

**VILLAGE OF ITASCA
PLAN COMMISSION REGULAR MEETING
APPROVED MINUTES
October 17, 2018**

CALL TO ORDER

The Village of Itasca Plan Commission Meeting was called to order by Chairman Kischner at 7:05 p.m.

ROLL CALL

Present: Chairman Mark Kischner; Commissioners Brendan Daly, Frank Carello, Eric Swets, Jeffery Holmes, Lori Drummond and Krista Ray

Absent: None

Also Present: Shannon Malik Jarmusz, Senior Planner; Yordana Wysocki, Village Attorney; Paula Borowski, Recording Secretary

PUBLIC HEARING

**Timothy Sweeney of Quadrangle Development Company
Arlington Thorndale, LLC
900 N Arlington Heights Rd.
B-2 Community Business District
Variances for front yard setback and parking in the required front yard**

PETITIONER PRESENTATION

Mr. Sweeney from Quadrangle representing the owner of 900 N Arlington Heights Road stated the variance was needed due to the taking of the land by the Tollway Authority for improvements related to the I-390 extension. The request is for the parking lot setback along North Arlington Heights Road, which had previously conformed to code with a setback greater than the minimum requirement of 25'. Mr. Sweeney stated that since the tollway improvements the setback now varies from 16.84 up to 25.49, and some parking is now in the front yard.

Mrs. Malik Jarmusz stated no physical changes were requested, the variance is a formality required because of the taking of property by the Tollway. Commissioner Swets wanted to know how this variance would impact any future addition the applicant may contemplate. Mrs. Malik Jarmusz indicated that it would depend on how substantial the site plan changes were.

Commissioner Carello and Chairman Kischner asked if this was a voluntary sale of property. Mr. Sweeney stated they had to accept the offer made by the Tollway. Commissioner Carello wanted to know why the owner had to request the variance when they did not create the non-conformity. Mrs. Malik Jarmusz stated this requirement would formally recognize the non-conformity which is something lenders may be looking for if the property were ever to change hands.

STAFF RECOMMENDED CONDITIONS OF APPROVAL:

1. The variances will run with the land at 900 N. Arlington Heights Rd. until such time that the property is redeveloped. Redevelopment will require compliance with the Village of Itasca Zoning Ordinance, including setback and bulk regulation requirements.

REQUIRED FINDINGS OF FACT

Village attorney Yordana Wysocki proposed findings of fact for which the Plan Commissioners indicated their agreement or disagreement. A full account of the proposed findings and Commissioners responses can be found in the transcript.

Motion

Commissioner Swets made the following motion:

Motion to recommend approval of Petition #18-012 variances for front yard setback and parking in front yard setback as described in the petition and the attached documents, and subject to the staff recommended condition.

The motion was seconded by Commissioner Carello

Roll Call Vote

Ayes-Commissioners Daly, Carello, Swets, Holmes, Drummond and Ray
Nays-None

Village of Itasca

Village Wide

Text amendments to permit dynamic display signs in certain circumstances

Staff Presentation

Mrs. Malik Jarmusz began by stating that the text amendment was prompted by an increase in the number of inquiries over the last several years with regard to dynamic display signage as the technology has become more prominent. Due to the number of requests for zoning variance relief, the Village Board had directed staff to initiate a public hearing to consider draft language to manage this type of signage in certain zoning districts. Mrs. Malik Jarmusz went over the proposed language changes.

Staff Recommendations

Revise Section 13.01(14) as follows:

~~No Dynamic Display *Prohibited* Signs.~~ *No dynamic display signs, f flashing, moving, rotating, or animated signs, or revolving beacons shall be permitted.*

Add new sub section to Section 13.01 to regulate dynamic display signs as follows:

Dynamic Display signs, as defined in Section 3 of the Zoning Ordinance, are subject to the following, in addition to other applicable regulations and restrictions contained in this ordinance, regardless of the content of the messages on said signs:

- a. Dynamic Display signs are permitted by right in B-1, B-2, B-3, ROC, O-R, and M Zoning Districts when lot lines do not directly adjoin an existing residential use or property.*
- b. Dynamic Display signs may be allowed by Special Use Permit in accordance with the provisions of Section 14 of the Zoning Ordinance on property featuring school, church, governmental or other similar institutional uses in R-1, R-2, and R-3 zoning districts and those lots in the B-1, B-2, B-3, ROC, O-R, and M Zoning Districts which are adjacent to existing residential use or property.*
- c. The dynamic display component of a sign shall comprise no more than 40% of the total allowable sign face area and may only be installed in monument style signs. Such panels may not be installed in other types of signs such as pole, pylon, wall, window signs, etc.*
- d. The dynamic display component of a sign must be accessory to the primary ground sign; the panel must be mounted or located below the primary business/location identification area.*
- e. All messages, images, and transitions must be static- without motion, illusion of motion, animation, flashing, video, or other special effects. No live or pre-recorded video is permitted.*
- f. All transitions between messages must be instantaneous.*
- g. Messages must be complete in and of themselves, without continuation of content or sequencing from one message to the next.*
- h. Messages cannot change more than once every 60 seconds.*
- i. Dynamic display signs adjacent to or located within residential uses or property are to be powered off between the hours of 10pm and 7am.*
- j. The dynamic display portion of the sign shall include a control panel to regulate the intensity of illumination. The module must include dimmer controls which can be adjusted to meet Village light emission standards and eliminate any light spillover at the lot line. Proof of such module controls must be presented at the time of permit application. The dynamic display portion of the sign shall have the same appearance*

in terms of brightness as non-dynamic display signs at all times of day and under all weather conditions. No dynamic display sign shall be of such intensity or brilliance as to impair the driver's operation of a motor vehicle or interfere with the effectiveness of an official traffic sign, control device, or signal. Dynamic display signs shall be dimmed after sunset and adjusted seasonally to account for dusk.

- k. The dynamic display sign shall be designed and equipped so that if the display should fail, the display shall immediately discontinue, turn black, or shut off until the appropriate repair can be made.*

- l. Off premise advertising is prohibited by Section 13.01(13) of the Zoning Ordinance.*

- m. Failure to comply with the standards of the Village ordinances and conditions of approval will require that the owner immediately discontinue the use of the dynamic display portion of the sign.*

Commissioner Swets began by asking when permits are submitted for review does staff make sure that the conditions of item J. are met during the permit approval process and who is responsible to make sure the requirements are met going forward. Mrs. Malik Jarmusz stated that staff would be responsible. Commissioner Swets does not believe the current dynamic signs change light intensity. He feels that it would be better if dynamic signs remain a special use requirement.

Commissioner Ray disagrees with Commissioner Swets. Chairman Kischner feels we need to be business friendly and feels that limiting the locations of dynamic signage was a well written revision. Commissioner Holmes agrees with the revisions staff has provided. Commissioner Carello stated the code provides an interpretation and people may still come before the Plan Commission for dynamic signs. Commissioner Swets stated that enforcement of this amendment would not be possible because the Village does not have enough staff. Commissioner Holmes reminded the Commissioners the Village has set precedence by approving the past six requests. It was stated that over the past few years, the submittal of dynamic display signs for review has been about two per year. The entire Plan Commission feels the amendment was very well written by staff.

Commissioner Drummond questioned why St. Peter's Church needed a dynamic sign. Commissioner Carello explained why they wanted the sign. Mrs. Malik Jarmusz said that churches ask for temporary signs frequently to advertise events such as preschool enrollment or community events such as plays. There may be more churches requesting dynamic display signs in the future in lieu of temporary signs.

Commissioner Daly asked if the ordinance addresses height restrictions. Mrs. Malik Jarmusz said there are existing restrictions on height, size and setbacks in the Zoning Ordinance for signs in each district. Commissioner Carello asked if there could be a better wording to classify this type of sign. Mrs. Malik Jarmusz said different communities use different terminology, but "dynamic display" has been used consistently in the Village Code for a number of years.

Chairman Kischner questioned billboard type signs. Mrs. Malik Jarmusz stated billboards are prohibited by Code, but existing ones would need a variance if an owner contemplated changing

a static sign to an electronic one. Chairman Kischner asked if there were any spacing restrictions between signs. Attorney Wysocki stated that a spacing requirement may pose a legal issue in terms of fair application of the Code.

A discussion began between Commissioners and staff regarding light spillover. A suggestion was made by Commissioner Daly that signs could be held to lumen regulations like parking lot lights. It was asked if there were regulations written in the code regarding signs in certain zoning districts. Commissioner Holmes stated that it is addressed under paragraph (b) of the revisions. As a whole, the Commissioners felt this was a non-issue. Commissioner Daly suggested changing the timing of signs. Commissioner Holmes stated there is a minimum time limit already and would be difficult to regulate between owners of signs.

Chairman Kischner asked if there were any audience comments and there were none.

Motion

Commissioner Swets made a motion to approve the Text Amendments to Chapter 13 of The Itasca Zoning Ordinance as stated in the staff memo dated 9-19-18 PC18-010 amending the wording eliminate any light spill over (0.0) foot candle in sub section (J).

The motion was seconded by Commissioner Daly.

Roll Call Vote

**Ayes-Commissioners Daly, Carello, Swets, Holmes, Drummond and Ray
Nays-None**

Old Business

Overshadowed Theatrical Productions

Overshadowed Theatrical Productions

409 W Irving Park Rd.

B-6 Irving Park road District

Potential action to affirm or repeal Special Use granted in 2011 by Ordinance #1574-11

Note: Attorney Yordana Wysocki recused herself from discussion.

Chairman Kischner stated there was no one present from Overshadowed Productions. Mrs. Malik Jarmusz reported that at this point in time the Village Board does not feel the need to take action on either repealing or affirming Overshadowed's request, unless there was some substantial change in the previous plan submitted by Overshadowed. However, the ordinance does allow the Plan Commission to review and make a recommendation to the Village Board if desired. Commissioner Drummond had voted no on the special use originally and feels the time limit should be upheld and the approval repealed. Commissioner Holmes stated The Plan Commission is only advisory and felt there was no need to vote.

Mrs. Malik Jarmusz read the language within the Zoning Ordinance regarding special uses:

In any case where a Special Use has been granted and where no development has taken place within two years, the Plan Commission may recommend to the Village Board that

such zoning be affirmed or repealed to the most appropriate zoning district classification in accordance with the procedures under this ordinance.

Commissioner Swets feels that there should be a repeal recommendation by the Plan Commission to the Village Board. Commissioner Ray feels that there is no one else interested in the property at this time and there is no reason to change our recommendation and Commissioner Holmes agrees.

Chairman Kischner agrees that for right now there is no need to change the recommendation because nothing has changed at the proposed site location. However, he recommends bringing this to the Village Board for reconsideration if there is a change from the original approved plan.

Commissioner Daly is concerned with the request for variances; would the Plan Commission have approved these variances for any other proposed business. The Commissioners responded yes. Commissioner Ray reminded the other Commissioners this theater was part of the Comprehensive Plan discussion and was approved.

The Commissioners went back and forth with various ideas on how to address this situation in the future. Commissioner Holmes stated that if anything changes in reference to zoning at the site, then the ordinance has the provision to repeal. Chairman Kischner recommends reviewing on a formal basis every two years or if a substantial change to the proposal or zoning occurs.

Chairman Kischner polled the Commissioners should they repeal or not:

Ayes: Commissioner Drummond, Commissioner Swets and Commissioner Daly

Nays: Commissioner Ray, Commissioner Holmes, Commissioner Carello and Chairman Kischner

REGULAR MEETING AGENDA

ROLL CALL

Present: Chairman Mark Kischner; Commissioners Brendan Daly, Frank Carello, Eric Swets, Jeffery Holmes, Lori Drummond and Krista Ray

Absent: None

MINUTES

**Commissioner Daly made a motion to approve the minutes from September 19, 2018
Commissioner Carello seconded the motion. Commissioners Daly, Carello, Drummond and Ray approved.**

Commissioners Swets, Kischner, and Holmes abstain

New Business

The owners' representative John Florina and John Wassinger, Real Estate Broker, submitted a conceptual plan to re-subdivide three existing parcels located at the southeast corner of George and Elm. Ownership would like the ability to reassemble the three parcels into three buildable

lots on Elm and three buildable lots on George. A discussion on acquiring George St. property ensued. They are requesting permission to add a portion of George Street right-of-way or easement to their private property to create larger lots which comply with the Zoning Ordinance. Chairman Kischner stated this was outside of the purview of the Plan Commission and a Village Board decision.

The Elm St. property has sewer, water, and paved curbs/gutters. The George St. lots meet most of the requirements except a possible zoning change. John Wassinger stated the lots on Elm would need no exceptions to create a three lot subdivision. Mr. Florina stated that single family lots are better for the surrounding area instead of a mixed use type. The lots may also have value to existing Itasca owners that would like to stay in the area, but need a bigger home. Commissioner Carello inquired if there were any flooding issues on these lots. Mr. Florina stated there was not.

Mrs. Malik Jarmusz has been working with Mr. Florina for several years and indicated staff agrees that the single family use is the best use for the area. She also stated the Village does not support the vacation of the 17' right of way because utilities are located there and there are George St. alignment issues. Mr. Floria stated if they cannot get the 17' then there would be a need for variances on those lots, which they were trying to avoid.

Commissioner Swets asked what variances would be needed. Commissioners Swets and Daly are in favor of cleaning up the ROW along George which is currently uneven. Chairman Kischner suggested there was a need for further information before they could even make any kind of recommendation. He suggested the petitioner come back with a preliminary plat of subdivision and some preliminary engineering for the entire project. Submit it to Mrs. Malik Jarmusz for review before coming before the Plan Commission again for discussion.

If the Village Board were to entertain the idea of vacating right-of-way, the Village would initiate an appraisal for the right of way and the applicant would be responsible for paying the cost of the appraisal and purchasing the property.

In summary Mr. Florina needs to submit some additional information to staff to review and come back before the Plan Commission.

PUBLIC COMMENT

No audience comment.

ADJOURNMENT

Commissioner Ray moved to close the meeting. Commissioner Carello seconded the motion. The motion carried with unanimous approval and the October 17, meeting adjourned at 9:50 p.m.

NEXT SCHEDULED MEETING

The next meeting is scheduled for Wednesday, November 28, 2018 at 7:00 p.m.