



**Village of Westmont
Planning & Zoning Commission
September 13, 2017 - Minutes**

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, September 13, 2017 at 7:00 p.m., at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Gregg Pill led in the following:

1. Call to Order

2. Roll Call

In Attendance: Chair Gregg Pill, Secretary Wallace Van Buren, Commissioners Craig Thomas, Thomas Sharp, Doug Carmichael, Janis Bartel, Christopher Lavoie, Community Development Director Jill Ziegler, Village Planner Joseph Hennerfeind, Village Attorney John Zemenak, Village Engineer Noriel Noriega

3. Pledge of Allegiance

4. Swearing in of testifying attendees

5. Reminder to silence all electronic devices

6. Reminder to sign-in for any public testimony

7. Approval of Minutes of the August 9, 2017 regular meeting

MOTION to approve August 9, 2017 minutes.

Motion by: Van Buren

Second by: Thomas

Voting A

Van Buren: Yes

Carmichael: Yes

Sharp: Yes

Bartel: Yes

Thomas: Yes

Lavoie: Yes



Pill: Yes

Motion Passed

8. Open Hearing

Old Business

PZ 17-016 Hadi Enterprises Inc. regarding the property located at 505 Blackhawk Drive, Westmont, IL 60559 for the following:

(A) Zoning Code Variance request to allow the creation of two lots with substandard lot widths in the R-3 Single Family Detached Residence District.

(B) Preliminary Plat of Subdivision request to split one lot into two buildable lots in the R-3 Single Family Detached Residence District.

PRESENTATION: The applicant, Steve Watson, presented his request to complete the subdivision located at 505 Blackhawk Drive. He stated that he started working on the concept over eight years ago but did not get the chance to finish the process. With the various new codes that have been implemented over the years, he is wanting to complete the subdivision as it was originally proposed.

STAFF COMMENT: Joe Hennerfeind stated that the applicant is requesting a lot subdivision and a variance due to the lot width. He is intending on splitting the current lot into two lots. Each lot would be approximately 10,141 square feet. The required minimum lot width is 60'. The proposed lot widths would be 51.5', which is why a variance is being requested. There is a difference of 8.5' which would equate to a 14.2% variance. The applicant is also proposing a 55' detention easement at the rear of the property. No structure would be allowed to be built on the detention area / easement.

PUBLIC COMMENT: Chip Plumb, resident at 316 E. Traube, stated that his property borders the rear end of 505 Blackhawk Drive. He stated that a power line cuts his property in half and feeds the property located at 505 Blackhawk. He is concerned on how power is going to be run if the lot split is approved. Plumb has called ComEd in the past and they stated they will not move the power line and he would have to make arrangements himself. Plumb stated that there is an opportunity to re-route the power at the rear of the property and go across to the two new homes being built. Pill asked Village Engineer, Noriel Noriega to respond and also to discuss the detention for this property. Noriega responded that he had no good answers for the issue with ComEd. However, if the lot split is approved, the applicant will be required to provide public utility and drainage easements. ComEd will dictate where the power is coming from. Detention must be provided and it is currently shown on the plans. Noriega also stated that over the years, Blackhawk Drive has been fully reconstructed and a storm sewer was added. There are more options to connect and reconfigure the basin. Hennerfeind stated that the power line was probably originally in the back lot of the property located at 316 E. Traube prior to a lot reconfiguration that previously occurred. It is possible that ComEd did not remedy the power line at this time but there will be some remedy with the new requirements of burying utility lines for new single family residences. Watson stated that they will do whatever ComEd wants them to do. He also stated that the plans show



the largest capacity possible. The house and detention area will actually be smaller than what is shown.

COMMISSIONER COMMENT:

Thomas: Asked if power is all underground with new construction. He also asked if the power line will go underground and then above ground by the Plumb residence and if we have any authority with ComEd.
Response: Noriega stated the simple fact is that the utility is encroaching overhead through their property. A 5' utility easement along the sides and a 10' easement in the rear will be required per the Village's subdivision code. This would provide access to utilities. He also stated that the Village can assist in inquiring with ComEd.

Sharp: Asked if the detention area is the same as the original variance request from 2006. Response: Noriega stated that the basin is the same size as before. The same stormwater ordinance has been in place since the 1980's and the Village will be requiring detention for this subdivision. He also stated that the Village does allow cash in lieu of stormwater detention but there has to be some kind of engineering issue in order to allow for this. The Village's first priority is to install basins and stormwater management. Sharp asked if there was any substantial difference from the previous variance request compared to this one. Hennerfeind responded that it is the same request, however there is a difference in the lots to the north than before. Sharp responded that it better matches the adjacent lots which are not much deeper, but by comparison there is dramatically less space. He stated that even if you take the detention area and pretend it is not there, you still have a slightly longer lot than the other lots in the R-3 District, but it still seems to conform to the other lots in the zone.

Bartel: Asked why there were no detention ponds put in at the other properties when 507 & 509 Blackhawk Drive were built. Response: Noriega responded that although he was not Village Engineer at the time, he believes that since the highest point is at the rear of the property and flows towards Blackhawk Drive, it would be difficult to get the water generated to pump up to that location for it to flow back to Blackhawk Drive. The applicant would essentially be spending money to create a sump pit, which is why detention was likely waived. Bartel asked if the issue with the storm sewer system at Blackhawk Drive and Ogden Avenue, near the new car dealership, was ever resolved since water often accumulates in that area. Noriega responded that she is referring to the parking lot at Porsche, which used to be Alpha Motors. He stated that it was actually designed as a detention facility and is supposed to hold water. Bartel asked if there is going to be a detention pond constructed, is there a way to get some of that water shunted from there so it would partially solve that problem. Noriega responded that it would be unfair to ask developers of single family residences to provide detention for the surrounding areas and not just their site. Zemenak stated that the detention area will help collect water and release slowly at a restricted rate. This should help with overall stormwater management.

Lavoie: Stated that he had questions related to the letter sent by a resident at an adjacent property who had concerns with potential water problems from the development. Lavoie asked if the bypass flow had been handled correctly. Response: Noriega responded that all of the calculations have not been determined yet since this was just a preliminary review. However, it has been verified that the volume can be attained. He stated that he will review the resident's letter to make sure the Village is not impeding the flow. Lavoie stated that he wants to make sure the 100-year bypass is handled since the



resident's property is lower than 505 N. Blackhawk Drive. He asked where the bypass is and if it is in a controlled environment so that it does not flow to the neighboring properties. Noriega responded that the overflow is toward Blackhawk Drive. Lavoie stated that the letter from the resident indicates there was a storm event within the last six months that accumulated over 4" to 6" of water in the street for about an hour. Noriega responded that we have experienced some standing water on Blackhawk Drive. Lavoie responded that the application is only helping the situation in the area. Noriega responded that with the development, they are restricting the flow and also holding and detaining the water on site while releasing it at a controlled rate. Lavoie stated he had no further questions.

Carmichael: Asked the applicant what the structure is at the rear of the property in the detention area. Response: Watson responded that it is an old shed. He stated that they will be removing it and cleaning up the area, including some of the trees as well. Carmichael stated that they are trying to cram too much into one lot. He stated that the 55' detention is too much and he cannot support the request.

Van Buren: Stated that he has been on the board since the 1970's and during that time he saw the Northeast Acres that had 100' x 300' lots which subdivided at will. However, the last 100' x 300' lot was denied because of lot width. Water was not an issue at that time. Van Buren stated that by the time the 55' detention is incorporated, it is just not a useable lot.

Pill: Stated that he had numerous concerns with this request. This would be a much smaller lot at 200' rather than 300' and over a quarter of it is going to be taken up with detention. He stated that there are not a lot of properties in the area with detention ponds as backyards. Combining this with the narrow width, it is not necessarily in keeping with the neighboring lots. Pill stated that he does appreciate the fact that the owner wants to build something there. However, he feels that there is just too much being crammed in this lot. Pill asked the applicant if they have considered building a single family residence or did they just opt to use the original plans. Response: Watson responded that they have looked at the construction costs and the costs for buying the property. However, it would be hard and nearly impossible to cover the costs already put in, unless they built a million dollar home which is out of character for the area. Watson stated that while they need to make a profit, they are not asking for an outlandish profit. He stated that they are not out of character with what they are proposing. There are other lots on Traube and surrounding areas that are 100' x 300'. Watson stated that they are giving more square footage than required by code and they are supplying detention. He stated that they are doing everything that has been asked and this would be an improvement for the neighborhood. Applicant Tarek Merhebi stated that they are just trying to make sense of the property and not necessarily trying to make money.

Lavoie: Asked if the variance was approved before on the neighboring properties to the north. Response: Hennerfeind responded that the lots to the north were split and under construction before this one was approved. The net effect of construction had not been known yet at that time. Lavoie asked if it was over a 14% variance request at that time. Hennerfeind responded that it would have been the same width, but the depth was different. It would have been a similar percentage request for the variance.

FINDINGS OF FACT



1. YES=3 NO=4
2. YES=3 NO=4
3. YES=3 NO=4

Findings of Fact Denied

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request to allow the creation of two lots with the substandard lot widths in the R-3 Single Family Detached Residence District.

Motion by: Thomas
Second by: Sharp

Van Buren: No
Carmichael: No
Sharp: Yes
Bartel: Yes
Thomas: Yes
Lavoie: No
Pill: No

Motion Denied

MOTION B

Motion to recommend to the Village Board of Trustees to approve a Preliminary Plat of Subdivision request to split one lot into two buildable lots in the R-3 Single Family Detached Residence District.

Motion by: Bartel
Second by: Van Buren

Van Buren: No
Carmichael: No
Sharp: Yes
Bartel: Yes
Thomas: Yes
Lavoie: No
Pill: No

Motion Denied

New Business



PZ 17-017 SKE Property Investments regarding the property located at 324 South Linden Avenue, Westmont, IL 60559 for the following:

(A) Zoning Code Variance request for relief from the minimum lot area for a dwelling in the R-3 Single Family Detached Residence District.

PRESENTATION: Applicant, Tom Elliott, stated that he would like to build a new single family residence on the vacant lot at 324 South Linden Avenue. He is seeking a variance because the lot area does not meet the minimum lot area square footage.

STAFF COMMENT: Hennerfeind stated that the lot is located in the R-3 District. The minimum required lot size is 7,800 square feet and the existing lot size is 7,405 square feet. Therefore there is a deficiency of 395 square feet, which equates to a 5.1% variance. There are lots similar in size nearby. The property borders an unimproved alley in the northwest corner of the lot. The Village has requested that a small 5'x5' triangle section of the property in the northwest be dedicated as an easement in order to improve the alley in the future. The future improvements of the alley will allow for trucks to turn around since it is a narrow area.

PUBLIC COMMENT: Nick Salensky, resident at 333 South Linden, stated that he is concerned for the character of the neighborhood. Salensky asked if the alley will be developed so that there is access to Cass Avenue. His biggest concern with this is that there currently is not a lot of through traffic, so an increase in traffic would be an issue, especially for families with children. He also asked how the stormwater drainage will flow with the construction of the new home. He is concerned about a huge house being placed in the middle of post-war Cape Cod smaller homes. Response: Pill stated that in regards to creating access to Cass Avenue, the Village just wants a "future" easement for alley improvements. He also stated that the house drawings are available to be viewed. The house has the same size structure as the neighboring homes, but it will obviously have a newer look. Salensky responded that it certainly presents as a bigger house. Pill stated that the house is well within the building code and parameters. Hennerfeind responded that in the R-3 District, the maximum height of a house is 35', which is measured to the midpoint. The house meets the height requirements and also meets the setbacks and lot coverage. There is nothing in the code that states new homes have to match existing homes in the neighborhood.

Fred Ruckauf, resident at 24 Tower Lane, voiced his concerns about stormwater drainage. He stated that the lot does not have a ditch where water can come down. The water runoff will go across Tower Lane and into the neighbor's yard. In the winter this presents a problem since it turns to ice and becomes slick. He is also concerned about the character of the neighborhood with this new addition. Response: Pill responded that the Village is very keen on detention improvements and are strict on enforcing this with new developments. He stated that permits will not be handed out until stormwater issues are addressed. Hennerfeind responded that our code requires best management practices, such as rain gardens or dry wells. He stated that the Village will look at the grading issues in the ditch, which is essentially the storm sewer that is above ground. Storm water issues will be corrected during the permitting stage when full engineering plans are submitted. Carmichael asked how much water is coming out of the alley as opposed to the lot. Ruckauf responded that the water comes down the west



side of Linden and then straight down Tower Lane. He also stated that during the winter time snow gets pushed along the sides of Towner Lane by the plows, so when it melts, it creates a problem.

Jerry Labarge, resident at 30 Tower Lane, stated that he and his wife have been living in their residence for many years on Tower Lane. He is in full support of the proposed home at 324 South Linden.

COMMISSIONER COMMENT:

Sharp: Stated that there is not much that can be done without a variance. He said the plans look sufficient and he appreciates that no other variances are being requested with this and he is in favor of the request.

Bartel: Stated that she is also in favor of the request.

Lavoie: Asked what alley improvements are going to be completed. Response: Hennerfeind stated that there already is an easement along the properties on Cass, but the Village has no rights to extend the alley through. The Village would like to someday compile the easements / dedications over time to improve the alley. There is no set plan at this point, but the Village wants to obtain the easement in case the improvements occur someday. It is not in the immediate plans to do anything, but the Village wants to obtain the 5'x5' triangle in the back of the property. Lavoie asked if this property could ever be considered a corner lot. Hennerfeind responded that he would not consider this a corner lot. Lavoie asked who owns the property north of the alley. Hennerfeind responded it is a Village owned right-of-way. Lavoie asked if the alley could be vacated. Hennerfeind stated that in theory yes it could be, but he cannot speak for Public Works or Engineering as to whether they would want it vacated. Lavoie asked if it could be another solution as opposed to a variation with vacating the alley and putting an easement over it. Hennerfeind responded that it could be if it was vacated and then combined with the property in order to meet the minimum lot size.

Carmichael: Stated that regardless, water is going to go downhill. In the winter, snow is going to get piled up from the plows no matter if there is a new home or not. He stated that he is supportive of the request.

Van Buren: Stated that this lot never could have been developed without a variance. He is supportive of the request.

Thomas: Stated that he supports the request.

Pill: Stated that he supports the request.

FINDINGS OF FACT

1. YES=7 NO=0
2. YES=7 NO=0
3. YES=7 NO=0



MOTION A

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance request for relief from the minimum lot area for a dwelling in the R-3 Single Family Detached Residence District.

Motion by: Carmichael

Second by: Bartel

VOTING A

Van Buren: Yes

Carmichael: Yes

Sharp: Yes

Bartel: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Motion passed.

PZ 17-018 GoPolar Cryotherapy Inc. regarding the property located at 230 North Cass Avenue, Westmont, IL 60559 for the following:

(A) Special Use Permit request to operate a ground floor health spa in the B-1 Limited Business District.

PRESENTATION: Joanna and Peter Gal, owners of GoPolar Cryotherapy, presented their request to open up a second location in Westmont. Their business is currently located in Lemont, IL and they are looking to expand their business. The Westmont location will offer full body cryotherapy, which includes freezing the body for three minutes for health benefits. They will also offer a float center in which clients lay in a foot of water with 1,300 pounds of epsom salt. Part of their business is composed of retail since they sell various supplements. Their business in Lemont serves about thirty people per day and they are anticipating doubling that amount in Westmont due to the high traffic area. They intend on purchasing the building at 230 South Cass. There is a current tenant that is on a month to month lease, so the tenant will be vacating upon purchase of the building. Minor improvements in the building will include constructing additional rooms, updating the plumbing, and updating the fire system.

STAFF COMMENT: Hennerfeind stated that the applicants are seeking a special use permit. It is a ground floor health spa, and since it is over 1,000 square feet, a special use is required. The applicants meet the parking requirements since they have eight designated spots and also off street parking. This location is in the downtown area and while retail is preferred over service, service use is encouraged by the Comprehensive Plan in this particular area.



PUBLIC COMMENT: None

COMMISSIONER COMMENT:

Bartel: Stated that the concept sounds interesting. There are no parking issues and it meets all of the special use requirements. Bartel asked if there are any cleaning standards in place due the large amounts of water being used during the therapy sessions. Response: Gal responded that they will be following Health Department regulations. They will incorporate tanks that filter continuously and purifies the water. Bartel asked if they will have periodic measurements. Gal responded that the tanks automatically measure the pH balance. Bartel asked if they have acquired the building. Gal responded that it is contingent upon approval from the Village.

Lavoie: Asked if there are any licensure requirements for the employees. Response: Gal responded no; since they are not actually touching anyone, they are not required to be licensed. However, the business itself is certified by the State of Illinois. Lavoie asked if the business is regulated by the Department of Health. Gal responded no, not currently. The portion of the float center will be regulated upon proper training. Lavoie asked if there is a retail component. Gal responded that they sell natural supplements. Lavoie asked if this would be an additional variance. Zemenak responded that it would not require an additional variance since it is permitted. Lavoie asked if the Village is looking at some kind of criteria to determine what the correct balance is with retail in the downtown area. Ziegler responded that this is continuously changing everyday with the various demographics of retail. This is why the Village encourages to eliminate the special use permit for businesses under 1,000 square feet, allowing the Village to review other businesses on a case-by-case basis.

Carmichael: Stated that he has no questions.

Van Buren: Asked the applicants if this is a franchise. Response: Gal responded that it is not a franchise and they own the business. Van Buren asked if they own the equipment. Gal responded that they purchase the equipment from the distributor.

Thomas: Welcomed the applicants and wished them luck.

Sharp: Stated that he has never experienced cryotherapy and would love to give it a try. He is in favor of the proposal and believes it is fitting for the location. He agrees that the downtown area is changing on a regular basis and the Village should be aware of what is in the downtown area. He asked if they plan on any exterior improvements. Response: Gal responded that he would like to paint the front of the building. They try to make their location look high-end since it represents them. Sharp stated they should check with the Village since grant programs are offered.

Pill: Asked what the hours of the business will be. Response: Gal responded that they will be similar to Lemont's hours, but they may be extended by an hour each night. The hours in Lemont are currently 10:00 am - 7:00 pm (Monday, Wednesday, Thursday, and Friday), 10:00 am - 5:00 pm on Saturday, and 11:00 am - 4:00 pm on Sunday. Pill asked if there will be a loss of revenue in Lemont due to the second



location in Westmont. Gal responded that they have a large customer base in Lemont and are not concerned about losing clients. Pill asked if they offered float therapy in Lemont. Gal responded that no they do not which is why they are looking to expand to Westmont. Pill stated he had no further questions and is in support.

FINDINGS OF FACT

1. YES=7 NO=0
2. YES=7 NO=0
3. YES=7 NO=0
4. YES=7 NO=0
5. YES=7 NO=0
6. YES=7 NO=0

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Special Use Permit request to operate a ground floor health spa in the B-1 Limited Business District.

Motion by: Van Buren

Second by: Thomas

VOTING A

Van Buren: Yes

Carmichael: Yes

Sharp: Yes

Bartel: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Motion passed.

PZ 17-019 Westmont B Imports Inc. and KAMRED LLC regarding the properties located at 430 East Ogden Avenue, 651 Westmont Drive, and 433 Plaza Drive, Westmont, IL 60559 for the following:

(A) Site and Landscaping Plan approval to allow for a detention pond expansion in the B-2 General Business and M Manufacturing Districts.

PRESENTATION: Applicant, Sean McGovern of SpaceCo, Inc. presented the request to move the detention pond expansion to the adjacent property. There is an existing pond currently on the adjacent property and the storage of that pond will be incorporated into the proposed pond. The pond also accounts for a future parking lot sometime down the road and the impervious area will be accounted for



in the pond. The maintenance will be vastly improved going forward. Pill asked where the parking lot is located. McGovern responded that there is no current plan for that yet, but they are intending on incorporating one down the road.

STAFF COMMENT: Hennerfeind stated that the applicant is seeking site and landscaping plan approval. BMW originally proposed a pond at 651 Westmont Drive and 433 Plaza Drive currently has an existing pond, so the intent is to have pond next to pond. The lot at 433 Plaza Drive is under different ownership. The request is to expand BMW's pond onto the adjacent property which would require easements during the permitting process. This would account for the detention not only in the current pond, but also give the owners of 433 Plaza Drive some options in the future. A future site and landscaping plan approval will be required for the potential parking lot down the road. The engineers have reviewed the volume capacity of the detention pond.

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

Lavoie: Stated that he noticed the existing disturbed detention pond is not being improved. He asked if there is an interim plan for the existing pond. Response: McGovern responded that the existing pond that is there now will be filled in so that from the existing building sloping down to the new larger pond, it will be sheath flowed off. Lavoie stated that filling in an existing detention pond does not sit well. He asked if the overflow is the same. McGovern responded yes. Lavoie stated that on the GIS map, the location is listed as a wetland, but after speaking with the Village Engineer, he was told that it was not. McGovern responded that SpaceCo had met with Noriel Noriega, Mike Todorovic, and DuPage County during the original plan approval process and it was determined by County that it was not an existing wetland. Lavoie asked if that area is contained with a bypass flow. McGovern responded yes it is. Lavoie asked if the flow will be maintained. McGovern responded that there are storm sewers implemented in this plan to route any of that bypass into the current proposed detention pond. Lavoie asked if they are accommodating bypass for offsite tributary area. McGovern responded that yes they are. Anything attributed to 433 Plaza Drive is being conveyed that was previously offsite and it will now go through the pond. Lavoie asked if that increased the release dramatically. McGovern responded that he did not work on the calculations but it takes into account the impervious area for the future parking. The depth of the pond did not change, it just got wider. Lavoie asked if the bypass is going through the pond. McGovern responded yes it is. Lavoie stated that the volume of water from other properties are filling up that pond. McGovern responded that yes that was taken into account with the new pond. Lavoie asked if the release could be bypassed for the tributary flow. Pill stated that the pond has been made bigger to accommodate for this so the restriction can still be the same. Lavoie stated he does not want to see the release of the water because of the bypass flow. He asked that McGovern take a look at it and work it out with the engineering department. He stated the tributary areas should be maintained since they did not previously have detention. McGovern responded that he would take this into account and would consult with the owner. Lavoie stated that the pond could be a bigger benefit for properties that drain toward it that never provided detention.

Carmichael: Stated he has no problems with this at all.



Van Buren: Stated his only concern is that they meet the engineering requirements and if Lavoie's suggestion could be helpful then it should be considered. He asked if the applicant would have to come back to Planning and Zoning. Response: Zemenak responded that if they expanded the size and took up new property then they would probably have to re-approach Planning and Zoning. Lavoie stated they would be taking up part of the existing pond for storage so it would be an overall benefit without adding costs to the applicant. Van Buren stated that this would mean re-engineering drawings. Zemenak stated it would not be a consolidation of lots but rather an easement. Van Buren stated he had no further questions.

Thomas: Stated he supports the project.

Sharp: Asked if the detention for BMW could not fit into the existing lot which is why they are seeking to combine it with the pond on the adjacent lot. Response: McGovern responded that the detention was adequate for the project going on now but they are combining the pond to the adjacent site to make it bigger so that in the future if they do want to add anything to that site, it is accounted for in the pond. Sharp asked if the adjacent lot would have an easement to show the dedicated stormwater on the other property. He asked if all of this would be portrayed in a legal agreement between the two owners, along with a maintenance agreement. Zemenak confirmed that this is correct.

Bartel: Stated that she is supportive of the project.

Pill: Stated that he is supportive of the project.

MOTION A

Motion to recommend to the Village Board of Trustees to approve a Site and Landscaping Plan to allow for a detention pond expansion in the B-2 General Business and M Manufacturing Districts.

Motion by: Bartel

Second by: Sharp

VOTING A

Van Buren: Yes

Carmichael: Yes

Sharp: Yes

Bartel: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Motion Passed



PZ 17-020 Village of Westmont regarding a Zoning Code text amendment for sign regulations as follows:

(A) Amend Appendix A, Article XI of the Westmont Zoning Code regarding amendments to the Village of Westmont Sign Code.

PRESENTATION: Hennerfeind presented the request to amend the zoning code for sign regulations. He stated that the current sign code is difficult to comprehend and often relies on extensive interpretation. The intent of amending the sign code is to analyze the current code, compare to neighboring communities and create an amended code that will lead to commercial success. The process requires numerous steps including analyzing the existing code, formulating changes, testing proposals, and finally implementing the changes. Through the analyzation process, it was determined that the code can be improved in numerous ways. The first change is to update the code by improving the code language in order to address current trends. For example, the current code accommodates for time and temperature devices. Over the years, these have been replaced with electronic message board signs. The next change includes clarifying the language to eliminate any confusing interpretations. By correcting the current code, conflicting text will be eliminated. For example, the current code provides two different time allowances for temporary signs, so this will be corrected to implement just one set time frame allowance. The organization of the code will also be improved by creating categories in order to avoid confusion when interpreting. Code additions will be essential in order to address signage trends. In contrast, code deletions will also need to be incorporated. For example, permit fee costs for signage should be eliminated from the sign code and instead implemented in the building code section where permit fees are addressed. When comparing the pages of sign code to neighboring communities, it was shown that Westmont's code may be underdeveloped since the amount of pages was minimal.

Hennerfeind went on to discuss the significant changes in the sign code that are being proposed. The structure of how permit fees for signs will be changed. The current fee structure is \$5 per square foot. The proposed fee structure will be 1.5% of the overall cost. The current code states that nonconforming signs will lost their status in ten days to three months. The proposed code will change this to one year. Zemenak stated that the code currently reads that if the business no longer operates at that location, then the sign advertising that business has to be removed within 30 days after notice. He stated it should simply just say within 30 days. If the sign itself is discontinued or no longer used, such as the business is not using the sign structure, it needs to come down. Hennerfeind stated that none of this will override a previously approved sign variance.

In regards to wall signage, there will be a 33% increase in allowed signage for the B-1 (Downtown) District. Individual letter signage will be encouraged, which will eliminate new cabinet or box signs. Language has been changed for shopping centers, creating new allowances for internal frontages. New allowances will also be implemented for tenant signage in the Office / Research District. There will also be a new method for determining corner lot calculations which will be beneficial for corner lots.

In regards to ground signs, corner lots will be permitted more signage area and be allowed a second sign. There will be a new restriction on ground sign bases that will essentially eliminate pole signs. The base width requirements will be 50% width up to 8 feet or 75% above 8 feet. New language will be included to make landscaping mandatory around base signs. There will be an increased area allowance for multi-tenant signage based on the width of the lot.



Temporary signs will no longer require a \$250.00 bond. Rather, a \$25 permit fee will be charged. New requirements for temporary signs include reducing the sign size from 50 square feet to 32 square feet. There will also be a reduction in sign height from 10 feet to 8 feet. Zemenak asked if this only pertains to commercial districts. Hennerfeind responded that a temporary sign permit can only be obtained in commercial districts the way it is written. A setback of 5 feet from the property line will also be required. New language will be incorporated for shopping centers that will allow for multiple signs at once. Temporary signs will still be allowed for a maximum of 60 days per calendar year. Lavoie asked if temporary signs include the contractor signs that are often displayed on fences. Hennerfeind responded that contractor signs are currently included in exempt signs. However he did write a clause that states if it is construction related they should be a certain size, placed in certain places, and are not required to obtain a temporary sign permit.

Open sales lots, which include properties whose business purpose is to buy, sell, or rent merchandise stored or displayed out-of-doors prior to sale, will encounter additional allowances. Gas stations will be given additional allowances for canopy signage. Car dealerships will be given an additional allowance for a second wall sign. Zemenak stated that he has seen communities with gas stations and canopy signs that state they have site plan approval which has looked at elevations. Hennerfeind responded that he would expect that even with the proposed changes, there will be applicants who are looking for more.

Projecting signs will only be allowed in the B-1 District. One sign will be allowed per each first floor business for each facade with street frontage or adjacent to an off-street parking area where customer access is available. For businesses that occupy a corner, they are allowed two signs or they can choose to have a single corner sign which would be installed at a 45 degree angle on the corner. The maximum size allowed for projecting signs will be 6 square feet per side or 10 square feet for a corner sign. The minimum clearance allowed will be 8 feet, which will be measured from the sidewalk or grade to the bottom of the sign. The maximum overall height allowed for projecting signs will be 15 feet above grade and the sign structure or light fixture cannot exceed 18 feet. They also cannot obstruct windows or walkways. The maximum projection will be 3 feet. Illumination will be allowed, including external illumination, internally illuminated individual channel letter signage, and bare bulb signage.

Window signage allowance will be reduced from 60% to 40% of window area. New language will be included that states window signage shall not be designed specifically to prohibit transparency, and shall not create safety hazards to customers, employees, pedestrians, or traffic.

A-Frame signs will be allowed in more zoning districts. The current code only allows them in B-1 and B-2 Districts. The proposed sign code amendments will allow them in C-1, B-3, R-4, R-5, and R-6 Districts as well. There will also be a new minimum separation distance required of 25 feet between the signage and they must be setback 5 feet when they are not in the B-1 District. Sharp asked if the A-Frame is in an additional area above the building signage. Hennerfeind responded that it would be independent. Carmichael asked how this would work at a mall if there is a 25' restriction. Hennerfeind stated that unfortunately this will not allow for every tenant to have an A-Frame posted 24/7. Sharp asked what the usual code enforcement procedure is for this. Hennerfeind stated that he cannot speak for Code Enforcement, but he knows that the issues are prioritized so sometimes sign issues will not be first priority. However, the Code Enforcement department will be on the lookout for general compliance requirements when driving around and patrolling.

STAFF COMMENT: Ziegler wanted to thank Hennerfeind for taking the time and dedication for the last



year with all the research that has been conducted and all the hard work that has been put into this.

PUBLIC COMMENT: Mike Caplan, owner of Mr. Wayne's Pop Culture Collectibles located at 10 W. Burlington Avenue, stated his only concern is the light box signage. It is the only cost effective way to get people inside of his store and the individual lights are more expensive. He stated that a lightbox sign can be seen off of Burlington and from the train. He understands that light box signs can be tacky, but it does not do much to affect the beautification. Hennerfeind stated that the current sign code would only permit the box sign to have illuminated lettering, and not the entire sign. Caplan stated that he believes white backgrounds should be allowed with illuminated lettering.

Baxter Phillips, owner of Phillips Flowers, stated that he is supportive of the changes and has no public comments. Larry Forssberg stated that this has been a long process and Hennerfeind has done a phenomenal job for a code that was very confusing and difficult to interpret. It makes it easier to work with businesses coming into the community.

COMMISSIONER COMMENT:

Zemenak stated that his biggest concern was regarding temporary signage and the restrictions of content. The section regarding special event banners and posters can be a problem if temporary signs are granted for certain organizations and not for others. This section of the code will need to be looked at. Hennerfeind responded that this is one of the clauses that was not modified. There are other sections that may need legal review as some sections were simply reorganized and not revised. Zemenak stated the biggest section that needs to be work on is Section 11.11 - Exemptions, which talks about different categories of signs that are allowed. When differentiating between the classes of signs, we will have to incorporate more generic all encompassing regulations.

Pill stated that the Commission had three options at this point. He asked if they should hold off until the October meeting to have each Commissioner give their feedback in order to allow for Zemenak to review and address any changes, hear all opinions now and wait until October to vote after Zemenak has reviewed, or simply vote now. Zemenak responded that he would leave that decision up to Pill. He stated it would be worth getting all corrections in front of the Commissioners at the October meeting, but it still may be worth going around and getting the Commissioner's feedback yet at this current meeting. Pill asked Hennerfeind if he wanted to continue until the October meeting after he has had time to work with Zemenak and address any concerns based on comments from the current meeting. Hennerfeind responded that he would not mind getting feedback and then continuing at October's meeting.

Carmichael: Stated that Hennerfeind's level of professionalism and the amount of work that went into it is incredible. He asked how many local businesses were in contact and gave their input throughout the process. Response: Hennerfeind responded that over the course of the year roughly 30 businesses have been in touch. Many of the questions he received were concerns that there would be some sort of recourse for everyone to modify their current signage. He stated that he has heard concerns regarding pole signs and box signs, but he stressed the importance of the aesthetic in the Village. He stated that these changes are in the same terms as the strategic plan and the Village is making significant investments in landscaping and gateway signs. The proposed changes fit in better with the vision of what our community is and that is where these regulations are derived from. Carmichael stated that he agreed



that with all the people that come through the community every day, signage is a huge part of it. One thing that jumped out to him was the permit fee changes and he can see why people would prefer the square footage calculation. Hennerfeind responded that it will benefit when minor changes are being done to a sign and the cost of work is minimal, rather than making the applicant pay for the overall square footage of the sign.

Van Buren: Stated that he really appreciates all the work that has been done and he knows that over the years there has been a lot of difficulty with the restrictive sign ordinances. He stated it is a very important issue to businesses. Van Buren asked what they should do in the situation where the business owner of Mr. Wayne's Pop Culture Collectibles wants to install an illuminated box sign due to cost savings. Once the new code is in place, he would have to apply for a variance which would defeat the whole purpose of trying to save money in the first place. Response: Hennerfeind responded that he has many options, including an illuminated projecting sign, window signage, and A-Frames. There are lots of opportunities for signage for his particular location.

Thomas: Congratulated Hennerfeind on all the hard work he put into it. He stated he is very comfortable with the changes.

Sharp: Excited for the improvement and thanked Hennerfeind for all the hard work. He asked if there are any changes with the animated / digital signage. Response: Hennerfeind responded that it was modified two years ago and the only change he is modifying is taking the "no off premise signage" and including it in the animated signage section. Sharp asked if the flashing is already limited on these signs. Zemenak responded that the flashing signs are allowed to change every five seconds.. Hennerfeind stated that it has to be a ground sign and cannot be 100% electric. Sharp asked how square footage is determined for individual letter signage. Hennerfeind responded that the code never formally states how to measure the individual letters, so the square footage is determined by drawing an imaginary box around the letters. If there is a lot of dead space, then that is counted as well. Sharp stated he is excited about the individual letter change and the monument ground signs will be a huge improvement.

Bartel: Stated that she is delighted to hear of the changes. She stated this is a way to support small businesses and signage gives a first impression of the Village.

Lavoie: Stated that Hennerfeind did a really great job and looks forward to seeing more contemporary signs in the downtown. He stated that many windows for businesses do not display the address and should it be required. Response: Hennerfeind responded that it is defined in the building and fire department's jurisdiction. He said it could be incorporated into the sign code, but he would not want to duplicate something that is already in another portion of the code. Lavoie stated he is just looking for enforcement for when the fire department or police department are looking for a particular address. Hennerfeind responded that we regulate the amount of window signage and we do not require a permit for it which is why it is not written in this section. It only becomes an issue when the amount allowed is exceeded. Lavoie responded that from a regulatory standpoint maybe it should be in the code somewhere. Lavoie stated that the LED light can be problematic and asked if lighting can be addressed. Hennerfeind responded that photometrics are submitted to engineering to ensure the illumination does not exceed the lot line. Lavoie said lighting can get intense and overbearing and maybe it should be



looked at in order to avoid issues. Zemenak stated that footcandles can be specified and then the Village can respond on a complaint basis. Lavoie stated that maybe there could be clause to restrict lighting exceeding beyond the property line. Hennerfeind stated he can look into it. Pill stated that sometimes too much regulation is not favorable and perhaps it does not need to be codified. Zemenak stated that the code currently does not have a lighting standard. Lavoie responded that there is a standard for everything else, so it is an area that could be changed since lighting can be problematic. Sharp stated that there are some signs that are too bright and uncomfortable at night.

Pill: Thanked Hennerfeind for all his hard work. He stated that he has no additional comments and is in agreement. He stated there are a few loose ends that were brought up and the discussions should be continued to October.

MOTION A

Motion to reopen the public hearing and continue to October 11th, 2017 Planning and Zoning meeting.

Motion by: Lavoie

Second by: Bartel

VOTING A

Van Buren: Yes

Carmichael: Yes

Sharp: Yes

Bartel: Yes

Thomas: Yes

Lavoie: Yes

Pill: Yes

Motion passed.

9. Miscellaneous Items

Pill stated that the Chamber will be hosting an open house at Lexus on September 20th from 5-7 pm.

10. Motion to Adjourn

Motion by: Thomas

Second by: Sharp

Meeting adjourned at 10:15 pm.