

DRAFT MINUTES
PLAN COMMISSION MEETING
JUNE 27, 2019

Call to Order

The regular meeting of the Plan Commission was called to order by Chairperson Mary Loch at 7:01 p.m. Plan Commissioners Lloyd Berry, Angela Fanella, Phillip Hartweg, Tracy Heming-Littwin, John Mulherin, David Rodemann and Mohammed Saeed were present. Commissioner Jamie Vondruska was excused. Also present were Community Development Director Staci Springer, Village Planner Kelly Purvis and Recording Secretary Debbie Solomon.

Approval of November 9, 2017 Plan Commission Minutes

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to approve the minutes of the November 9, 2017 Plan Commission minutes. The motion carried unanimously by voice vote.

Public Comment

Anne Gould, who resides at 609 Newton Avenue, stated she was reviewing the November 9, 2017 minutes and would like to understand the process. Ms. Gould stated she was excited about the proposal for the Giesche that was discussed at this meeting and wondered what happened to this proposal. Chairperson Loch stated the Plan Commission gave this proposal a green light at a Pre-Application meeting, but never came back with a formal application. Ms. Gould asked if this proposal would have turned out differently if the Civic Center parking garage was built. Chairperson Loch stated they cannot be sure on this.

Commissioner Heming-Littwin stated this was a proposal at a Pre-Application Meeting so the proposers may not have fully understood all the costs involved. Ms. Gould asked if the staff ever follows up with Pre-Applications. Community Development Director Springer stated there is always a lot of communication with a possible petitioner before a proposal comes to the Plan Commission, and staff does brainstorm with petitioners regarding things such as parking. Community Development Director Springer stated if a petitioner does not choose to move forward, the staff does not hound these petitioners. Commissioner Fanella stated she heard there was only one small pipe that came into the building so any project could be a huge undertaking.

Ms. Gould stated she wanted to understand the process and how the November 19, 2017 minutes were found as she submitted a FOIA for these minutes. Village Planner Purvis stated that a partial set of the minutes had been posted to the Village website accidentally. Upon receiving Ms. Gould's FOIA, and finding the minutes to be incomplete, Staff found the recording from this meeting and had the current Recording Secretary create the complete minutes from the recording so the minutes could be approved and reposted to the website.

Chairperson Loch explained the procedures and role of the Plan Commission.

Public Hearing – 723-737 Hill Avenue & 356 Taylor Avenue – Karch's Minor Resubdivision

On the agenda was a public hearing regarding a request of a Minor Subdivision in accordance with Section 11-3-7 of the Subdivision Regulations Code, in order to make slight alterations to the existing lot lines and exchange land between the four (4) properties.

PUBLIC HEARING – 723-737 HILL AVENUE & 356 TAYLOR AVENUE – KARCH'S MINOR RESUBDIVISION

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING AN APPLICATION FOR APPROVAL OF A REQUEST OF A MINOR SUBDIVISION IN ACCORDANCE WITH SECTION 11-3-7 OF THE SUBDIVISION REGULATIONS CODE, IN ORDER TO MAKE SLIGHT ALTERATIONS TO THE EXISTING LOT LINES AND EXCHANGE LAND BETWEEN THE FOUR (4) PROPERTIES.

Commissioner Heming-Littwin, seconded by Commissioner Fanella, to open the public hearing at 7:02 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Community Development Director Springer and Village Planner Purvis were sworn in. Village Planner Purvis stated the petitioners are Gary C. and Ann B. Karch, owners of the properties commonly known as 723 Hill Avenue, 727 Hill Avenue, 737 Hill Avenue, and 356 Taylor Avenue, and Steve Norgaard, the Karch's attorney, is here representing the petitioners this evening. Village Planner Purvis showed a site overview of the properties in question and stated the petitioners are requesting approval of a Minor Subdivision in accordance with Section 11-3-7 of the Subdivision Regulations Code, in order to make slight alterations to the existing lot lines and exchange land between the four (4) properties. Village Planner Purvis stated a notice of public hearing for the request was published in the June 12, 2019 edition of the Daily Herald. Village Planner Purvis stated property owners within 250 feet of the properties were notified by

mail of the public hearing and public hearing placards were placed on the 723 Hill Avenue and 356 Taylor Avenue sites.

Village Planner Purvis stated the subject properties are located on the southwest corner of the Hill Avenue and Taylor Avenue intersection. The properties are zoned R2 Residential District. Village Planner Purvis stated the lots are currently developed with four (4) single-family homes that will remain on the properties, and the surrounding properties are also zoned R2 Residential District and developed with single-family homes.

Village Planner Purvis stated the subject properties are under common ownership and have a total combined area of 1.28 acres between the four (4) lots, and the proposed re-subdivision makes slight changes to the existing lot lines of the four (4) properties. Village Planner Purvis stated there are no non-conforming conditions being created by moving the lot lines as proposed, and in many cases, the existing non-conforming conditions on some of the properties have been improved upon or completely eliminated.

Village Planner Purvis stated the Karch's have indicated that they would like to decrease the size of 723 Hill Avenue in order to prevent future subdivision of the lot, and they are proposing to transfer approximately 20 feet of the east part of the property to 727 Hill Avenue (the property directly adjacent to the east). Village Planner Purvis stated an appropriate setback between the principal structure and the east interior lot line will be maintained, and the lot width will be reduced to 113.82 feet, effectively making the lot un-subdividable. Village Planner Purvis stated the petitioners would also like to straighten out the south lot line of the property at 723 Hill Avenue and are transferring some of the square footage in the rear of the property to the 356 Taylor Avenue property (to the southeast).

Village Planner Purvis stated the 727 Hill Avenue property, directly to the east, currently has a non-conforming lot area and lot width. Village Planner Purvis stated this property would become a conforming lot by receiving the additional square footage from 723 Hill Avenue. Village Planner Purvis stated the 737 Hill Avenue property, to the east of 727 Hill Avenue, is also non-conforming with a patio that encroaches .8 feet onto the 727 Hill Avenue property. Village Planner Purvis stated the Karch's are proposing to eliminate the patio encroachment by shifting the westerly lot line on 737 Hill Avenue one foot to the west. Village Planner Purvis stated the side yard setback to the patio would still be non-comforting, but it would be reduced. Village Planner Purvis stated the southernmost property in the subdivision, 356 Taylor Avenue, is proposed to receive approximately 3,600 square feet of property from the 723 Hill Avenue property. Village Planner Purvis stated the 356 Taylor Avenue property is already a conforming lot, so the main purpose for this transfer of land is to straighten out the rear lot line of the 723 Hill Avenue property and reduce its size, as previously mentioned. Village Planner Purvis showed the existing versus proposed Plats of Survey for all 4 properties. Village Planner Purvis stated the proposed subdivision will result in all properties having Code compliant lot widths

and conforming lot areas. Village Planner Purvis stated each of the side yard setbacks are either in conformance with the Code, existing non-conformities have been reduced, or the conditions have not changed. Village Planner Purvis stated for these reasons, staff is in support of the proposed re-subdivision of the subject properties.

Village Planner Purvis stated Staff would like to note, that some documentation that would typically be required for the review of a minor subdivision was not requested of the petitioners as part of their submittal. Village Planner Purvis stated the Subdivision Code is written to address typical subdivisions which generally include construction of some kind. Village Planner Purvis stated in this case, the property owners are simply shifting lot lines, and Staff did not feel that the required submittals listed on the slide were necessary to review as part of this request. Village Planner Purvis stated a reason for each omission was provided to the Plan Commission in the staff report; however, the Plan Commission may request that any of this information be provided in order to have a full understanding of the impacts of the resubdivision.

Questions from the Plan Commission

None

Petitioner's Presentation

Steve Norgaard, whose professional address is 493 Duane Street in Glen Ellyn, is the attorney for the petitioners. Mr. Norgaard was sworn in and reviewed the history on how the Karch's acquired the 4 properties. Mr. Norgaard stated 737 Hill is where the Karch's live, and the Karch's are renting out 356 Taylor. Mr. Norgaard stated the Karch's purchased the properties at 727 Hill and 723 Hill so no developer could buy these properties and develop them. Mr. Norgaard stated this resubdivision would clear up the back lot line for 723 Hill which is already unusual, and the other lots would become more of a normal size as well.

Questions from the Plan Commission

Commissioner Mulherin stated if the lot line for 723 Hill is not redone, someone could build a home twice the size because of the big Lot Coverage Ratio (LCR). Mr. Norgaard stated this resubdivision would clean all the lot lines up to make things easier.

Public Comment

No one spoke for or against this request.

Commissioner Heming-Littwin, seconded by Commissioner Mulherin, to close the public hearing at 7:14 p.m. The motion carried unanimously by voice vote.

Plan Commission Deliberations

Commissioner Mulherin stated he is fine with this request, and the other Plan Commissioners agreed. Commissioner Heming-Littwin stated this request makes sense, and if anything happens on these lots, this will fall under the existing code.

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to recommend approval of a Final Plat of Subdivision for the Resubdivision of four lots located on the corner of Hill Avenue and Taylor Avenue to be known as Karch's Hill and Taylor Resubdivision.

After conducting a public hearing and deliberating on the request of Gary and Ann Karch for approval of a Minor Subdivision of their four properties located at 723-737 Hill Avenue and 356 Taylor Avenue on the southwest corner of Hill Avenue and Taylor Avenue, the Plan Commission finds that the criteria set forth in Section 11-4-1 of the Subdivision Code have been met.

Therefore the Plan Commission recommends that the Village Board approve the requested Minor Subdivision subject to the following condition:

1. That the subdivision shall be recorded in substantial conformance with the plans as submitted and the testimony as presented at tonight's public hearing.

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

Village Planner Purvis asked Mr. Norgaard to call her regarding when this will go before the Village Board for a vote.

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

On the agenda was a continued 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 Heming-Littwin moved, seconded by Commissioner Hartweg, to reopen the public hearing at 7: p.m. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner Purvis was previously 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 Kourous, 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 notice of the public hearing was published in the April 2, 2019 edition of the Daily Herald advertising the public hearing that was held on April 18, 2019, and that meeting was continued to this evening.

Village Planner Purvis stated at the April 18, 2019 meeting, the Plan Commissioners reviewed several applications for sign variations to allow off-premise real estate signage in the downtown. Village Planner Purvis stated the Plan Commission raised a number of legal questions related to the Commission's authority to impose conditions on the off-premise signs so the meeting was continued to allow staff to seek legal counsel on the posed questions. Village Planner Purvis stated the Village's legal counsel has suggested that the Village is within its right to require that the illegal signs be removed in order to bring these properties into compliance with the Sign Code (regardless of the time that has elapsed). Village Planner Purvis stated it is also within the Village's right to amend the Sign Code to permit off-premise signs, or to grant variations to the Sign Code to allow these off-premise signs.

Village Planner Purvis stated if the Village chooses to approve variations to allow the signs to remain, conditions could be added to the approval to include any or all of the following:

- Requiring the removal of the signs upon change of property ownership
- Restricting the use of the sign to the current lease holder
- Limiting the signs to their "historic use", or continued use of the signs as they have been used in the past
- Requiring removal of the signs if they become damaged by more than 50%
- Prohibiting the expansion, enlargement, replacement, structural alteration, or relocation of the sign
- Placing a time limitation on how long the signs can remain
- Requiring that the signs be removed if abandoned for 30 days or more

Village Planner Purvis stated if the Village decides to grant relief to the owners of these illegal signs in the form of variations, the Village can condition that relief on reasonable conditions that are intended to mitigate the impact of these signs and ultimately bring them into conformance with the Sign Code.

Questions from the Plan Commission

Commissioner Heming-Littwin stated at the previous Plan Commission meeting, most of the people there were the actual lessees of the signs and not the building owners, except where Enchantments is at, and asked if the staff has heard from the building owners. Village Planner Purvis stated the staff has not heard from the building owners, but the petitioners in this case

have affidavits of authorization filled out for the property owners. Commissioner Heming-Littwin stated in most cases, the people requesting that these signs stay are the lease holders and not the actual building owners. Village Planner Purvis stated this is correct. Commissioner Heming-Littwin asked if anything the Plan Commission recommends regarding these signs for the Sign Code will stay as variations with the property to which Village Planner Purvis stated this is correct.

Commissioner Berry asked if the staff knew if the all 4 signs at the 532-534 site were up for more than 50 years or more. Village Planner Purvis stated the staff thinks 2 of these signs were added more recently, but the 532-534 site is a site that the staff is a bit more uncertain than the others. Village Planner Purvis stated the staff has a pretty good idea on the timeframe when the other signs were put up, such as the signs at 530 Crescent were not up prior to 2004, the signs at 536 Crescent were not up prior to 2013 and the signs at 427 N. Main Street were not up prior to 2016.

Public Comment

Gregory Mongolis, whose professional address is 800 Roosevelt Road, Building C14, stated he is the attorney for Thomas and Margaret Smith, and he was sworn in. Mr. Mongolis stated he has a letter from Bill Jagen, former Village Attorney, that Mr. Jagen had written to the Village President and Village Board Trustees, dated June 24, 2018, that states these signs have existed for those 48 years. Mr. Mongolis stated he thinks these signs have been up for more than 50 years. Mr. Mongolis stated the Smiths went to the Glen Ellyn Historical Society to research these signs, but could not find any definitive answer as to how long these signs have been up. Mr. Mongolis stated it is their position that these are non-conforming uses. Mr. Mongolis stated he was reluctant to have his clients go through the variance process, and their position is that these signs were there and were not violating the Sign Code when these signs were put up. Mr. Mongolis stated these signs should stay up as long as the signs have some use which is not a violation.

Commissioner Heming-Littwin asked when they believe the original Sign Code was put in place. Mr. Mongolis stated he is not sure as he did do research at the Glen Ellyn Public Library on this, but he believes the signs have been up for 48 years. Commissioner Heming-Littwin stated the original Sign Code was written by Mr. Jagen in 1969 so that is 50 years ago.

Commissioner Heming-Littwin moved, seconded by Commissioner Fanella, to close the public hearing at 7:33 p.m. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Commissioner Heming-Littwin stated she knows the signs have been there for a while, and the Sign Code has changed over the years, but she has a problem granting a variance because there is no adverse effect on these properties. Commissioner Heming-Littwin stated these signs were specifically put up to make more money on these properties, and she is not seeing a specific hardship to grant this variance. Commissioner Heming-Littwin stated more of these signs have popped up, and the building owners are making money off of these signs. Commissioner Heming-Littwin stated someone mentioned Lake Geneva had these signs, and these signs are only on buildings with real estate housed inside. Commissioner Heming-Littwin stated these signs are inconsistent, and unless the Village makes a change to the Sign Code, more variances will come before the Plan Commission and continue to set precedents. Commissioner Heming-Littwin stated the Sign Code can be enforced by law, and she does not believe she can vote for a variance.

Commissioner Mulherin stated he does have sympathy for the property owners and the lessees, but it is the Plan Commission's job to make a recommendation based on the wording in the code. Commissioner Mulherin stated the Village Board is a policy-making body, and it should be their job to do this as the Plan Commission is not in a position to do this. Commissioner Mulherin stated he cannot support this petition, but he hopes the Village Board will look at this. Commissioner Mulherin stated he does not want any more proliferation of these.

Commissioner Rodemann stated he does feel for the petitioners. Commissioner Rodemann stated he would possibly want to see a way to set up a sunset to occur for a set period of time if the Sign Code is not amended. Commissioner Rodemann stated these signs do a service, and the signs do not bother him much. Commissioner Rodemann stated he might support some sort of variance to exist for a period of time with a sunset provision.

Commissioner Fanella stated she cannot support this variation as it does not meet the requirements in the Sign Code for a hardship. Commissioner Fanella stated she also does not support a change to the Sign Code for these signs. Commissioner Fanella stated she would support a condition that gives the petitioners until August 31, 2019 to take these signs down.

Commissioner Saeed stated he agrees the signs should come down and thinks the suggestion for an August 31, 2019 timeframe is good.

Commissioner Hartweg stated the signs are somewhat entertaining and informative, but the signs should come down. Commissioner Hartweg stated it is an unfortunate situation that the signs do not meet any stipulations for changes. Commissioner Hartweg stated this should go to the Village Board.

Commissioner Berry stated this should go to the Village Board, and it would be good to grant a variance or a sunset for 532-534 Crescent, which are the signs that have existed for the longest period of time.

Chairperson Loch stated the signs can provide interest and can be quaint, but she is not sure how long these real estate signs will be effective. Chairperson stated these signs were always illegal and non-conforming, and she agrees with the suggestion of the signs coming down by August 31, 2019.

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to recommend denial of Sign Variations for Off-Premise Real Estate Signage located at 530-536 Crescent Boulevard and 427 N. Main Street.

Having considered the applications of Marv Ritter, Tom and Margaret Smith, Irene Atchison and Chris Kouros for the off-premise real estate signage located at 530-536 Crescent Boulevard and 427 N. Main Street for approval of sign variations for the real-estate signage on each of the buildings, the Plan Commission hereby finds that the requested variations:

1. Do not comply with the Statement of Purpose in the Glen Ellyn Sign Code because the Sign Code states “there should not be a proliferation of off-premise signs as it can obscure the legitimate efforts of local business establishments to reasonably identify the location and nature of their businesses”.
2. The plight of the owner is not due to unique circumstances because any property in the same district could request similar signage for the purposes of generating additional revenue.
3. That the variations if granted would have an adverse impact on property values in the surrounding area because the signs create clutter and detract from the architecture and character of the downtown.
4. Will alter the essential character of the locality because the signs have increased in number over the years and have a blighting effect due to the visual clutter they create.
5. That the purpose of the variations is based exclusively upon a desire to make more money out of the property and/or to advertise a business for the tenants to earn money.

Therefore, the Plan Commission recommends that the Village Board deny the following variations:

- A. A variation from Section 4-5-5(I) to allow 8 off-premise real estate signs on the properties located at 530-536 Crescent Blvd. and 427 N. Main St.
- B. A variation from Section 4-5-11(B) to allow:
 - a. Two (2) off-premise real estate signs in addition to the one (1) permitted wall sign on the building for the business on the property located at 530 Crescent Blvd., in lieu of one (1) sign permitted per establishment; and
 - b. Four (4) off-premise real estate signs in addition to the two (2) awning signs on the building for the business on the property located at 532-534 Crescent Blvd., in lieu of one (1) sign permitted per establishment; and
 - c. One (1) off-premise real estate sign in addition to the one (1) wall sign on the building for the business on the property located at 536 Crescent Blvd., in lieu of one (1) sign permitted per establishment; and
 - d. One (1) off-premise real estate sign in addition to the one (1) awning sign on the building for the business on the property located at 427 N. Main St., in lieu of one (1) sign permitted per establishment.

The motion carried with seven (7) yes votes and one (1) no vote as follows: Plan Commissioners Heming-Littwin, Mulherin, Fanella, Hartweg, Rodemann and Saeed and Chairperson Loch voted "yes." Commissioner Berry voted "no."

Chairperson Loch stated this will go to the Village Board for a final vote. Village Planner Purvis stated she is not sure when this will go to the Village Board as of yet.

Commissioner Heming-Littwin stated the Village has a Sign Code, and she believes others are now taking advantage and are not in compliance with the Sign Code. Commissioner Heming-Littwin stated she will go around the Village and give any sign information she believes is non-conforming to the Village staff. Commissioner Heming-Littwin stated she wants to ensure all the Village is compliant to the Sign Code as the Village should be stricter on the Sign Code.

Community Development Director Springer stated anyone can speak at the Village Board Meeting.

Trustee's Report

None

Chairperson's Report

None

Staff Report

Village Planner Purvis stated the staff has no applications so there will probably not be a meeting on July 11, 2019.

Commissioner Berry asked for an update on the parking garage. Community Development Director Springer stated this project is in the second review, and the staff will be sending a letter out next week to the consultants. Community Development Director Springer stated there are a lot of complicated matters to be figured out with the proposed parking garage, and it will be at least a few months until this comes before the Plan Commissioner.

Other Business

None

Adjournment

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Fanella, to adjourn the meeting at 7:54 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary