

MINUTES
SPECIAL PLAN COMMISSION MEETING
APRIL 18, 2019

Call to Order

The special meeting of the Plan Commission was called to order by Acting Chairperson Tracy Heming-Littwin Loch at 7:00 p.m. Plan Commissioners Lloyd Berry, Angela Fanella, Phillip Hartweg, John Mulherin, David Rodemann, Mohammed Saeed and Jamie Vondruska were present. Chairperson Mary Loch was excused. Also present were Community Development Director Staci Springer, Village Planner Kelly Purvis and Recording Secretary Debbie Solomon.

Public Comment

No general comments on non-agenda items were made by the public at this Plan Commission meeting.

Approval of March 28, 2019 Plan Commission Minutes

Commissioner Hartweg moved, seconded by Commissioner Mulherin, to approve the minutes of the March 28, 2019 Plan Commission minutes. The motion carried unanimously by voice vote.

Acting Chairperson Heming-Littwin explained the procedures and role of the Plan Commission.

Public Hearing – 530-536 Crescent Boulevard & 427 N. Main Street – Downtown Off-Premise Real Estate Signs

On the agenda was a public hearing regarding Sign Variations for the properties located at 530 Crescent Boulevard, 532-534 Crescent Boulevard, 536 Crescent Boulevard and 427 N. Main Street.

PUBLIC HEARING – 530-536 CRESCENT BOULEVARD & 427 N. MAIN STREET – DOWNTOWN OFF-PREMISE REAL ESTATE SIGNS

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING SIGN VARIATIONS FOR THE PROPERTIES LOCATED AT 530 CRESCENT BOULEVARD, 532-534 CRESCENT BOULEVARD, 536 CRESCENT BOULEVARD AND 427 N. MAIN STREET TO ALLOW OFF-PREMISE REAL ESTATE SIGNS TO REMAIN ON THE PROPERTIES.

Commissioner Mulherin moved, seconded by Commissioner Heming-Littwin, to open the public hearing at 7:10 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner Purvis was sworn in and stated this public hearing is regarding off-premise signage. Village Planner Purvis stated the petitioners are Marv Ritter, owner of two (2) off-premise signs located at 530 Crescent Boulevard; Tom and Margaret Smith, owner of the property where there are four (4) off-premise signs located at 532-534 Crescent Boulevard; Irene Atchison, owner of one (1) off-premise sign located at 536 Crescent Boulevard; and Chris Kouros, owner of one (1) off-premise sign located at 427 North Main Street.

Village Planner Purvis stated the petitioners are requesting variations from the Glen Ellyn Sign Code to allow existing off-premise real estate signs to remain on the aforementioned Downtown buildings. Village Planner Purvis stated in order for the signs to remain, the Plan Commission must hold a public hearing and review the sign variation requests. Village Planner Purvis showed pictures of each building with the signs highlighted and then a picture of all the signs together. Village Planner Purvis stated each of the petitioners will need to receive approval of a variation from Section 4-5- 5(I) to allow the existing off-premise signs to remain on the property, which is prohibited by the Sign Code, and in addition, each petitioner will need to receive approval of a variation from Section 4-5-11(B) to allow additional signs on the properties, in lieu of the one (1) sign permitted per establishment as follows:

- 530 Crescent Boulevard - requesting two (2) real estate signs in addition to the one (1) wall sign permitted on the building for the business;
- 532-534 Crescent Boulevard - requesting four (4) real estate signs in addition to the two (2) awning signs on the building for the business;
- 536 Crescent Boulevard - requesting one (1) real estate sign in addition to the one (1) wall sign permitted on the building for the business; and
- 427 North Main Street - requesting one (1) real estate sign in addition to the one (1) awning sign permitted on the building for the business.

Village Planner Purvis stated all of the properties are located in the C5A, Central Business District Retail Core. Village Planner Purvis stated properties located at 530 Crescent Boulevard, 532-534 Crescent Boulevard, & 536 Crescent Boulevard are bordered by zoning district CR,

Conservation Recreation to the south. Village Planner Purvis stated the property located at 427 North Main Street is bordered by zoning district C5B, Central Business District Service Subdistrict to the east.

Village Planner Purvis stated notice of the public hearing was published in the April 2, 2019 edition of the Daily Herald. Property owners within 250 feet of the four properties were notified by mail of the public hearing and a placard was placed on the sites.

Village Planner Purvis stated at the May 7, 2018 Village Board Workshop meeting, staff requested direction from the Board on how to proceed with the enforcement of existing illegal signage in the downtown, including neon signs, video board signs, and off-premise real estate signs. Village Planner Purvis stated the direction from the Board was that these types of signs are illegal and should be removed no later than the end of June 2018. Village Planner Purvis stated staff issued a 45-day notice on May 18, 2018 to all property and business owners with these illegal signs instructing their removal no later than July 2, 2018 or a citation would be issued. Village Planner Purvis stated upon receipt of the notices, numerous recipients contacted the Community Development Department to inquire about the Village's authority to have these signs removed. Village Planner Purvis stated several individuals attended the June 25, 2018 Village Board meeting in opposition to the removal of these signs, specifically the off-premise real estate signs. Village Planner Purvis stated some of the property owners believed the signs to be "grandfathered-in" due to predating the Village's original Sign Code in 1969 and felt that they should be allowed to remain. Village Planner Purvis stated if that were the case, the signs would be considered legal nonconforming, subjecting them to the nonconforming provisions of the Sign Code. For the signs to maintain status as legal nonconforming, they may not be altered in any way or otherwise would be required to be brought into compliance with the Sign Code Section 4-5-17(l)3(b). Village Planner Purvis stated the content of off-premise real estate signs change regularly with updated real estate advertising information, and therefore cannot be considered legal nonconforming.

Village Planner Purvis stated the Board granted a two month reprieve on the enforcement of the existing signs to allow for further Village Board discussion on the matter. Village Planner Purvis stated after discussing the legality of the off-premise signage at the September 17, 2018 Village Board Workshop meeting, the Village Board seemed inclined to allow the signs to remain, therefore, the Board directed Village Staff to identify an appropriate process to consider allowing these off-premise signs to remain. Village Planner Purvis stated staff has determined that the appropriate process is to require each sign owner presently displaying off-premise signs to file a request for the appropriate variations from the Glen Ellyn Sign Code. Village Planner Purvis stated there are a varying number of signs on the properties, which also vary in size, and the property owners are charging rent for the signage, many of which have been collecting rent for these advertisements for years. Village Planner Purvis stated Village staff have confirmed that the signs at 530 Crescent Boulevard were not on the building prior to

2004. Village Planner Purvis stated the signs at 536 Boulevard were not on the building prior to 2013. Village Planner Purvis stated the sign at 427 N. Main Street was not on that building prior to 2016. Village Planner Purvis stated over time, the number of signs continues to grow.

Village Planner Purvis stated staff did send photographs of the off-premise real estate signs to 15 communities and asked if this signage would be permitted in their communities. Village Planner Purvis stated staff heard from all 15 communities that these signs would also be considered illegal in their communities. Village Planner Purvis stated the communities surveyed are as follows: Addison, Bloomingdale, Carol Stream, Clarendon Hills, Downers Grove, Elmhurst, Glendale Heights, Lisle, Lombard, Naperville, Warrenville, Western Springs, Westmont, Wheaton, and Winfield.

Village Planner Purvis stated staff feels that the addition of similar off-premise signs would alter the appearance and character of the Village, and for this reason, the staff asks that if the Plan Commission recommends approval of the requested sign variations, that the Commission provide some unique circumstance or hardship for the basis of the recommendation in accordance with section 4-5-17(G)3(a) so that similar future requests for variations can be evaluated. Village Planner Purvis stated the Plan Commission can make a recommendation with conditions and may wish to consider the following:

- The maximum size or number of signs per building;
- What type of print can be displayed in the signage boxes; should it be limited to the existing use as real estate signage, or can it be used for other kinds of advertisements?
- How often the print can be changed.

Questions from the Plan Commission

Commissioner Fanella asked if it is in the Plan Commission's right to limit the signs. Village Planner Purvis stated the Plan Commission should not regulate the content of the signs. Commissioner Fanella stated if these signs will stop happening on other buildings if these signs are approved. Village Planner Purvis stated property owners would still need to go through the variation process for this as these signs do add extra wall signs to a building. Commissioner Vondruska stated based on the Sign Code, there would need to be variations for the additional signage as well as the additional square footage. Planner Purvis stated that the additional signage does not exceed the permitted square footage of signage.

Acting Chairperson Heming-Littwin asked if these real estate signs count in the total square footage of signage to which Village Planner Purvis stated they do.

Commission Fanella asked if a petitioner would need to come back for approval if a box is changed out. Village Planner Purvis stated if you have something considered nonconforming, you can replace it in kind with a variation. Village Planner Purvis stated maintenance is included in this as well.

Commissioner Mulherin asked how long these signs have existed. Village Planner Purvis stated former Village Planner Sterrett did do research on this and found the signs at 530 Crescent Boulevard were not on the building prior to 2004, the signs at 536 Boulevard were not on the building prior to 2013, and the sign at 427 N. Main Street was not on that building prior to 2016. Village Planner Purvis stated the staff is not sure on the other signs.

Acting Chairperson Heming-Littwin asked if the petitioners are the renters of the boxes. Village Planner Purvis stated they are, and the Smiths own the 532-534 Crescent building as well.

Commissioner Fanella asked if the staff is concerned about opening Pandora's Box on this. Village Planner Purvis stated the Plan Commission will need to provide definite hardships should they decide to recommended approval for these signs so that other requests can be evaluated similarly.

Commissioner Mulherin stated he does have some empathy as these signs have been there, but he is concerned about opening the door on this. Commissioner Mulherin stated he does not think these signs are particularly offensive, but many more signs like this could start to be a distraction.

Petitioners' Presentations

Sworn in was Marv Ritter, owner of two of these off-premise signs, located at 530 Crescent Boulevard. Mr. Ritter stated he does have a letter of Power of Attorney to represent the owner of the 530 Crescent building. Mr. Ritter stated he owns Riteway Custom Homes, and he uses one of the boxes, and his wife and her real estate partner use the other box. Mr. Ritter showed pictures of the two sign boxes. Mr. Ritter stated when the building is sold, the value will be based on the revenue that has been generated. Mr. Ritter read the staff report that went out about the public hearing and stated the minutes from the September 17, 2018 Village Board Workshop said the Village Board said the signs "can remain;" however, the staff report uses the phrases "seems inclined to remain." Mr. Ritter stated the Village Board was in favor of these signs remaining.

Acting Chairperson Heming-Littwin read aloud from the September 17, 2018 Village Board Workshop minutes. Acting Chairperson Heming-Littwin stated they are now here today because there needs to be an appropriate legal process with these signs.

Commissioner Mulherin read from Section 4-5-7 about unique circumstances or a hardship is needed for the Plan Commission to recommend approval of a variation. Commissioner Mulherin stated the Plan Commission will need to determine if a unique set of circumstances do exist for this.

Acting Chairperson Heming-Littwin stated a hardship cannot be to only make more money out of a project, and the petitioners will need to talk to additional hardships.

Commissioner Berry asked if another tenant was using the signs before Mr. Ritter. Mr. Ritter stated he believes so, but he does not sure how long he has been using these signs.

Commissioner Fanella asked if Mr. Ritter can attribute a certain percentage of sales to these boxes. Mr. Ritter stated you cannot judge this in the real estate industry. Commissioner Fanella asked when the last time the box was replaced. Mr. Ritter stated he does not know this specifically.

Acting Chairperson Heming-Littwin asked whose responsibility it would be if the box needed to be replaced. Mr. Ritter stated it would probably be his responsibility.

Sworn in were Tom and Margaret Smith, owners of the property at 532-534 Crescent Boulevard where there are four of these signs. Ms. Smith stated they own the building in between Dunkin' Donuts and Starbucks, and they have owned this building since 2008. Ms. Smith stated as far as she knows, the cases have been on the building for at least 35 years. Ms. Smith read from a letter from Bill Jagen, owner of the Starbucks building, and Mr. Jagen wrote that these signs have been on the building for 48 years. Ms. Smith stated they purchased this building because it was a great building in a great location, and the advertising cases were included as part of the income. Ms. Smith stated the income from the advertising cases does have to be included in their tax reports. Ms. Smith stated these boxes have been rented to real estate agents in Glen Ellyn for years, and the realtors do take care to change out the information in the boxes every month. Ms. Smith stated the Village Board voted at the September 17, 2018 Workshop meeting to have these signs be "grandfathered."

Acting Chairperson Heming-Littwin stated to clarify, there was not an official vote taken at the September 17, 2018 Workshop meeting. Community Development Director Springer was sworn

in and stated this was only a straw poll as the Village Board is not allowed to take an official vote at a Workshop meeting.

Commissioner Fanella asked if there is any other justification for these signs aside from the economic impact. Ms. Smith stated these signs add to the charm of the Village, and people do mention these signs to her all the time.

Commissioner Mulherin asked when the Sign Code that dealt with this was adopted. Village Planner Purvis stated 1969. Commissioner Mulherin stated he heard these signs have existed for a long time and wonders if these signs are legal nonconforming.

Acting Chairperson Heming-Littwin asked when the last time was that these signs were upgraded. Ms. Smith stated this has not happened, and they have owned the building since 2008. Ms. Smith stated Bill Jagen was the attorney for the Village years ago and helped with the Sign Code.

Mr. Smith stated they have been told these signs have been up for 48 years, and the Sign Code did not exist like it does now. Mr. Smith stated these boxes do work, and these boxes bring in approximately \$10,000 in income annually. Mr. Smith stated there are many signs like this in town. Mr. Smith stated they are dissatisfied with Glen Ellyn, and they should not have to deal with this. Mr. Smith stated the assessor considers these boxes income, and they would have never bought the building without the extra income from the boxes, or the building would not have been worth it.

Commissioner Vondruska stated the Plan Commission has been working on updating the Sign Code for the past year. Commissioner Vondruska stated the Plan Commission will need to get clarification from staff on the hardship piece.

Mr. Smith stated Mr. Jagen can put up lawyer's advertising in a box. Acting Chairperson Heming-Littwin stated per the Sign Code, you can put up a sign that identifies tenants in the building so this is considered a tenant sign and not purely for advertising. Acting Chairperson Heming-Littwin stated it depends on what a sign is being used for.

Commissioner Mulherin stated he would like to hear from the other petitioners, but he feels they should table this discussion so the staff can do more research and hear from the Village Attorney on this. Commissioner Mulherin stated the laws are usually 5 to 6 years behind technology as technology changes so quickly.

Commissioner Fanella stated she is not fully behind moving forward on that path, and these signs are like billboards and advertise other things.

Ms. Smith stated when they purchased the property from the Merrills, they had no idea to not believe these signs were fine.

Acting Chairperson Heming-Littwin stated there were other stores in these locations previously, and she is not sure all the signs have been there for a long time. Acting Chairperson Heming-Littwin stated the Plan Commission needs to figure out a way to grant a hardship if they can on this for the signs that are currently existing.

Community Development Director Springer stated the words “appears” and “seems” were used in the staff report as the Village Board did take a straw poll at the Workshop, but they can also change their mind on this. Community Development Director Springer stated originally, the Village Board said to enforce the removal of these signs then did a straw poll for the staff to figure out how to keep these signs. Community Development Director Springer stated these signs do need to be legal, either by a text amendment to the Zoning Code to allow these signs to remain or via sign variations for the specific addresses.

Community Development Director Springer stated the Sign Code was originally written in 1969, and Bill Jagen was the Village Attorney at that time and had input into the Sign Code. Community Development Director Springer stated the Sign Code was fully updated in 2006 with more updates in 2018. Community Development Director Springer stated the previous Architectural Review Commission did want to keep the downtown looking cleaner as Glen Ellyn has a historic downtown. Community Development Director Springer stated they cannot prove the Smiths’ signs were there before 1969. Community Development Director Springer stated there is illegal nonconforming versus legal nonconforming (“grandfathered”). Community Development Director Springer stated these signs were not permitted in the 1969 Sign Code as these signs were considered billboard signs.

Community Development Director Springer stated the reason these signs are coming up now is that an illuminated real estate sign came up on Main Street. Community Development Director Springer stated before this, the previous Village Manager had said the signs added interest and should remain. Community Development Director Springer stated discussion regarding these signs has come up over the years as well. Community Development Director Springer stated signage can be put inside a window as long as it does not cover more than 50% of the window. Community Development Director Springer stated if a variation for a box sign is approved then the sign is to be for the business.

Acting Chairperson Heming-Littwin stated for tonight, the Plan Commission is addressing very specific variations for specific petitioners; however, they may need to relook at the Sign Code on this. Acting Chairperson stated as a blanket statement, Glen Ellyn is a village that choose to do things and then asks for forgiveness later.

Commissioner Mulherin stated he is pro-business, and he is siding with the owners on this. Commissioner Mulherin stated the owners' permission seems to be the lack of enforcement over so many years so now it is probably a property right in his view.

Karen Anderson, who resides at 260 Sunset Avenue, stated she shares the box at 530 Crescent with Deb Ritter. Ms. Anderson stated when she moved to the Village, she saw how valuable the real estate boxes were. Ms. Anderson stated she feels the boxes are an important part of Glen Ellyn as people like to look at these.

Commissioner Mulherin asked if Ms. Anderson feels these signs detract from the look of the downtown. Ms. Anderson stated absolutely not as these signs enhance the Village.

Commissioner Fanella asked if Ms. Anderson could attribute a percentage of sales to these signs. Ms. Anderson stated she cannot give a percent, but people do tell her they saw her signs in the downtown.

Deb Ritter, who resides at 899 Clifton Avenue, stated she is a real estate broker with Keller Williams located on Park Boulevard. Ms. Ritter stated this sign give her a presence in the downtown. Ms. Ritter stated the signs do add to the charm of the downtown, and people do congregate around the signs. Ms. Ritter stated she cannot directly attribute a percent of sales to this sign, but the sign does drive awareness. Ms. Ritter stated they should not look at what the other villages are doing as these signs make Glen Ellyn different.

Acting Chairperson Heming-Littwin stated the staff looks at other villages so the staff can see how these signs are handled in other communities.

Commissioner Fanella asked for a definition of off-premise advertising. Village Planner Purvis read this definition from the Sign Code.

Commissioner Mulherin asked if the Plan Commission has a vested interest in limiting content. Community Development Director Springer stated they cannot regulate the signs based on content due to Freedom of Speech.

Renie Atchison, who resides at 66 Forest Avenue, stated she owns the sign at 536 Crescent. Ms. Atchison stated in her box, she puts up her listings and properties sold as well as community information and events. Ms. Atchison stated she is trying to do business in the town that she loves.

Commissioner Berry asked about Ms. Atchison's term of lease. Ms. Atchison stated the lease was initially for 5 years, but the box is now hers until she gives the box up. Ms. Atchison stated these boxes do not hurt the Village.

Commissioner Fanella asked if Ms. Atchison could attribute a certain percent of sales. Ms. Atchison stated she could not.

Commissioner Hartweg moved, seconded by Commissioner Fanella, to close the public hearing at 8:42 p.m. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Commissioner Fanella stated she respects the fact that these boxes have been around for a long time, but she is worried they are opening Pandora's Box if they say yes to these signs. Commissioner Fanella stated she feels they are not meeting a hardship, and she cannot see granting these requests tonight as she cannot find a reason to say yes.

Commissioner Mulherin stated he believes Glen Ellyn has permitted these signs to exist, and these signs are differentiated from other signs. Commissioner Mulherin stated according to the testimony, these signs add rather than detract to the character of the Village. Commissioner Mulherin stated it would be a detriment to remove these signs to the tenants and the residents. Commissioner Mulherin stated the Village is at least morally, if not legally bound, to support this is his opinion.

Commissioner Hartweg stated he has been a resident of Glen Ellyn since 1971, and he has looked at these signs. Commissioner Hartweg stated these signs do fit into the New-England style. Commissioner Hartweg stated he feels it is fine to "grandfather" the current signs, but the Village will need to stick to its guns when moving forward.

Commissioner Rodemann stated these signs do exist, but the Village has unintentionally permitted these. Commissioner Rodemann stated he does think these signs do detract from the aesthetics of the downtown, but these signs are informative and provide interest. Commissioner Rodemann stated he does think they need to find a way for these specific signs

to remain as it would help the Village. Commissioner Rodemann stated as they move forward, there will need to be a better comfort level for the Plan Commission.

Commissioner Vondruska stated he completely sees the value in these signs and sees the charm factor as well. Commissioner Vondruska stated if these signs has existed for this long then they need to find a way to “grandfather” these signs as it might be the best course of action.

Commissioner Vondruska stated if anyone wants to put up a sign box, that petitioner will need to go through the variation process.

Commissioner Berry asked if they have to recommend all at once or if they can segment each of these. Village Planner Purvis stated the Plan Commission can segment these out. Commissioner Berry stated he is a real estate agent as well. Commissioner Berry stated the Smiths’ signs appear to have the longest legacy, but the newer ones do not fit in a category so he is more reluctant to support these.

Commissioner Saeed stated he is struggling to find the unique circumstances for this variance. Commissioner Saeed stated any signs before 1969 would be “grandfathered,” but he cannot find unique circumstances for the other signs.

Acting Chairperson Heming-Littwin stated she is leaning more toward Commissioner Fanella’s view on this. Acting Chairperson Heming-Littwin stated she would like to put conditions on these signs as she is concerned about what people will start to put in these boxes. There was a discussion regarding possible conditions.

Commissioner Mulherin stated starting to regulate content is a slippery slope to the courthouse. Commissioner Mulherin stated the Plan Commission is missing the facts on how long these boxes have been there and would like this hearing deferred so staff can come back with the timing of the signs.

Commissioner Mulherin moved, seconded by Commissioner Hartweg, to Continue the Public Hearing and consideration of these applications to a later date to give staff the opportunity to provide specific information or testimony with respect to the length of time to the best of anyone’s knowledge that these signs have existed, and if the content is to be regulated, the nature of these regulations.

The motion carried with six (6) yes votes and two (2) no votes as follows: Plan Commissioners Mulherin, Hartweg, Berry, Rodemann and Vondruska and Acting Chairperson Heming-Littwin voted “yes.” Commissioners Fanella and Saeed voted “no.”

Acting Chairperson Heming-Littwin stated the Plan Commission is asking staff to bring specific information back on the concerns that need to be addressed. Commissioner Mulherin stated affidavits would be good.

Commissioner Mulherin moved, seconded by Commissioner Hartweg, to amend the previous motion to Continue the Public Hearing and consideration of these applications to the June 27, 2019 Plan Commission meeting. The motion carried unanimously by voice vote.

Public Hearing – 69 Newton Avenue – Public Service Use and Accessory Structure Variations – Special Use Permit & Zoning Variations

On the agenda was a public hearing regarding the Public Service use Special Use and Zoning Variations for a detached storage garage.

PUBLIC HEARING – 69 NEWTON AVENUE – PUBLIC SERVICE USE AND ACCESSORY STRUCTURE VARIATIONS – SPECIAL USE PERMIT & ZONING VARIATIONS

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING AN APPLICATION FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW AN EXISTING WATER TOWER AS THE PRINCIPAL USE ON THE LOT AND VARIATIONS FROM THE ZONING CODE TO ALLOW THE CONSTRUCTION OF A NEW DETACHED GARAGE ON THE SITE TO STORE MATERIALS AND EQUIPMENT ON THE PROPERTY, ALONG WITH OTHER VARIOUS EXISTING ACCESSORY STRUCTURES.

Commissioner Berry, seconded by Commissioner Mulherin, to open the public hearing at 9:07 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner Purvis was sworn in and stated the petitioner is the Glen Ellyn Public Works Department, owner and operator of the water tower site located at 69 Newton Avenue. Village Planner Purvis stated the Public Hearing is regarding an application for approval of a Special Use Permit to allow an existing water tower as the principal use on the lot and variations from the Zoning Code to allow the construction of a new detached garage on the site to store materials and equipment on the property, along with other various existing accessory structures.

Village Planner Purvis stated in order to accommodate the project, the petitioner is specifically requesting approval of the following:

1. A Special Use Permit to allow a public service use to allow the existing water tower as the principal use on the site in the R2 Residential District in accordance with Section 10-4-8(B)12 of the Zoning Code.
2. The following variations from the Glen Ellyn Zoning Code:
 - a. A variation from Section 10-5-5(B)4-4 of the Zoning Code to allow a detached garage to have an area of 1,440 square feet in lieu of the maximum 660 square feet permitted.
 - b. A variation from Section 10-5-4(A)2(a) of the Zoning Code to permit the total amount of accessory structures on the property to be 12,662 square feet in lieu of the maximum 1,000 square feet permitted. (This includes the existing reservoir and pumping station.)
 - c. A variation from Section 10-4-8(F)1 of the Zoning Code to permit a ridge height on the proposed garage to be 22' - 6.5" in lieu of the maximum 22' ridge height permitted.
 - d. A variation from Section 10-4-8(F)1 of the Zoning Code to permit an eave height on the proposed garage to be 16' in lieu of the maximum 12' eave height permitted.

Village Planner Purvis stated the subject property is located on the east side of Newton Avenue, south of Illinois Street and north of Roosevelt Road with the majority of the property located in the R2 Residential District and a small portion on the property located within the C3 Service Commercial District. Village Planner Purvis stated the proposed location of the garage is entirely within the part of the property that is located within the R2 Residential District. Village Planner Purvis stated the surrounding zoning and land uses are as follows:

Surrounding Land Uses	Surrounding Zoning
North: Residential	R2 Residential District
Glen Ellyn Manor Park	CR Conservation/Recreation
South: Service Commercial	C3 Service Commercial
East: Service Commercial	C3 Service Commercial
West: Service Commercial	C3 Service Commercial
Residential	R2 Residential District

Village Planner Purvis stated notice of the public hearing was published in the April 1, 2019 edition of the Daily Herald. Property owners within 250 feet of the property were notified by mail of the public hearing and a placard was placed on the property.

Village Planner Purvis stated the site currently contains a water tower, pumping station, and water reservoir along with the driveways for equipment to gain access to the site. Village Planner Purvis stated the petitioner is proposing to construct a 1,440 square foot garage structure to protect equipment and materials including fire hydrants, water & sewer pipes, and water valves from exposure to the elements. Village Planner Purvis stated the materials and equipment that are proposed to be contained within the garage are currently stored out in the open on the property. Village Planner Purvis stated in addition to cleaning up the site, the petitioner expects to reduce the maintenance costs and extend the useable life of these materials by warehousing them in the garage. Village Planner Purvis stated the water tower is the principal structure on the site; however, the pumping station and water reservoir are components necessary for the operation of the water tower and water distribution to Village residents. Village Planner Purvis stated the zoning variation request for the large amount of additional square footage of floor area is due, in most part, to the fact that the reservoir has a floor area of 10,170.72 square feet. Village Planner Purvis stated the reservoir structure itself is only approximately four feet tall, and the pumping station has a floor area of 1,050.57 square feet. Village Planner Purvis stated the water tower and pumping station were constructed in 1954, and the reservoir was constructed in 1960 and can hold up to 1 million gallons of water.

Village Planner Purvis stated the only new construction proposed on the site is the garage, and the proposed garage has a ridge and eave height taller than is permitted by code to allow a backhoe or truck with a crane access to the interior of the building. Village Planner Purvis stated this is because the materials are heavy and cumbersome and require special equipment to move, and the Code was really intended to regulate detached garages on single family residential lots. Village Planner Purvis stated the petitioner anticipates that the existing asphalt drive will be replaced at some point in the future, and the gravel drive will also be replaced with asphalt when existing asphalt drive is replaced. Village Planner Purvis stated the garage will be accessed from the gravel portion of the drive until the additional proposed improvements occur.

Village Planner Purvis stated the Plan Commission is being asked to conduct a public hearing and make a recommendation to the Village Board regarding the requested approvals including the special use permit for a public services use and variations from the Zoning Code for the accessory structures. Village Planner Purvis stated in reviewing the application, the Commission may wish to consider the criteria for granting approval of a Special Use as set forth in Section 10-10-14(E) of the Zoning Code and the criteria for granting zoning variations as set forth in Section 10-10-12(E) and Section 10-10-12(F).

Questions from the Plan Commission

None

Petitioner's Presentation

John Hubsy, Utilities Superintendent for the Village of Glen Ellyn, was sworn in and stated this garage has been proposed for many years and is now in this year's budget. Mr. Hubsy stated currently, the fire hydrants and valves are being stored outside which is not good for them. Mr. Hubsy stated there is very limited space at the Public Works building which is why they are proposing to use currently-owned land to build this garage. Mr. Hubsy stated this garage will be close to Public Works and will be secured by a fence.

Questions from the Plan Commission

Plan Commissioner Rodemann asked if this structure would store materials or equipment. Mr. Hubsy stated the structure would be used to store assets for the Water and Sewer Division, but they do not anticipate storing any trucks or such.

Plan Commissioner Hartweg asked if this would be a pole-barn building to which Mr. Hubsy stated it would be. Mr. Hubsy stated it will be a bare-bones building.

Plan Commissioner Fanella stated this structure will be closer to the YMCA than to the residential section. Mr. Hubsy stated it would be as they will be putting the structure as far away as possible from anything residential.

Public Comment

David Fagan, who resides at 71 Newton Avenue, was sworn in. Mr. Fagan stated he thinks it is a good idea to put this structure in, but he does not want to see vehicles parked there. Mr. Fagan stated they should choose good colors. Mr. Fagan stated he would like the Village to be a good neighbor as the property is not being maintained, and the landscaping needs to be cleaned up. Mr. Fagan stated it would be good if the generator could be moved so the noise would be less or to put up some sound barrier.

Commissioner Fanella, seconded by Commissioner Mulherin, to close the public hearing at 9:22 p.m. The motion carried unanimously by voice vote.

Plan Commission Deliberations

Commissioner Rodemann stated he does not see any problem with this as long as vehicles will not be there which could generate more traffic. Commissioner Rodemann stated he is good

with moving forward with this. The other Commissioners agreed they support this as well. Commissioner Vondruska asked Public Works to clean up and beautify the area.

Commissioner Vondruska moved, seconded by Commissioner Berry, to recommend approval of a Special Use Permit and Zoning Variations to allow improvements to 69 Newton Avenue.

After conducting a public hearing and deliberating on the requests of the Glen Ellyn Public Works Department to allow improvements to 69 Newton Avenue located on the east side of Newton Avenue, south of Illinois Street and north of Roosevelt Road, the Plan Commission hereby makes the following Findings of Fact:

1. In regard to the request for a Special Use Permit, the Plan Commission finds that:
 - a. The project will be harmonious with and in accordance with the general objectives of the Comprehensive Plan because the water tower has been in this location on the lot since approximately 1954 and allows for adequate distribution of water to the Village's residents. No changes are proposed to the water tower.
 - b. The property will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and the use will not change the essential character of the area, because the water tower has been in this location since 1954 and there are not proposed changes to this use or the structure.
 - c. The project will not be hazardous or disturbing to existing or future neighborhood uses, because no changes would be experienced from the existing use of the property and the tower will continue to allow the Village's water distribution system to function adequately.
 - d. The property would be adequately served by the essential public facilities and services, because the water tower is currently served by public facilities and there will not be any additional services required.
 - e. The proposed use will not create excessive additional requirements at the public cost for public facilities and services and will not be detrimental to the economic welfare of the Village, because the tower actually provides a service benefit to the Village and will not create any public expenditures by remaining in this location.
 - f. The proposed plan will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic,

noise, smoke, fumes, glares, or odors because the tower has existed in this location for years and will not create any additional disturbance to the neighborhood to remain in this location.

- g. The use will not create undue interference with traffic on surrounding public streets, because the traffic pattern will remain the same.
 - h. The proposed project will not cause a significant increase in the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief, because the request is to allow the existing water tower to remain on the lot. A stormwater review will be conducted by the Village's Civil Development Engineer as part of the permitting process for the garage and the project will be required to meet the standards of the DuPage County Stormwater Ordinance.
 - i. The proposed project will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the community, because the site is currently developed with the water tower and accessory structures and there are no historic or natural features on the property.
1. In regard to the request for approval of Variations from Sections 10-5-5(B)4-4 of the Glen Ellyn Zoning Code to allow construction of a detached garage to have an area of 1,440 square feet in lieu of the maximum 660 square feet permitted; and
- Section 10-5-4(A)2(a) of the Zoning Code to permit the total amount of accessory structures on the property to be 12,662 square feet in lieu of the maximum 1,000 square feet permitted; and
- Section 10-4-8(F)1 of the Zoning Code to permit a ridge height on the proposed garage to be 22 feet, 6.5 inches in lieu of the maximum 22 foot ridge height permitted; and
- Section 10-4-8(F)1 of the Zoning Code to permit an eave height on the proposed garage to be 16 feet in lieu of the maximum permitted eave height of 12 feet, the Plan Commission finds that:
- a. The plight of the owner is due to unique circumstances because the Zoning Code was designed to regulate single family uses in this district and not public service uses such as this. Public Works has limited area in which to construct such a building. Besides having the space here, the proximity to the main Public Works

facility at 30 S. Lambert makes this an ideal location for storing parts necessary to maintain and improve the water and sewer systems.

- b. The granting of the variations will not alter the essential character of the area because the garage will be screened from view by other structures already on the property and by the wooded area on the east and south of the lot.
- c. The conditions upon which the petition for variations is based would not be applicable generally to other property within the same zoning district because no other properties within the district perform the same type of tasks and require similar parts/equipment as does Public Works.
- d. The petitioner is a governmental body, therefore, the reason for the request is not based on a desire to make more money from the property but to enhance the functionality of the property to the benefit of the Village's residents.
- e. The alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant because these conditions have existed on the site for more than 50 years and the Zoning Code was not designed to regulate this sort of use.
- f. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located because the construction of the garage will allow the storage of equipment that is currently stored out in the open and will be an improvement to the neighborhood.
- g. That the granting of the variations will not impair an adequate supply of light and air to the adjacent property, substantially increase the hazard from fire or other dangers to the property in question or adjacent property, otherwise impair the public health safety comfort, morals or general welfare of the inhabitants of the Village because the garage will be constructed in accordance with all applicable Building Codes.
- h. That the granting of the variations will not diminish or impair property values within the neighborhood, unduly increase traffic congestion in the public streets and highways or create a nuisance because the garage will be an improvement to the site that will create a storage space for materials that are currently stored out in the open. The traffic pattern on and around the site will not be changed due to the garage's construction.

- i. That the variations requested are the minimum variations that will make possible the reasonable use of the land, building or structure because given the parts to be stored inside the building (fire hydrants, water valves, PVC pipe, etc.) and the equipment necessary to move these large, heavy items around, the building is appropriately sized.

Therefore, having considered the petition of the Glen Ellyn Public Works Department for improvements to property commonly known as 69 Newton Avenue, the Plan Commission recommends that the plans and the presentation which included the findings associated with a Special Use and Variations have been satisfied and therefore recommends that the Village Board approve the plans as submitted subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony as presented at tonight's meeting;

The motion carried with eight (8) yes votes and zero (0) no votes as follows: Plan Commissioners Vondruska, Berry, Fanella, Hartweg, Mulherin, Rodemann and Saeed and Acting Chairperson Heming-Littwin voted "yes."

Village Planner Purvis stated this will go to the Village Board for approval at the May 13, 2019 meeting.

Trustee's Report

None

Chairperson's Report

Acting Chairperson Heming-Littwin stated Chairperson Loch would be at the next meeting.

Staff Report

Community Development Director Springer stated the Planning and Development Department has been officially renamed the Community Development Department. Community Development Director Springer stated she has hired a new Village Planner, an Associate Planner and a Planning Intern. Community Development Director Springer stated they will be moving their department down to the first floor in May, and Innovation DuPage will be moving into the first floor as well. Community Development Director Springer stated the new Village website should be up the first week of May.

Community Development Director Springer asked what clarification the Plan Commission would like for the applications for the off-premise advertising box variations, such as dates and pictures showing dates of when the boxes were not there. Commissioner Mulherin stated he would like to know what period of time the signs have been there. Commissioner Mulherin stated it would be good to know what content is fine and possibly general with some limitations. Community Development Director Springer stated the Village has a Zoning and Sign Code Attorney the staff will consult on this. Community Development Director Springer stated the staff did do significant research, and she should be able to provide a range of time for when the boxes were not there to when the boxes were there. There was a discussion regarding what items need to be clarified, what the possible hardships might be and the possible regulation of content.

Other Business

None

Adjournment

Plan Commissioner Mulherin moved, seconded by Plan Commissioner Fanella, to adjourn the meeting at 9:39 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

Reviewed by Planner Purvis