are on one property.
3 What they're proposing is to subdivide that into
4 two properties, one for each school.

5 Staff has laid out most of the details in
6 the staff report, in particular, that Lot 1 will
7 be the majority property with Munhall Elementary
8 School located on that lot; Lot 2 will be made up
9 of the Mades Johnstone School and surrounding
10 green space.

11 Access for both schools is currently off
12 Ronzheimer Avenue, and it will remain that way,
13 but they are recording a dedicated ingress/egress
14 to make sure it stays that way.

15 Staff has reviewed the application for all
16 the relevant zoning standards to check to make
17 sure there are no nonconformities being created.
18 We have found that there won't be.

19 Staff has also reviewed it with regards to
20 Title 16 subdivision and land development
21 ordinance to make sure that everything was shown
22 as it should. We have found nothing out of sync
23 with it. We are recommending approval with a
24 contingent that some staff comments that are

1 outstanding be addressed.

2 With that, that concludes my staff report,
3 and I'll answer any questions.

4 CHAIRMAN WALLACE: All right. Any
5 questions from the members of the Plan Commission.

6 MEMBER KESSLER: Yeah. Why?

7 MR. O'ROURKE: I'd probably defer
8 that to Mr. Baird.

9 MEMBER KESSLER: Simply curious.

10 MR. BAIRD: Well, there are actually
11 two reasons.

12 Right now the safety division of the
13 regional office of education and the fire
14 department, sometimes they refer to it as the
15 Munhall complex, sometimes -- it has the one
16 address right there, and we've been trying to
17 separate it and talking about it for the last
18 three years so that when a fire truck is called
19 there, you have one section there, so we're just
20 trying make sure signage and everything is
21 separate.

22 In addition to that, the co-op is -- the
23 building is sponsored by five entities. Whereas,
24 the school district owns the property, the

1 building is owned by the co-op.

2 MEMBER KESSLER: Which building?
3 Munhall?

4 MR. BAIRD: No, Mades Johnstone over
5 there. So it just was a separation of the
6 two sites right there just a --

7 MEMBER KESSLER: Mostly identification?

8 MR. BAIRD: Yes.

9 MEMBER KESSLER: Okay. Thank you.

10 MEMBER SCHUETZ: So traffic flow and
11 all that, nothing is changing.

12 MR. O'ROURKE: There's no proposals --
13 physically to the site there's no changes at all.
14 It's simply subdivision for the two existing
15 buildings.

16 CHAIRMAN WALLACE: Matt, I thought
17 that I saw a comment that there were some issues
18 with the ingress/egress.

19 MR. O'ROURKE: No. What that is the
20 engineering department is looking for a wider
21 easement over a water main, an existing water
22 main. It was proposed at 10 foot originally.
23 They'd like it to be 20.

24 That's really the only outstanding comment.

1 They've already submitted a plat. It just wasn't
2 in time for the staff report when it got made.

3 CHAIRMAN WALLACE: All right. Any
4 other questions, comments?

5 (No response.)

6 CHAIRMAN WALLACE: Members of the
7 public -- member of the public?

8 (No response.)

9 CHAIRMAN WALLACE: All right. Motion?

10 MEMBER KESSLER: I'd move to
11 recommend approval of the application for final
12 plat of subdivision for Munhall School at
13 St. Charles School District 303 contingent upon
14 resolution of all staff comments.

15 CHAIRMAN WALLACE: Is there a second?

16 MEMBER SCHUETZ: Second.

17 CHAIRMAN WALLACE: All right. It's
18 been moved and seconded. Any further discussion
19 on the motion?

20 (No response.)

21 CHAIRMAN WALLACE: Tim, roll call.

22 MEMBER KESSLER: Schuetz.

23 MEMBER SCHUETZ: Yes.

24 MEMBER KESSLER: Doyle.

1 MEMBER DOYLE: Yes.

2 MEMBER KESSLER: Pretz.

3 MEMBER PRETZ: Yes.

4 MEMBER KESSLER: Henningson.

5 MEMBER HENNINGSON: Yes.

6 MEMBER KESSLER: Wallace.

7 CHAIRMAN WALLACE: Yes.

8 MEMBER KESSLER: Kessler, yes.

9 CHAIRMAN WALLACE: All right. That
10 motion passes unanimously. Thank you very much.

11 All right. Moving on to Item No. 4 on the
12 agenda. This is General Amendment, City of
13 St. Charles, 17.30.030, "General Definitions -
14 Sign, Flashing"; 17.28.060, "Illumination"
15 pertaining to electronic reader boards;
16 17.30.30, "General Definitions" pertaining to a
17 yard location diagram; 17.28.090, "Exemptions"
18 pertaining to the creation of regulations for
19 drive-through menu board signs; 17.28, "Signs"
20 pertaining to regulation for window signs;
21 Table 17.14-2, "Business and Mixed-Use Districts -
22 Bulk Regulations"; 17.222.020.A, "General
23 Requirements"; 17.22.020.B, "Detached and
24 Attached Garages" pertaining to the amount of

1 buildable square footage allowed for detached
2 garages in the CBD-2 Mixed-Use Business District;
3 17.24.060, "Location of Off-Street Parking"
4 pertaining to parking facilities provided on a
5 separate lot; and 17.02.430 C, "Authorized
6 Administrative Changes" pertaining to signs
7 in PUDs.

8 All right. Since this is a public hearing,
9 before we begin I'll just give a very brief
10 explanation.

11 The Applicant, which is the City of
12 St. Charles, will make a presentation. Following
13 the presentation, if any members of the Plan
14 Commission have any questions of the Applicant,
15 that would be the time to ask them, and then any
16 member of the public, and also if any member of
17 the public has any testimony to offer, they can
18 do that, as well, at that time.

19 At this time anyone who wishes to give any
20 testimony, I would ask that you raise your right
21 hand and be sworn.

22 (The three witnesses were
23 thereupon duly sworn.)

24 CHAIRMAN WALLACE: It's been so long

1 since we've done a public hearing.

2 MEMBER KESSLER: This one is a little
3 different, and I'd like to make a request.

4 CHAIRMAN WALLACE: Yeah.

5 MEMBER KESSLER: I'd like to request
6 that we go through each one and then we do
7 questions as we do them because it's a little bit
8 involved.

9 MR. O'ROURKE: Just so I can clarify,
10 you're saying go through the list and come back?

11 MEMBER KESSLER: No. Let's do them
12 one at a time because it could be a little
13 complicated.

14 MR. O'ROURKE: I kind of assumed
15 that. I figured it would be easier to do one
16 item at a time.

17 CHAIRMAN WALLACE: All right. In
18 that case -- at this point are there any
19 questions regarding procedure?

20 (No response.)

21 CHAIRMAN WALLACE: Mr. O'Rourke,
22 would you like to begin.

23 MR. O'ROURKE: Sure.

24 CHAIRMAN WALLACE: All right.

1 MR. O'ROURKE: Thank you.

2 This is -- again, this is something that
3 staff started last year where we brought a series
4 of general amendments. We thought it kind of
5 worked well to do them all at once. So this has
6 sort of become an annual review process. All
7 year long staff kind of writes down a bunch of
8 complaints and/or modifications, omissions,
9 things we notice and bring them forward to you
10 here tonight.

11 The first one we're looking at is electric
12 reader board signs. What the current ordinance
13 allows for now is an electronic LED, this kind of
14 sign can be permitted as part of a freestanding
15 sign, and the interval has to flash at 60 seconds.

16 What that means is it has to be one image
17 for 60 seconds before it can change. That
18 includes all moving parts, rotating, balls of
19 light, all those sorts of things.

20 It was brought to staff's attention that
21 this could be considered a little more
22 restrictive than what other communities have out
23 there, so staff did some research into this, and
24 what we found out is that the majority of

1 communities in the area probably do have a little
2 bit shorter of a static image time than we do.

3 We looked at a lot of communities in the
4 area, those that adjoin our boundaries directly,
5 and we branched out a little bit into DuPage
6 County to see what some other groups are doing.
7 I have that up on there and also in the staff
8 material as kind of a matrix of what else is
9 allowed out there.

10 We did notice that 60 seconds is a little
11 on the long end, but the other thing we noticed --
12 and you can kind of see them in this middle
13 section here where it says "Additional
14 Requirements" -- there's a lot of times other
15 communities will restrict the size of that
16 electronic reader board sign even further than
17 that what's allowed in total sign. So we thought
18 that was something interesting we could take a
19 look at tonight.

20 And when the sum of all those things is
21 considered, what we're proposing in this first
22 draft is that the interval be changed to it has
23 to be static for every 30 seconds and then it
24 can change.

1 And then we looked at some of these other
2 items and thought maybe they'd make some sense.

3 For instance, free-standing signs are now
4 limited to 100 square foot. Does it make sense
5 to have that as a whole reader board, or would we
6 want to limit that to 50 percent or 20 percent of
7 that sign? The same could be said for shopping
8 center signs. There's really no limit to how big
9 those can be as long as it meets the sign
10 ordinance in terms of height, square footage,
11 those sorts of things.

12 And then we just also wanted to point out
13 some issues that this might create such as create
14 some nonconforming signs. Should we restrict
15 this to only freestanding signs? Should this
16 only be -- should what I'm calling nonelectronic
17 reader board signs be included. Where you
18 manually change the image, would we want these
19 extra restrictions to apply to those, as well?

20 That's really all I have on the first item.

21 MEMBER KESSLER: Could you go back to
22 the -- can I ask a question? I guess I am.

23 I see on some of those, for example, Geneva
24 restricted to two changes per day.

1 MR. O'ROURKE: Yeah.

2 MEMBER KESSLER: What does that have
3 to do with the static image? Does that mean you --

4 MR. O'ROURKE: You can have one image
5 for half the day. It can change --

6 MEMBER KESSLER: So it doesn't flash.

7 MR. O'ROURKE: No, it doesn't do
8 anything.

9 MEMBER KESSLER: So most of these
10 that's what those are.

11 MEMBER SCHUETZ: So they're not
12 rolling?

13 MR. O'ROURKE: No. Every time there
14 is an image up there, in every community we
15 looked at it has to be just a flat image. There
16 can't be any like fireworks going off and
17 exploding. It has to be a set image.

18 MEMBER KESSLER: So you have
19 Glen Ellyn and you have Geneva. Those -- one is
20 12-hour period, and one is only two times a day,
21 so that's about 12 hours, and then you have one
22 that's 10 seconds.

23 MR. O'ROURKE: Yeah.

24 MEMBER KESSLER: I mean, those are

1 completely different than what we're talking
2 about, aren't they, those two?

3 MR. O'ROURKE: Yeah. They're kind of
4 outliers. The typical is once every 10 seconds,
5 every 15, I believe one of these is every 4, and
6 ours is 60. That's typically what we saw. These
7 two are anomalies that they're that restrictive.

8 MEMBER KESSLER: When I looked at
9 that, I thought the static images -- changing
10 static images is one part of the thing. I mean,
11 the size is kind of important, I think.

12 MEMBER SCHUETZ: You don't want it to
13 end up like Las Vegas.

14 MEMBER KESSLER: No. I mean, that
15 even comes up later on in your presentation about
16 the menu boards, sizing of those. We have that
17 same issue.

18 MR. O'ROURKE: Yeah. I did -- and
19 Bob and his department helped me out a lot with
20 this. We pulled some existing ones and kind of
21 did just a quick survey of what types of signs
22 are out there, and generally what you see is
23 anywhere between 25 and a little over 40 percent
24 of the sign. Now, that's the allowed square

1 footage of the sign. And a lot of other
2 communities had it set at 50 percent.

3 MEMBER KESSLER: And do we have it
4 set at all?

5 MR. O'ROURKE: No. We have no
6 regulation in terms of how big the electronic
7 part of the sign can be.

8 MEMBER KESSLER: So it could be the
9 whole sign, the whole sign could be --

10 MR. O'ROURKE: When I pointed out
11 earlier -- it could be all 225 square feet of a
12 shopping center sign. We have nothing to
13 limit that.

14 MEMBER DOYLE: What's the rationale
15 of these restrictions to begin with? Is there a
16 consensus that unrestricted, you know, would be
17 garish or -- is it esthetics?

18 MR. O'ROURKE: That's certainly part
19 of it. I think another part of it is the safety
20 issue. People driving down the road, you don't
21 want to see big flashing signs, especially as
22 colorful and bright as they're getting. It can
23 be considered a hazard to drivers. They get
24 distracted when they see something there.

1 So it's a little bit of both, I'd say,
2 those two issues: A little bit of esthetics and
3 having a uniform look in the community but also
4 some safety issues, as well.

5 MEMBER SCHUETZ: I think if it's
6 every 30 seconds versus a minute that 30 seconds
7 is probably safer because a lot of people are
8 going to want to see what it says, and they're
9 going to be distracted for literally a minute.
10 Seriously, think about it.

11 MEMBER KESSLER: I think you're right.

12 MEMBER SCHUETZ: I know I do it. You
13 want to see what it's going to say. So you're
14 like, "Crap, the light's turning green."

15 CHAIRMAN WALLACE: Does the
16 Arcada Theater have any type of exemption?

17 MR. O'ROURKE: Yeah, they're
18 considered a historic sign. It was kind of
19 grandfathered in as part of the 2006 amendment.
20 They do have to meet that interval requirement,
21 though.

22 CHAIRMAN WALLACE: On the sign part?

23 MR. O'ROURKE: Yes. So whatever this
24 changes to, they'd have to meet that 30 seconds.

1 MEMBER KESSLER: So those lights will
2 flash more quickly now.

3 MR. O'ROURKE: Well, not the little
4 bulbs, just the part that displays names and
5 events and that sort of thing.

6 MEMBER DOYLE: Regarding
7 nonconformities, do we have any signs in the city
8 right now that exceed 50 percent of the area of
9 the sign?

10 MR. O'ROURKE: Not that I either saw
11 when we looked at the plans or the ones we knew
12 about. I drove around and did some kind of
13 visual study. I didn't see any that would get to
14 that point. That's not to say that there aren't
15 any that I missed. It's hard to tell sometimes.

16 MEMBER DOYLE: So the highest one I
17 saw there was 42 percent.

18 MR. O'ROURKE: Yeah.

19 MEMBER DOYLE: If we set it at
20 25 percent, we would create at least three
21 nonconformities in town?

22 MR. O'ROURKE: Right.

23 MEMBER SCHUETZ: But they'd be
24 grandfathered in or no?

1 MR. O'ROURKE: They'd be
2 grandfathered in until such a time as they need
3 to fix it.

4 The Burger King one in particular, this is
5 part of a PUD. So that would probably --

6 MEMBER DOYLE: That's part of the one
7 we approved -- right? -- the new one.

8 MR. O'ROURKE: So that would probably
9 be grandfathered in under the existing PUD
10 regulations.

11 MEMBER KESSLER: And what would
12 change it? Is it if Burger King replaced the
13 sign or somebody else moved in.

14 MR. O'ROURKE: Yeah, typically
15 maintenance issues. If you tear down the sign
16 and reconstruct it, you have to meet it.

17 MEMBER KESSLER: In a PUD?

18 MR. O'ROURKE: Not in the PUD. The
19 PUD has its own sign regulations incorporated
20 into it.

21 MEMBER SCHUETZ: So you're saying
22 42 percent there. Is that "Have It Your Way"
23 42 percent of the sign?

24 MR. O'ROURKE: This is just a regular

1 backlit sign. So this percent of sign faces --
2 this is 42 percent of this whole box drawn around
3 there.

4 MEMBER HENNINGSON: And you're
5 proposing how much?

6 MR. O'ROURKE: We didn't come up with
7 a recommendation. We wanted to get some feedback
8 on that since this is a new regulation we're
9 proposing.

10 Based on the survey, what we saw out there
11 50 percent seems to be the natural break, but we
12 weren't sure if that was exactly what we want
13 to do.

14 CHAIRMAN WALLACE: Hey, Matt, what do
15 you think about Wheaton having this as a
16 special use?

17 MR. O'ROURKE: You know, it was
18 interesting. I don't know I mean for every time
19 somebody wanted to replace a sign if we'd want to
20 ask them to go through that process.

21 CHAIRMAN WALLACE: I'm just curious.
22 I know several businesses I've seen change their
23 signs and all of a sudden they have an electronic
24 reader board sign. I'm sure they have to get a

1 permit and go through your office to do that, but
2 I mean, I don't know. In Wheaton I'm assuming
3 that every time they do that they have to go
4 through public hearing.

5 MR. O'ROURKE: If it's a special use,
6 they have to go through the process.

7 I guess I had two opinions on that. One
8 is, if we write the regulations appropriately, I
9 don't know if we'd need it because people would
10 be conforming to those.

11 And, two, special uses, the way they're
12 handled, if you meet the underlying zoning
13 requirements, you're basically sending someone
14 through the process just to go through the
15 process. For a sign I don't know if it's worth
16 that kind of scrutiny.

17 MEMBER DOYLE: Are there any
18 electronic reader signs in the downtown area?

19 MR. O'ROURKE: Besides the Arcada I
20 can't think of any.

21 MR. COLBY: No, there aren't any others.

22 MEMBER DOYLE: One thing I just
23 wonder about -- this is sort of a question but
24 it's in the -- it's a vague question.

1 In the downtown one thing that the
2 comprehensive plan articulates and members of the
3 public have articulated is the desire to preserve
4 the historic character of the downtown. When it
5 gets to special uses, would it be within the
6 Commission's purview to contemplate a special use
7 in certain zoning areas like the CBD zoning areas
8 downtown and be more relaxed in use in other
9 areas around the city?

10 MR. COLBY: That's something that
11 could be considered, and if you wanted to write
12 the regulations for the reader board signs to
13 apply to different zoning districts in a
14 different way, that's something you can do.

15 One thing to keep in mind is that within
16 the downtown the portion that's in the historic
17 district, which is most of the core of downtown,
18 any sign permits are reviewed by the Historic
19 Preservation Commission for is a certificate of
20 appropriateness. So they would review the design
21 of the sign, its placement relative to where it's
22 placed on the building, the year the building was
23 constructed whether or not the sign is compatible
24 with the building.

1 So they went through that review process
2 when the Arcada replaced their reader board, for
3 example, and they would go through the same
4 process for any other building, and they have
5 more broad authority to make decisions based on
6 community character. And, you know, the
7 requirements of the ordinance for historic
8 preservation are pretty stringent. They have a
9 lot of guidelines they can use to, you know,
10 really analyze what's being proposed, and they
11 have tools to be able to request other things be
12 used in situations where they think it's not
13 appropriate.

14 MEMBER DOYLE: Does that historic
15 district -- I assume it doesn't cover the entire
16 First Street development.

17 MR. COLBY: It does not.

18 MEMBER DOYLE: So if you're over on
19 Illinois and First Street --

20 MR. COLBY: It extends down to
21 Indiana Street. So that's in front of the
22 Blue Goose, basically.

23 MEMBER DOYLE: That's all part of the
24 historic?

1 MR. COLBY: From there north.

2 MEMBER DOYLE: So the new
3 development, First Street there and the shopping
4 center where Gramps -- it's now renamed, but
5 that's all part of the historic district?

6 MR. COLBY: Yes.

7 MEMBER DOYLE: And 64.

8 MR. COLBY: Yeah. Roughly the
9 boundaries are Indiana Street and Indiana Avenue
10 on the south, and on the north, State Street on
11 the west side of the river, Park Avenue on the
12 east side of the river. Then the eastern
13 boundary is Sixth Avenue, so by the library, and
14 the western boundary is Fifth Street by
15 Lincoln Park. So you can sort of think about
16 those boundaries.

17 MR. O'ROURKE: I've got it up here on
18 the GIS. It's this yellow line that you see
19 denoted here on the map. I don't know why the
20 street names aren't going up.

21 MR. COLBY: Going back to your last
22 question, you could regulate these signs based on
23 what zoning district they're in. In terms of,
24 you know, if you want to be more lenient with the

1 requirements for reader boards in the CBD zoning
2 district, that would cover all of downtown
3 including areas outside of the historic district.
4 So, for example, on Route 31 north and south of
5 the historic district boundaries.

6 MEMBER DOYLE: If we were concerned
7 about this particular district in particular,
8 this historic area, the core downtown, would
9 additional restrictions in this area or in the
10 CBD then be redundant with the powers that --
11 superfluous with the powers that you described
12 the Preservation Commission has?

13 MR. COLBY: Not necessarily because
14 they -- the requirements of the zoning ordinance
15 in terms of the numbers and the size of the
16 signs, the Historic Commission can only address
17 the size of the signs relative to where they're
18 placed on a building, for example. So they can't
19 necessarily say, you know, "This sign is too
20 big," unless they have a reason to relate it to
21 what's being proposed. You know, it's too big
22 for where it's placed on the building.

23 But they do not set that number that you
24 start with as a maximum. So if there were an

1 interest in limiting that in the historic
2 district, that would change how they would view
3 the permit. So it's a different control.

4 MEMBER DOYLE: So those are my
5 questions. I think we want to probably hold off
6 on comments until later. Is that correct?

7 CHAIRMAN WALLACE: Yeah. Let's
8 finish up with the questions.

9 MR. O'ROURKE: I think it might be
10 good to do it kind of each item by item, though.
11 So if there's no more questions with the
12 electronic stuff then we can --

13 CHAIRMAN WALLACE: I have another one.

14 MR. O'ROURKE: Yeah.

15 CHAIRMAN WALLACE: I know there was
16 discussion when we -- when we passed the new
17 zoning ordinance regarding signs behind windows
18 or signs that are inside of buildings.

19 MEMBER KESSLER: It's coming up.
20 It's the fourth or fifth item coming up.

21 CHAIRMAN WALLACE: Oh, I missed it.
22 Well, I'll leave that until later then.

23 MEMBER PRETZ: I have one question.
24 Can you go to the slide that shows the shopping

1 center with the 225 square feet?

2 MR. O'ROURKE: Yeah.

3 MEMBER PRETZ: So right now the
4 ordinance does allow for a shopping center to be
5 225 square feet?

6 MR. O'ROURKE: Correct. That's a
7 freestanding sign.

8 MEMBER PRETZ: That's a freestanding
9 sign and if we were talking 50 percent, that
10 would mean at 100-and-some square feet could be
11 that type of sign.

12 MR. O'ROURKE: Yeah.

13 MEMBER PRETZ: Which to me seems to
14 be a little large.

15 MR. O'ROURKE: Yeah. We don't have a
16 ton of those in town that are that big.

17 MEMBER SCHUETZ: Not yet.

18 MR. O'ROURKE: The mall has a couple;
19 East Gate Commons has some.

20 MEMBER PRETZ: My concern would be if
21 we did a straight 50 percent, that would leave a
22 lot of square footage for that type of sign, even
23 though we have minimal --

24 MR. VANN: You could probably look at

1 Valley Shopping Center as a good example because
2 that's 225 square feet right there and they've
3 got all those.

4 MEMBER KESSLER: That's a huge sign.
5 It's also ugly and cheap.

6 MR. O'ROURKE: We could always
7 restrict it to 50 percent or 50 square feet,
8 whichever is less. That gives everybody an even
9 playing field. We can certainly look at
10 incorporating something like that.

11 MEMBER DOYLE: Or could we have
12 two different restrictions, 50 percent for
13 freestanding signs or 30 percent if it's a
14 shopping center sign?

15 MR. O'ROURKE: Yeah. We can look at
16 any multitude of combinations to figure out what
17 works best, but any of those combinations are
18 available if we think that's a better thing to do.

19 CHAIRMAN WALLACE: Any other
20 questions? Did you have anything else, any other
21 comments?

22 MEMBER DOYLE: I have a -- my comment
23 is that outside of the historic district I'm
24 inclined to be more lenient. I might even be

1 more lenient than 30 seconds.

2 I know that there's a safety issue, but I'm
3 not quite certain how to measure that, but I
4 wouldn't be adverse to considering taking it down
5 to 15 seconds if other members of the Commission
6 were in agreement with that.

7 But in the historic district and maybe in
8 the case of shopping center signs, I think that --
9 think that we should target restrictions to --
10 particularly in the downtown to focus on
11 preservation, and if it's not going to be
12 redundant with the powers of the Historic
13 Preservation Commission, then I would recommend
14 that we target our codes to two different types
15 of properties.

16 MEMBER KESSLER: I would agree with
17 that. I would say that -- I'd like to see this
18 limited to about 50 percent. You know, we do
19 have that one sign that's 42. You speak of
20 grandfathering. I hate that word and I hate it
21 when we have to do it. We might as well
22 accommodate everybody that's out there right now.

23 I'm not opposed to making it 15 seconds at
24 all. I again realize it's a safety issue, but I

1 think 60 seconds is too long.

2 In addition to the historic district,
3 there's another district or type of property that
4 I would be concerned about, and that's overlays
5 in residential areas. I don't think they should
6 even be allowed to have flashing signs. So I
7 think that's another --

8 MR. O'ROURKE: You're referencing the
9 BT overlay district?

10 MEMBER KESSLER: Right. Right. And
11 there's a few freestanding lots. I mean, Royal
12 Builders, he could easily put one there, but I
13 don't think he should.

14 MR. O'ROURKE: The signage in that
15 district is restricted more heavily than others.

16 MR. COLBY: Right now in the BT
17 overlay district, which is residential
18 properties -- the houses converted to offices, we
19 do not allow signs to be internally lit. So they
20 wouldn't be allowed to have a reader board.

21 MEMBER KESSLER: Okay.

22 MEMBER DOYLE: Where is the BT overlay?

23 MEMBER KESSLER: Well, like Royal
24 Builders. That's an overlay in a residential

1 neighborhood.

2 MR. O'ROURKE: It's an overlay
3 district. It's still zoned residential, but the
4 overlay allows for a few extra uses such as an
5 office or small retail.

6 MEMBER SCHUETZ: Have we given any
7 consideration on the lit signs of the color of
8 the writing or whatever you want to call it, the
9 letters?

10 MR. O'ROURKE: Yeah. That's
11 something that I do know other communities do. I
12 didn't notice any in the area restrict it, but I
13 have seen ordinances that say it can only be the
14 red LED or that amber color.

15 MEMBER SCHUETZ: You see amber,
16 red, green.

17 MEMBER KESSLER: Blue.

18 MEMBER SCHUETZ: Sometimes.

19 MR. O'ROURKE: The one thing I'd say
20 now is now we have these full-color LEDs like
21 Burger King. That would make those almost
22 completely --

23 MEMBER SCHUETZ: That looks nice
24 I think.

1 MR. O'ROURKE: So I didn't know if we
2 wanted to -- we certainly could write that into
3 the ordinance, but with the way that technology
4 is advancing I didn't know if we really wanted to
5 do that yet.

6 CHAIRMAN WALLACE: Is it allowable to
7 have an electronic and nonelectronic reader board
8 on the same sign? Is there any restriction
9 against that?

10 MR. O'ROURKE: Not right now.

11 CHAIRMAN WALLACE: Is that something
12 that we would want to consider just from the
13 standpoint -- I don't even know if any businesses
14 have it.

15 MEMBER SCHUETZ: What are you
16 talking about?

17 CHAIRMAN WALLACE: Putting letters up.

18 MR. O'ROURKE: Removable type?

19 CHAIRMAN WALLACE: You know, I just
20 think there would be such going on.

21 MEMBER DOYLE: 2 million served and
22 then --

23 MEMBER KESSLER: That's right.

24 CHAIRMAN WALLACE: Hold on, hold on.

1 THE COURT REPORTER: I can only get
2 one at a time.

3 MEMBER KESSLER: Sorry about that.

4 MR. O'ROURKE: I wonder if the size
5 restriction would help mitigate that in its
6 own right.

7 CHAIRMAN WALLACE: I didn't know if
8 that would even be an issue. I imagine people
9 aren't even putting those types of signs up
10 anymore because the electronic would be cheaper.

11 MR. VANN: You know, I haven't seen
12 one come in for permit since these electronic
13 boards have been in existence, to be honest with
14 you. I think they're kind of being phased out
15 because of that reason.

16 CHAIRMAN WALLACE: Well, my feeling
17 on this would be, I like the idea of doing
18 basically two different zones where we're doing
19 something that's more restrictive in -- my idea
20 would be to expand that to CBD-1 and CBD-2
21 because I think that kind of encapsulating
22 everything we've been talking about, and we're
23 keeping it with the zoning areas as opposed to
24 the historic overlay.

1 MR. COLBY: I'd recommend doing it
2 that way.

3 CHAIRMAN WALLACE: My feeling would
4 be in that area to do something along the lines
5 of 30 percent. And what are your thoughts on
6 doing like Geneva has where it's restricted to
7 two changes per day in those areas but then in
8 the outlying areas do it at 50 percent and change
9 every 15 seconds, where it's much less
10 restrictive in those areas, but when you get into
11 the CBD-1 and 2, you're going to limit that type
12 of thing.

13 MR. VANN: I can tell you that the
14 Arcada would have a really big concern about that.

15 CHAIRMAN WALLACE: I think we -- I
16 mean, I would really want to exempt them from it
17 just because of the historic --

18 MR. O'ROURKE: That's the one
19 regulation that they do have to comply with
20 currently is that interval.

21 CHAIRMAN WALLACE: So it's the
22 interval?

23 MR. O'ROURKE: They're required to
24 maintain it for 60 seconds just like everyone else.

1 CHAIRMAN WALLACE: Oh, okay. So they
2 don't have any special exemption on that?

3 MR. O'ROURKE: Like the lights and
4 some of the other things around it, the sign
5 marquee and all that is what's preserved but not
6 the interval. They do have to meet that.

7 CHAIRMAN WALLACE: Well, maybe the
8 interval isn't that big of a thing, but the
9 percentage, the 30 and 50.

10 MR. O'ROURKE: I think visually
11 that's going to have much more of an effect on
12 what you're trying to accomplish.

13 MEMBER DOYLE: The percentage?

14 MR. O'ROURKE: The percentage.

15 MEMBER SCHUETZ: I'm not sure if I
16 missed anything, but has there been any thought
17 given to -- for instance, Heinz Brothers I think
18 looks nice, but they've got the reader board and
19 then the permanent.

20 What if somebody were just to want to put
21 up a reader board period like a Vegas thing.
22 Would this ordinance stop that, prevent that? I
23 mean, do they have to have -- I don't think we've
24 talked about that. I don't know if I'm missing

1 something.

2 MEMBER DOYLE: Well, if we say that
3 there's 30-percent coverage restriction in CBD-1
4 and 2 and a 50 percent coverage restriction
5 everywhere else they couldn't --

6 MEMBER SCHUETZ: But is there some
7 way to get around that if they just want a
8 reader board?

9 MR. O'ROURKE: I think to address
10 that concern what we'd do is we'd say 50 percent
11 of the sign area or 50 square feet, whichever is
12 less. We do that with a lot of requirements.

13 CHAIRMAN WALLACE: So if somebody
14 wanted to put up just a reader board sign --

15 MR. O'ROURKE: I think that would
16 limit that from happening.

17 MEMBER KESSLER: It could only be
18 50 percent of what they were allowed.

19 MR. O'ROURKE: And without a regular
20 sign I don't know you would get there.

21 MEMBER SCHUETZ: What if they were to
22 want to put -- I'm just saying, devil's advocate
23 here -- put up a reader board and they would just
24 put the verbiage on 50 percent of the reader

1 board? I mean, seriously, I don't want to have
2 reader boards all over the place and no signage.

3 MR. COLBY: We could probably write
4 some language to address that issue. I'm not
5 sure off hand how exactly, but it's probably
6 something that could be done.

7 MEMBER SCHUETZ: Don't you think that
8 could happen, though?

9 CHAIRMAN WALLACE: I'm sure you
10 probably have them sitting on your desk, the
11 ordinances from the other towns but . . .

12 MR. O'ROURKE: Linked as favorites on
13 my browser.

14 MEMBER DOYLE: One more question.
15 The Arcada, have you seen requests from the
16 Arcada to relax the interval?

17 MR. VANN: I can tell you I have had
18 conversations with the Arcada management, and
19 their sign is the type of sign that produces much
20 of their business. They have had problems keeping
21 that time limit down to 60 seconds.

22 They had mentioned to me at least that
23 30 seconds would be great because it gives them
24 just enough time for the motoring public to read

1 what's on there and change.

2 CHAIRMAN WALLACE: I've been
3 distracted by that sign because of how long it
4 takes. Because I have sat there before and said,
5 wait a second, I saw earlier there was some
6 concert.

7 MR. O'ROURKE: I'm pretty sure it was
8 Eddie Money.

9 CHAIRMAN WALLACE: Actually, it was
10 Pink Floyd but that's all right.

11 MR. VANN: They're required to
12 produce information for city events, so they'll
13 be able to flash that a little bit quicker and
14 give that a little bit more time, too. So
15 there's some benefit to that.

16 MEMBER DOYLE: So I would favor
17 30 seconds in CBD-1, -2, and 15 seconds
18 elsewhere. That sounds like, Matt, the
19 restrictions on the coverage may be more -- have
20 more of an impact on esthetics than the timing
21 involved.

22 MEMBER KESSLER: I agree.

23 MR. O'ROURKE: Okay.

24 CHAIRMAN WALLACE: Anything else?

1 (No response.)

2 CHAIRMAN WALLACE: All right. Let's
3 move on to exempt signs, drive-through menu
4 boards.

5 MR. O'ROURKE: And this is just --
6 this is an omission that staff is looking to
7 correct where there are no regulations currently
8 in the ordinance for these. They do need a
9 building permit, there's some structure involved,
10 but in terms of size, design, anything like that,
11 it's really not regulated.

12 What we've been seeing in the last year is
13 people have been coming in at least inquiring
14 about possibly putting in a second drive-through
15 lane or having multiple order points on one
16 drive-through lane to move the customers through
17 quicker. So staff thought it may be a good idea
18 to have some sort of limitations in place so we
19 know what to expect when we're reviewing these
20 types of proposals.

21 We again looked at some of the surrounding
22 communities in the area. It's kind of a mixed
23 bag. Some have very specific requirements or at
24 least some minimum standards and others don't

1 mention it at all.

2 Based on that what staff would like to do
3 and what we think is appropriate is limit it to
4 one per lane or order point because I have seen
5 drive-through lanes where there's two menus and
6 two order points almost double stacked on each
7 other, and I think they use them infrequently
8 when they get really busy.

9 What we're proposing at this time is that
10 it gets limited to 32 square feet. That's
11 consistent with other kind of semipermanent
12 advertising signs, such as Christmas tree lots
13 and real estate postings. They're around the
14 same size. That's a pretty good sign, 4 by 8.

15 CHAIRMAN WALLACE: So is that fairly
16 consistent with South Elgin, the way theirs is?

17 MR. O'ROURKE: It goes up and down
18 between 32 square feet and 50 based on most of
19 the ordinances I reviewed.

20 MEMBER KESSLER: Explain to me again
21 why you recommend one per order point.

22 MEMBER SCHUETZ: Per lane.

23 MR. O'ROURKE: Per lane or order point.

24 What we've been seeing -- I think the

1 Burger King on Randall does this -- is they have
2 two separate squawk boxes, I'll call them, and
3 two menu boards, and then two people can order at
4 the same time into the building. That's why I'm
5 saying order point. Each one has an order point;
6 each one has a menu.

7 CHAIRMAN WALLACE: As opposed to just
8 having a sign and then another sign and an order
9 point in the same lane?

10 MR. O'ROURKE: Yeah. If they were
11 spread over two lanes, it'd have two lanes.

12 MEMBER KESSLER: I'm still not clear.
13 So you have two menu boards.

14 MR. O'ROURKE: Right.

15 MEMBER KESSLER: You can have two menu
16 boards per lane?

17 MR. O'ROURKE: No. I'm saying
18 two menu boards -- and this will come out in the
19 text of the amendment. Basically, you get one
20 per order point if it's shared in a lane or one
21 per lane if the order point is -- if there's
22 two lanes where you order, if that makes sense.

23 MEMBER SCHUETZ: So the maximum is
24 two boards?

1 MR. O'ROURKE: Two boards unless
2 somebody has three drive-through lanes which I've
3 never seen. Sonic's maybe.

4 MEMBER KESSLER: So you're saying one
5 menu board per lane?

6 MR. O'ROURKE: Yeah.

7 MEMBER KESSLER: Which is what it
8 is now.

9 MR. O'ROURKE: Yeah. Except some
10 lanes have multiple order points. Like two orders
11 can be taken at the same time.

12 MEMBER KESSLER: Okay. Can an order
13 point be somebody standing out there? Because
14 that's what they do at Portillo's and a lot of
15 places do that. That's what I'm getting at.

16 CHAIRMAN WALLACE: I would say a
17 fixed order point.

18 MR. O'ROURKE: Year round, everyday
19 business order point.

20 MEMBER KESSLER: Are these permanent?
21 These menu boards, is this a permanent sign?

22 MR. VANN: Yeah. It's a permanent
23 structure.

24 MEMBER KESSLER: So this is not a

1 freestanding sign that they put out because
2 they're going to put an employee out there to
3 speed up the lane?

4 MR. VANN: No. If you go to the west
5 side McDonald's, that's exactly what I think Matt
6 is referring to. There's two order points that
7 you can go to. They've got two signs. Both
8 signs are exactly the same.

9 MEMBER KESSLER: So this doesn't
10 address somebody having two temporary order
11 points or having another temporary order point
12 like Portillo's does.

13 MR. O'ROURKE: It would be our
14 assumption that just because you have somebody
15 out there taking orders you're not going to drag
16 out a makeshift menu board. If you think we need
17 to make sure that something's in there to
18 prohibit that, we can do that.

19 MEMBER KESSLER: No, no, I just want
20 to be clear that you're not prohibiting that.

21 MEMBER SCHUETZ: No.

22 MR. O'ROURKE: Not as it's proposed
23 now. We're talking about fixed, permanent signs
24 that need some review.

1 MEMBER DOYLE: Are you aware of any
2 instances of two signs for a single order point?
3 I understand what the ordinance is saying. I'm
4 just wondering if this restriction --

5 MEMBER KESSLER: The old Burger King
6 had it. They had two signs side by side.

7 MR. O'ROURKE: Wendy's maybe. But
8 that may be the Wendy's by my parents' house.

9 MEMBER KESSLER: Taco Bell.

10 MR. O'ROURKE: You're right. I
11 believe the one over off of Bricher does. It has
12 a menu that you can kind of read while you're
13 sitting there and then another one when you
14 order. That would not be allowed because you
15 can't physically order from it. We're trying to
16 get it to that point.

17 MEMBER DOYLE: I just wanted to
18 verify that there's "there" there, that we're
19 restricting something that actually happens in
20 real life.

21 MR. O'ROURKE: I think based on this
22 discussion we'll make sure we clean that up, the
23 verbiage a little bit, make sure it's more clear.

24 MEMBER HENNINGSON: Are you concerned

1 about to two boards just for aesthetic purposes?

2 MR. O'ROURKE: I think aesthetic
3 purposes and I don't know if we necessarily need
4 three of these hanging out at one order point.
5 There's no functional reason for that, and it
6 could start to get aesthetically unpleasing.

7 MEMBER HENNINGSON: How does -- the
8 current Burger King and Randall, on 32 square feet,
9 how does that compare?

10 MR. O'ROURKE: That's roughly what
11 they have. I'd have to look it up again.

12 MEMBER HENNINGSON: And will this
13 impact like the new Culver's.

14 MR. O'ROURKE: No.

15 MR. VANN: The Permit for the sign at
16 Culver's has already been issued.

17 MR. O'ROURKE: That, too.

18 CHAIRMAN WALLACE: All right.
19 Anything else?

20 (No response.)

21 CHAIRMAN WALLACE: All right. Moving
22 on to Chapter 17.28 "Signs," this is window signs.

23 MR. O'ROURKE: Window signs -- and
24 this was alluded to a little bit earlier. Again,

1 this is something that there are no regulations
2 in the zoning ordinance for. We're talking about
3 nonpermanent signs you stick up in your window to
4 advertise the sale of the week, that sort of thing.

5 This discussion has come up numerous times
6 as far as I can tell from previous minutes of the
7 Zoning Commission and other bodies, and it's
8 something that kind of comes up when somebody
9 does something that somebody else doesn't find
10 attractive; it's like, "Why don't we regulate
11 this sort of thing?"

12 So, again, we looked at other communities
13 in the area and wanted to see what they do.
14 There's a mixed bag of some that say, you know,
15 50 percent of the window area can be window sign.
16 Others limit it to 25 percent of the facade. So
17 you add up the square footage of all the windows,
18 and you can only do 25 percent of that total area
19 and then say only 50 percent of the individual
20 window can be covered. So that's one of the more
21 restrictive ones I remember looking at.

22 MEMBER SCHUETZ: 50 percent sounds
23 high to me.

24 MR. O'ROURKE: You know, it does but

1 I look at some examples around town, and it just
2 depends on the way the signs are placed and used.

3 What we're looking at -- I don't know if
4 it's universally agreed as exactly the way we
5 should do it -- is 50 percent of each window area
6 of the whole facade. That's what we're looking
7 at right now. Based on some other ordinances we
8 thought that's what made sense.

9 There was some idea of maybe this should
10 only be limited in the downtown CBD district
11 because of the historical sort of nature of those
12 areas, maybe we just only limit the amount there,
13 and the other districts can cover 100 percent of
14 the window as is allowed now.

15 I went out and took some pictures of some
16 examples around town. I think this particular
17 store here is probably over that 50 percent we're
18 proposing. Probably the same here with this
19 downtown establishment. This is probably getting
20 into that 50-plus range, and this grocery store
21 here, based on all the windows, I thought this
22 was probably close to 50 percent. As I looked at
23 this, I didn't think that was too terrible
24 looking, but that's probably right at 50 percent

1 or really close to it.

2 MEMBER SCHUETZ: So when you say
3 signs -- I'm sorry; I misunderstood -- you're
4 saying signs/posters, advertising.

5 MR. O'ROURKE: Basically what's
6 defined as a window sign in the ordinance.

7 MEMBER SCHUETZ: I thought you meant
8 a little LCD sign, flashing sign, like barbershop
9 signs is what I thought.

10 MR. O'ROURKE: Those would be
11 considered part of this.

12 MEMBER SCHUETZ: Right. But you're
13 talking more sale signs.

14 MR. O'ROURKE: Basically, all this.

15 MEMBER KESSLER: So -- where is that?
16 It looks familiar.

17 MR. O'ROURKE: Which one?

18 MEMBER KESSLER: The second window to
19 the right.

20 MR. O'ROURKE: This here?

21 MEMBER KESSLER: If you look at the
22 window to the right -- I can't read it.

23 MR. O'ROURKE: \$3 pulled pork
24 sandwiches or something like that.

1 MEMBER KESSLER: Are they good?

2 MEMBER SCHUETZ: Kessler, get focused.

3 MEMBER KESSLER: So you would say
4 that that sign covers the entire window?

5 MEMBER SCHUETZ: Oh, yeah.

6 MEMBER KESSLER: But it doesn't
7 because you can see through that. It's not
8 blocking the window.

9 MEMBER SCHUETZ: Do you own that place?

10 MEMBER KESSLER: I think one of the
11 issues I have is when you say -- they talk about
12 these restrictions of no more than 50 percent of
13 the window frame area.

14 If you say 25 percent -- we're limiting it
15 to 50 percent of the window area of the building
16 facade, you could completely block half of the
17 windows in that facade completely top to bottom
18 so only half the windows are open.

19 MR. O'ROURKE: Right.

20 MEMBER KESSLER: See, I don't like
21 that. That's why -- I don't know if you could
22 consider that completely blocking that window
23 or not.

24 MR. O'ROURKE: The way we define a

1 sign is basically draw a box from the tallest
2 part to the widest part and it's a sign.

3 CHAIRMAN WALLACE: One of the issues
4 that I have with 50 percent of the facade is,
5 let's say you have a building with three windows
6 on the first floor, three windows on the second
7 floor. They could cover 50 percent of the total
8 window area, so you could cover 100 percent of
9 all the bottom windows. But then you have a
10 building next door which only has one story.
11 They couldn't do that because all the windows of
12 their facade are on that one story.

13 Look at Alley 64, for example. They're
14 only a one story building, so they wouldn't be
15 able to cover as much of their windows as other
16 bars would that happen to have apartments
17 above them.

18 MEMBER KESSLER: I think you have
19 two aesthetic issues here. One is the signs
20 themselves, and that looks cluttered, but in
21 addition to that, I don't think you should be
22 blocking, you know, windows into a building, the
23 view. I don't think you should be blocking it
24 from the inside, as well as the outside.

1 CHAIRMAN WALLACE: The Batavia
2 ordinance, "Not to the exceed 25 percent of the
3 window area, electronic signs limited to
4 6 square feet."

5 MR. O'ROURKE: That would be your
6 neon open signs and your scrolling signs.

7 CHAIRMAN WALLACE: Would that be
8 total, or each one is limited to 6 square feet?

9 MR. O'ROURKE: As I understood the
10 ordinance, that is total.

11 MEMBER SCHUETZ: Doesn't say that.
12 That's what I was worried about with those signs.

13 MR. O'ROURKE: 6 square feet is for
14 those signs in particular. I mean, this isn't
15 the whole ordinance requirement. That's my
16 summation of it just to pull up the highlights.

17 MEMBER SCHUETZ: So how --
18 commercially, if the City were to put some of
19 this in place, I mean, how do you think these
20 stores are going to respond? Are they going to
21 scream wolf?

22 MR. VANN: Well, in talking with some
23 of the businesses -- first of all, let me say one
24 thing. If you have a liquor license, there is a

1 regulation for -- in the liquor license stating
2 that the officer needs to be able to see the
3 inside.

4 Now, the picture of the bar we had up
5 there, Thirsty Fox, that's going to be at the
6 discretion of the officer whether that's going to
7 meet it or not. The reason for that is at
8 closing time they can't be serving anymore, so
9 that's the reason they want to make sure they see
10 inside.

11 I think to answer your question, I think a
12 lot of businesses will complain about regulating
13 window signs. Now, if there's a reasonable size,
14 I think that they could live with that.

15 I would ask that if we're moving towards
16 that direction, as far as enforcement goes, it
17 would be easier to define that as probably the
18 window instead of the facade just for the clear
19 visual thing. You can say, "Well, that looks
20 pretty darn close to 50 percent," and maybe do
21 the measuring. But if it's the whole linear
22 footage of structure --

23 CHAIRMAN WALLACE: Think of how hard
24 that would be on Rox Bar. What's the square

1 footage of windows on the entire Baker Hotel?

2 MEMBER KESSLER: I agree. I don't
3 know if it's redundant to say 50 percent of the
4 facade and no more than 50 percent of an
5 individual window.

6 MR. O'ROURKE: No. I think you'd
7 be -- especially when you consider multistory
8 buildings with numerous windows that that would
9 count as two different buildings.

10 MEMBER KESSLER: That would be my
11 recommendation, 50 and 50. I wouldn't cover more
12 than 50 percent of the window.

13 MEMBER SCHUETZ: I agree. The other
14 question I would have is -- as you look at the
15 top left, I don't know what that store is, but
16 look how all the signs are just ticky-tacky
17 slapped all over the place. I know this would be
18 so hard to enforce. But then you have La Huerta,
19 they're very nice. They take up 75 percent of
20 the window. You can't enforce that, but is there
21 anything we could do? I mean, look at the
22 difference in those two.

23 MEMBER KESSLER: You mean the colors?

24 MEMBER SCHUETZ: No. The one on the

1 top left, it's just scattered everywhere.

2 MEMBER KESSLER: That's a retailer.

3 That guy is a retailer. Okay? He's probably got
4 all his aisle space, floors are squeaky clean.

5 MEMBER SCHUETZ: Looks like hell to me.

6 MR. O'ROURKE: In my opinion, beyond
7 doing the regularity sort of square footage, I
8 don't know if aesthetics is really something we
9 want to get into with signs because there's
10 First Amendment issues, free speech and that sort
11 of thing.

12 MEMBER DOYLE: Is the primary driver
13 here -- I'm just trying to think about past
14 discussions. Is it about esthetics primarily?
15 Is that what the concern is here?

16 MR. O'ROURKE: Yeah.

17 MEMBER DOYLE: Okay. I'm just
18 thinking about your question about the historic
19 district. I also agree that La Huerta is -- the
20 signage there is appropriate, and I think it's
21 typical of signage that grocery stores have been
22 using for decades.

23 So my comment here is that I really would
24 want to hear from some business owners at this

1 public hearing or at a continuance of this public
2 hearing to make an informed decision about this.

3 I don't know. I know it's hard to get
4 people notified and to get them here, but I think
5 it would be helpful for the Plan Commission to
6 hear from stakeholders.

7 CHAIRMAN WALLACE: I guess my
8 question would be, what is the minimum percentage
9 that business owners would consider reasonable?
10 Even if they don't like it they can -- it's
11 something that they can live with and still be
12 able to operate their business.

13 MR. O'ROURKE: I think -- and I don't
14 know if this should be our guide 100 percent, but
15 I know 50 percent seems to be a pretty common
16 number for other communities and what they're
17 doing. Just about every community I looked at
18 did have at least some form of restriction. It
19 was usually 50 percent or some combination of the
20 total square footage of all the windows at
21 50 percent of the actual window. I think that
22 was one of the more common.

23 MEMBER PRETZ: 50 percent of the
24 actual window?

1 MR. O'ROURKE: Right. And 25 percent
2 square foot of all the windows is what's allowed
3 for the whole facade.

4 MEMBER KESSLER: I have to agree with
5 Brian because the last thing you need, Bob, is
6 one more thing to have to police.

7 MR. VANN: If the direction were
8 going to regulate window signs, it's a tough
9 regulation to administer. Because you have
10 turnover, because you have new employees or rogue
11 managers or whatever the case may be, it is tough.

12 When you start regulating a new law like
13 this, typically what happens is you approach
14 somebody or contact somebody, and then they start
15 pointing fingers. So it's sometimes a snowball
16 effect, which we understand that. I mean, that's
17 part of the thing.

18 MEMBER KESSLER: So rather than --
19 rather than spring this on -- you know, on the
20 business owners in the community, as Brian says,
21 you know, maybe we have them -- talk with them.
22 It may be they say, "We don't want any regulation
23 whatsoever," but I suspect that with some
24 thoughtful discussion about the purpose for doing

1 it -- and maybe we'll discover that it's not
2 really that important, but I do believe rather
3 than spring it on them and your department, which
4 is what we'd be doing, we should have some
5 discussion.

6 MEMBER DOYLE: And I think we would
7 be more successful if we reached out to the
8 Chamber of Commerce in advance and said, "We're
9 considering this and we'd really would appreciate
10 your input. You know, what are the different
11 mechanisms that the City can consider in terms of
12 improving the business environment here through
13 good signage standards?"

14 MEMBER HENNINGSON: Brian, that's a
15 good point.

16 MR. O'ROURKE: We'll see what we
17 can do.

18 CHAIRMAN WALLACE: Anything else?

19 (No response.)

20 CHAIRMAN WALLACE: All right. Let's
21 move on to the next one, which I'm not going to
22 read the whole thing. It's the detached garages.

23 MR. O'ROURKE: I think I might order
24 it a little different in the PowerPoint.

1 CHAIRMAN WALLACE: Oh, which one do
2 you want to go to next?

3 MR. O'ROURKE: This is the location
4 of off-street parking.

5 CHAIRMAN WALLACE: Okay. Let's talk
6 about off-street parking.

7 MR. O'ROURKE: Basically what the
8 current ordinance has always allowed is if you
9 can't meet the required off-street parking spaces
10 you need for your business on your site, you can
11 locate them off-site.

12 A year ago one of the amendments staff
13 brought through is that we wanted there to be
14 some sort of recorded document that shows us you
15 have the right to use those. And one of the
16 issues we've come across in the last year since
17 that has become official is, should a lease or
18 something of that nature be okay for a new
19 building, or should we really be asking these
20 owners and people constructing a new business or
21 building, should we be saying, you know, "You
22 have to show us that you have permanent access to
23 these off-street spots," just like we would make
24 you do if you weren't asking for shared parking

1 and have all your off-street parking spaces on
2 the site.

3 That was one issue and the other one was
4 this 300-square-foot walking distance. The
5 ordinance is always been that the spaces had to
6 be with 300 feet, but it never really mentioned
7 if you should be allowed to just draw a line from
8 here to anywhere and that's your 300 feet. So
9 we're trying to come up with some way of defining
10 that. So those are the two issues with this one.

11 Our idea would be to require a permanent
12 required easement for all new construction.
13 Basically, if you need 10 spots from your
14 adjoining property owner and he's okay with that,
15 we'd like to see a permanent recorded easement
16 that the new building has the right to use that
17 in perpetuity, forever, because to record a
18 document it's a permanent easement shown on the
19 plat somewhere, it will come up in property
20 searches, and it's kind of a more formal thing
21 that somebody going into an existing building and
22 they just simply say five spots for, who knows,
23 five years.

24 Basically, what we're trying to ensure is

1 that the minimum standard is always at least
2 available to that building owner.

3 MEMBER KESSLER: Are you saying that
4 this is now required from new businesses but not
5 necessarily new construction?

6 MR. O'ROURKE: The inverse of that,
7 required for all new construction. So whenever
8 somebody puts up a new building and a new parking
9 lot, then we'll want to make sure there's
10 permanent access to those spaces that they're
11 required to have at that time.

12 MEMBER KESSLER: How is that working
13 out? If I was a property owner and somebody
14 said, "Hey, I need to use five of your spots,"
15 I'd say, "Okay. Go ahead." "Well, I need a
16 deed." I'd say, "I don't think so."

17 MR. O'ROURKE: I don't know if we had
18 another --

19 MEMBER KESSLER: How is that working
20 out? I wouldn't do it.

21 It was the bank. It was the turret bank,
22 St. Charles Bank. That's where this issue
23 came up.

24 MR. O'ROURKE: That's something

1 that's allowed through the downtown -- CBD
2 district with on-street parking.

3 MEMBER KESSLER: We did have this
4 discussion because they were going to have to
5 use --

6 MR. O'ROURKE: On-street parking.
7 That's a little different than shared parking
8 between two private lots.

9 MEMBER KESSLER: But I remember there
10 was an issue that came up somewhere in one of our
11 discussions. Anyway, it doesn't matter.

12 MR. O'ROURKE: We brought this issue
13 up about recording something permanently last
14 year when we went through all the zoning
15 amendments.

16 MEMBER KESSLER: Okay.

17 MR. O'ROURKE: Because before that we
18 just said, "Yeah, tell us you can use somebody's
19 spot," but we had no proof that it actually
20 happened.

21 MEMBER KESSLER: I question the
22 reasonableness of that. I mean, I think it would
23 be really difficult. I mean, you may be able to
24 get a time easement, but for somebody to require

1 them to have a permanent easement to somebody
2 else's property I think is a little bit
3 excessive, quite frankly.

4 This 300-foot walking distance, I couldn't
5 agree more. Because this discussion did come up
6 with St. Charles Bank because they were going to
7 use shared parking across 64 in front of the
8 park. Like who the heck's going to park there
9 and cross. That's crazy.

10 MR. O'ROURKE: I came up with a
11 little diagram.

12 What we're thinking is it has to be within
13 300 feet, and it has to be on a path that you'd
14 normally walk, essentially on a dedicated
15 sidewalk or a private sidewalk that has an
16 easement over it.

17 Or when you're talking about streets -- I
18 pulled this example. This is Route 64 and Tyler
19 Road. This is a major intersection, and I don't
20 know if we'd want to encourage people to park
21 over here except there's a dedicated crosswalk.
22 So those types of things we're talking about
23 being okay.

24 So what I came up with, the first example

1 we have property to property, 300 foot, that's
2 pretty easy. But what if this property here
3 needed to borrow some spots here. They'd have to
4 do something that looks like that, and this would
5 basically say this is your 300 foot for those
6 spots, and that's how we're trying to define
7 this. For this one you'd actually have to use
8 the dedicated crosswalk to get there.

9 MR. VANN: I've got a question here.

10 MR. O'ROURKE: Sure.

11 MR. VANN: If we have something like
12 this and over time businesses change, and I think
13 the requirement to allow the different location
14 lot parking would be a time issue. In other
15 words, you can't use those parking spots to meet
16 your requirement if that business needs it to
17 meet their requirement. Do you know what I'm
18 talking about?

19 MR. O'ROURKE: Are you talking about
20 shared parking in terms of hours? The zoning
21 ordinance has provisions for both. One is called
22 shared parking where if you're on one lot -- you
23 have a bank, let's say, and a restaurant.
24 They're not busy at the same time, so they can

1 share some of those spaces.

2 This would be -- this scenario relates more
3 to, let's say this business itself has 15 spaces,
4 and whoever is moving into this cafe here needs
5 10 more. They'd be getting the right to use
6 their extra 15 because they don't need it to meet
7 their requirement.

8 MR. VANN: What if they don't have
9 that extra 15, but they're not operating at the
10 same time that the other business needs them?

11 MR. O'ROURKE: Our ordinance says
12 that the shared parking in terms of hours has to
13 be on the same lot. It's specific about that.

14 MEMBER KESSLER: It's a very good
15 point, though.

16 MR. O'ROURKE: We can certainly look
17 at -- it's in the same section. We can certainly
18 look at addressing that if we need to. Right now
19 I would say it doesn't meet the intent of what's
20 called for.

21 CHAIRMAN WALLACE: There's some
22 language when we went over the St. Charles Town
23 Center parking, some of the language in there
24 with having alternating parking for different

1 times of day.

2 MR. O'ROURKE: There are provisions
3 that allow for shared parking.

4 MEMBER SCHUETZ: When you do shared
5 parking like this, though, wouldn't there be some
6 significant consideration on the issue of
7 crossing, say 64?

8 MR. O'ROURKE: That's why we want to
9 be explicit, and the language we've come up with
10 so far is in the staff report and says it has to
11 be a dedicated public way crosswalk with
12 striping. We don't want to count this, you know,
13 some guy taking his life into his own hands.
14 That would not count as 300 feet in our
15 ordinance. We're basically saying you have to
16 use a dedicated walkway.

17 MEMBER SCHUETZ: I don't even like
18 that idea of crossing 64.

19 MEMBER KESSLER: The issue Bob brings
20 up speaks also to that permanent easement issue.
21 Nobody is going to give you a permanent easement
22 just because you're going to let them use your
23 parking spots after 5:00.

24 In addition, I look at this situation. I

1 don't know what that property is there. Is that
2 the old --

3 MR. O'ROURKE: This one here? This
4 is Tin Cup Pass.

5 MEMBER KESSLER: Okay. Supposing
6 that property is redeveloped and it needs all its
7 spots after they've given somebody -- I mean,
8 you're restricting the use of that property by
9 giving somebody a permanent easement. Now you
10 set yourself up to have to enforce something
11 that's impossible.

12 MR. O'ROURKE: And that's why we
13 would favor a recorded easement if we're going to
14 allow this because we'd have some mechanism to do
15 the research and find out if the land is
16 encumbered. If the property owner does that on
17 their own accord, I don't know if we want to get
18 into the should they, should they not, if they're
19 willing to do it. That's kind of a property
20 owner thing.

21 MEMBER KESSLER: The flip side is, if
22 they don't, then they're out of luck.

23 MR. O'ROURKE: Yeah. I think the
24 problem we run into is if they just have some

1 sort of written agreement that we can't find in
2 10 years, and they're saying, "I get to use these
3 spots," and all of the sudden the guy says, "No,
4 you can't," we have a nonconforming building.
5 That's our concern.

6 MEMBER DOYLE: I agree. If we're
7 going to let property owners or developers engage
8 in this kind of agreement and indicate that it's
9 sufficient to meet their requirement, I see your
10 point, it may not be feasible.

11 MEMBER KESSLER: Or not allow it, or
12 not allow that kind of shared parking.

13 MEMBER DOYLE: If we do allow it, I
14 think the requirement that the permanent easement
15 be recorded is a reasonable one, and if they
16 can't meet that the requirement, then they can't
17 do it.

18 MEMBER KESSLER: I agree. We're
19 saying the same thing. I would say, why allow it.

20 MEMBER PRETZ: And my general feeling
21 is if it is a new development, it's on the
22 developer to figure it out, and if they need to
23 meet that requirement, they either change their
24 building, change the design, do something or get

1 that recorded deed in order to meet --

2 MEMBER KESSLER: Not necessarily just
3 new ones, either. It could be somebody just
4 reusing a building for a different use.

5 MR. O'ROURKE: One of the things
6 we're proposing is a very certain distinction
7 between new construction and existing. If
8 somebody is existing, we're not requiring a
9 permanent recorded easement. We would still
10 accept a lease agreement that's recorded or
11 something along those lines.

12 MEMBER KESSLER: But once it changes
13 uses, then you would require the permanent?

14 MEMBER PRETZ: No. He's still
15 talking about new construction, not existing.

16 MEMBER KESSLER: Okay.

17 MEMBER PRETZ: So you wouldn't have
18 to get it recorded.

19 MR. O'ROURKE: In this scenario, if
20 this use moved out and they need extra spaces,
21 they could go to this property and ask for those,
22 and since they're both existing, they're both
23 there, they'd only have to do a lease agreement
24 or something like that. They wouldn't need a

1 permanent recorded easement on a plat because
2 they're both existing uses.

3 MEMBER KESSLER: But why not? You're
4 still going to want to check it, aren't you?
5 You're going to want to be able to track it.

6 MR. O'ROURKE: The idea was to be a
7 little more accommodating in existing uses
8 because these are set areas. Everything is
9 built. Should we not let a use in just because
10 they can't meet their parking by three or four
11 spaces?

12 It was meant to be more accommodating for
13 existing structures in older areas. That was
14 kind of what our thinking was. But as Mr. Pretz
15 said, if it's new construction, it's on them to
16 meet the minimum requirements.

17 MEMBER KESSLER: I don't see why you
18 wouldn't do it for any -- I mean, if you're going
19 to share property, either allow it or don't. If
20 you're going to share off-site parking with
21 somebody, either allow it or don't allow it.

22 MR. O'ROURKE: I think it's allowed
23 for all circumstances; it's just the mechanism
24 that you have to give to record to say you have

1 the right to use it is what changes.

2 MEMBER PRETZ: In today's environment
3 where lot size -- the developers are attempting
4 to build their building all the way to the
5 borders of their lot, it helps in restricting
6 that to fulfill that parking requirement, which I
7 think is fully acceptable.

8 MEMBER KESSLER: I think it's
9 acceptable, too, but I think it should be
10 extended to existing buildings, as well.

11 MR. O'ROURKE: That they would need
12 the permanent plat easement, as well?

13 MEMBER KESSLER: Or you can't use it.
14 You can't turn that into a restaurant that
15 requires 50 more spaces if you don't have them;
16 you can't be a restaurant.

17 MR. O'ROURKE: You don't think just
18 the lease agreement in that case would be
19 sufficient?

20 MEMBER KESSLER: You're going to want
21 to check that. Your whole purpose here was to
22 track it.

23 MR. O'ROURKE: We could track it
24 through the lease agreement.

1 MEMBER KESSLER: Why couldn't you get
2 a lease agreement on new construction? I'm not
3 arguing. I don't see the difference.

4 MR. O'ROURKE: In staff's opinion,
5 new construction we wanted something a little
6 more permanent, a little more concrete than just
7 a lease agreement. We wanted a permanent plat.

8 MR. COLBY: I think our concern was
9 that for the new building -- we don't want to
10 have a situation where the new building, the
11 amount of parking they have falls below a minimum
12 standard.

13 So if you build it as a retail building,
14 for example, you're required to have four spaces
15 per thousand square feet of a building. In the
16 event in the future someone moves in as a
17 restaurant and they're required to have 10 spaces
18 per thousand square feet, then we would have some
19 flexibility to say that, well, if they have a
20 lease agreement with a neighboring property that
21 they can use those spaces, the assumption is that
22 they'll maintain that lease agreement as long as
23 they're operating the use.

24 Now, our ability to enforce that is

1 somewhat limited, but we would not have a
2 situation where, you know, once the lease expired
3 they'd be back to four spaces per thousand so
4 that you could still have a retail business move
5 in there, and there would still be some parking.
6 But maybe they don't have the ability to maintain
7 the lease, so they can't have a restaurant there.

8 We wouldn't have a situation where it
9 dropped below the level where no one could occupy
10 the building and still meet the off-street
11 parking requirements.

12 MEMBER DOYLE: Tom mentioned about --
13 is this example you have on the screen here a
14 real example of someone who is using this remote
15 parking?

16 MR. O'ROURKE: No. I wanted to make
17 sure I picked a site that had some minimum
18 requirements, one 300 feet between extra parking
19 and some major arterial with a crosswalk. I was
20 just looking for an intersection, to be honest
21 with you.

22 MEMBER DOYLE: I heard some concern
23 about crossing 64, and Randall would be another
24 one, and I just wonder if other members of the

1 Commission share that concern about these
2 two SRAs -- it is SRA; right?

3 MR. O'ROURKE: Route 64 is.

4 MEMBER DOYLE: And Randall is a --

5 MR. O'ROURKE: It's County.

6 MR. COLBY: We bring this for
7 arterial streets. So that would include those
8 roads, plus Routes, I believe 25 and 31.

9 MEMBER DOYLE: So I guess what I'm
10 asking is a signalized pedestrian crossing, this
11 proposed amendment would allow this sort of use
12 here across 64 or Randall?

13 MR. O'ROURKE: Yes.

14 MEMBER DOYLE: Correct?

15 MR. COLBY: Provided that there's a
16 signalized pedestrian crossing.

17 MEMBER DOYLE: Is it possible for the
18 Commission to consider saying -- basically,
19 having what you have here, except in the case of
20 crossing over an SRA, that that would be -- that
21 that would not satisfy the need. Basically, you
22 cannot have parking that requires a pedestrian to
23 cross 64 or Randall Road. Would that be overly
24 restrictive?

1 MR. O'ROURKE: We certainly could
2 write that. I guess our thought was that if IDOT
3 or whoever has the jurisdiction is okay with
4 having a pedestrian crossing there that has a
5 walk signal, why would we want to go a step
6 further and say you can't use that. I don't know
7 if you're ever going to get anymore safe crossing
8 any street than that.

9 MR. COLBY: Also, it could be too
10 restrictive in the downtown where it's not
11 necessarily a long distance to go from one side
12 to the other.

13 MEMBER KESSLER: I do notice one
14 thing you have here is it has to be a signalized
15 pedestrian crossing.

16 MR. O'ROURKE: Just to be clear, we
17 weren't thinking just "Walk/Don't Walk." There's
18 a big sign over Route 31 where there's a very
19 clear pedestrian pathway. That we would consider
20 signalized, too. I just want to make sure
21 everyone is clear on that. Because, I mean, it's
22 a dedicated crosswalk with a big sign that says
23 "Pedestrians crossing."

24 MEMBER KESSLER: Where on 31?

1 MR. O'ROURKE: Right next to
2 Carroll Tower.

3 MEMBER KESSLER: Oh, yeah. But it's
4 not signalized. It's just marked.

5 MR. O'ROURKE: We would consider that
6 signalized because of the signage.

7 MEMBER SCHUETZ: People are really
8 good there, too.

9 MEMBER KESSLER: Some lady was
10 killed. She got hit there.

11 MEMBER SCHUETZ: No. She was on the
12 corner by Vertical Drop.

13 The state routes is fine as long as it is
14 signalized, but I really don't like the idea of
15 Randall. That sucker is so wide. Even if you
16 have it signalized, you almost have to run.

17 MR. COLBY: I would also keep in mind
18 that you only have limited distance to work with.
19 So if you suck up that 300 feet just crossing the
20 street, it's not going to work.

21 MEMBER SCHUETZ: Exactly. So it
22 wouldn't work. Right.

23 CHAIRMAN WALLACE: All right.
24 Anything else?

1 (No response.)

2 CHAIRMAN WALLACE: All right.

3 Let's -- what do you have next?

4 MR. O'ROURKE: Next is the last
5 visual element to my PowerPoint. Right now we've
6 had some issues with staff and people come in and
7 say, "I'd like to put a fence up and I'm on a
8 corner yard." Folks aren't quite sure where
9 their exterior side yard is as it is defined in
10 the ordinance and your rear yard starts or where
11 your side yard and your rear yard meet, that sort
12 of thing.

13 What staff came up with is a diagram we'd
14 insert into the ordinance to provide a little
15 clarity.

16 MEMBER KESSLER: I don't understand
17 this at all. What don't you get? I looked at
18 this and thought, "Yeah. What am I supposed to
19 be seeing here?"

20 MR. O'ROURKE: Let's pretend.

21 MEMBER PRETZ: What's different
22 between the two squares?

23 MR. O'ROURKE: There are two
24 residential lots. This is a corner lot, so you

1 have two streets.

2 MEMBER KESSLER: Right.

3 MR. O'ROURKE: So here you have your
4 yards defined. This is your front yard as
5 defined by the zoning ordinance currently. So in
6 the R2 district this would probably be 25 feet
7 from here to here.

8 MEMBER KESSLER: Right.

9 MR. O'ROURKE: This is the parkway
10 where your sidewalk and the trees usually are and
11 the curb.

12 What we're basically trying to say is,
13 "Here is where your exterior side yard is; here
14 is where your rear yard is if you're on a corner.
15 If you're on an interior lot, here is where your
16 rear yard is."

17 Basically, the main problem comes in where
18 we have this requirement that says if you're on a
19 corner yard, you can't put a full-size fence
20 within 5 feet of the property line. And a lot of
21 people don't understand that your exterior side
22 yard goes all the way back to the back of your
23 property, so this is all considered fronting
24 a street.

1 So we're just trying to provide some of
2 visual clarity because we've notice that it gets
3 confused when people just read the definition.

4 MEMBER KESSLER: It's like
5 international signage so everybody will
6 understand?

7 MR. O'ROURKE: Yeah. This is based
8 off some pretty common zoning --

9 MEMBER KESSLER: I mean, I know what
10 it is. I just didn't think anybody -- you're not
11 changing anything. It is what it is?

12 MR. O'ROURKE: This is just visual to
13 add to the zoning ordinance.

14 MEMBER SCHUETZ: Some people don't
15 realize there's an easement, meaning the front
16 there, the public way. Is that what you're
17 trying to do?

18 MR. O'ROURKE: Yeah. Sometimes that
19 can be an issue.

20 MEMBER KESSLER: I did have a
21 question about this. That rear yard, does that
22 pertain to properties on alleys?

23 MR. O'ROURKE: You still have a rear
24 yard from your rear property line.

1 MEMBER KESSLER: Still the same
2 distance?

3 MR. O'ROURKE: I think in most
4 districts.

5 MEMBER KESSLER: I don't think it is.

6 MR. O'ROURKE: There are certain
7 encroachments such as garages and things like
8 that that are allowed in the rear yard.

9 MEMBER KESSLER: That's not a
10 building setback necessarily?

11 MR. O'ROURKE: No. It's what is
12 defined as the rear yard.

13 MEMBER KESSLER: Like the back of the
14 house is the rear yard. You need a picture for
15 that. That's good, though. We should put that
16 in there.

17 CHAIRMAN WALLACE: All right.
18 Anything else on that one?

19 Is there anything else we haven't covered?

20 MR. O'ROURKE: Just a couple quick
21 ones. These are more likely in the staff report.
22 But really this first one here is in the R2
23 district we have certain provisions that allow
24 for extra building coverage in the case of

1 garages, and there are a lot of lots in the CBD-2
2 district that are in the same situation, but
3 since that's a commercial zoning that was kind of
4 just omitted what these extra yard coverages were
5 in place there. What we're proposing is that
6 those same provisions get added to the CBD-2 to
7 allow for a little more room for garages.

8 This final one, PUD administrative changes
9 for signs, all we're proposing here is, there
10 gets to be a little confusion from staff when
11 somebody comes in with a new wall signage package
12 and there's an existing sign shown on an
13 elevation as part of the PUD.

14 What we'd like to do is just add that to a
15 list of administrative changes so that when they
16 come in, they can just get a permit for it as
17 long as it meets the requirements of the zoning
18 requirements of the PUD. If you're moving your
19 sign 3 feet to the left, you don't -- that's a
20 minor change, and you don't need to spend \$300
21 and get it to the City Council. So we're just
22 streamlining that.

23 MEMBER KESSLER: I agree. This one's
24 a no-brainer.

1 MR. O'ROURKE: Both of them or just
2 the sign one?

3 CHAIRMAN WALLACE: That's it?

4 MR. O'ROURKE: That's all of the
5 proposals, yes.

6 CHAIRMAN WALLACE: All right. Any
7 questions, comments?

8 (No response.)

9 CHAIRMAN WALLACE: So it sounds like
10 possibly, at least on the sign, the window signs
11 we want to --

12 MR. O'ROURKE: I was kind of hearing
13 it would probably be best to continue in case we
14 have any evidence to go forward.

15 MEMBER PRETZ: Can we just extract
16 that out of this?

17 CHAIRMAN WALLACE: I think some other
18 parts you were wanting to tweak anyway.

19 MR. O'ROURKE: We were going to clean
20 up some of the ordinance language anyway. It's
21 going to come back in two weeks for
22 recommendation regardless. So if we have the
23 public hearing continued and then closed on
24 another night, we've done that before. That's

1 not a big issue.

2 I'll express some caution in the ability to
3 get any business owners here to talk about it
4 within two weeks. We'll have to see how that
5 plays out. I don't have those kinds of contacts.
6 I can't speak to that.

7 CHAIRMAN WALLACE: Three weeks -- oh,
8 no, it's two weeks.

9 MEMBER DOYLE: Well, our comments are
10 public record that we have provided extra time,
11 that we desire for there to be input from the
12 business community, the Chamber of Commerce,
13 et cetera. I mean, you're right, there's no
14 guarantee that anyone's going to come, but we've
15 made the effort.

16 MR. O'ROURKE: Continuing it until
17 the next meeting is perfectly fine.

18 CHAIRMAN WALLACE: All right. Is
19 there a motion to continue?

20 MEMBER KESSLER: I make a motion that
21 we continue the public hearing to the meeting
22 Tuesday, March 6th, at 7:00 p.m. in the Council
23 chambers.

24 MEMBER DOYLE: I'll second.

1 CHAIRMAN WALLACE: It's been moved
2 and seconded. Any discussion on the motion?

3 (No response.)

4 CHAIRMAN WALLACE: Roll call.

5 MEMBER KESSLER: Schuetz.

6 MEMBER SCHUETZ: Yes.

7 MEMBER KESSLER: Henningson.

8 MEMBER HENNINGSON: Yes.

9 MEMBER KESSLER: Doyle.

10 MEMBER DOYLE: Yes.

11 MEMBER KESSLER: Pretz.

12 MEMBER PRETZ: Yes.

13 MEMBER KESSLER: Wallace.

14 CHAIRMAN WALLACE: Yes.

15 MEMBER KESSLER: Kessler, yes.

16 CHAIRMAN WALLACE: All right. That
17 motion passes unanimously, and that concludes
18 Item No. 4 on the agenda.

19 (Whereupon, the public hearing
20 was continued to March 6, 2012,
21 at 7:00 p.m.)

22

23

24

