

Approved

Village of Gurnee
Planning and Zoning Board Minutes
December 18, 2019

1. Call to Order and Roll Call

The meeting was called to order at 7:30 p.m.

Planning and Zoning Board Members Present: Chairman James Sula, Brian Baugh, Tim Garrity, Edwin Paff, Josh Pejsach, David Nordentoft, and Laura Reilly

Planning and Zoning Members Absent: None

Other Officials Present: Tracy Velkover, Planning Manager; Clara Gable, Associate Planner; David Ziegler, Community Development Director; and Gretchen Neddenriep, Acting Village Attorney

2. Pledge of Allegiance

3. Approval of PZB Meeting Minutes

a. November 20, 2019 PZB Meeting Minutes

Mr. Garrity motioned, seconded by Mr. Baugh, to approve the November 20, 2019 meeting minutes.

Voice vote:

All "Ayes," no "Nays," none abstaining

Motion carried: 7-0-0

b. December 4, 2019 PZB Meeting Minutes

Mr. Paff motioned, seconded by Mr. Baugh, to approve the December 4, 2019 meeting minutes.

Voice vote:

All "Ayes," no "Nays," none abstaining

Motion carried: 7-0-0

4. Public Hearing: Special Use Permit for a Planned Unit Development (PUD) with Final PUD Plat/Plan approval (NIKI Properties II, LP, TNG TAAS LLC, MI Investment Properties, LLC, Niki Delano LP, and RTEC I, LLC - 4806-4850 Route 132)

The property owners have submitted a petition for a Special Use Permit to allow a Planned Unit Development (PUD) with Final Plat/Plan approval for the property located at 4806-4850 Route 132, which is zoned C-2, Community Commercial District. The subject property is located at the

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northeast corner of Route 132 and N. Route 21 (4806-4850 Route 132) and consists of approximately 9-acres.

Ms. Gable stated that NIKI Properties II, LP, TNG TAAS LLC, MI Investment Properties, LLC, Niki Delano LP, and RTEC I, LLC have submitted a petition for a Special Use Permit to allow a Planned Unit Development (PUD) with Final Plat/Plan approval for the property located at 4806-4850 Route 132, which is zoned C-2, Community Commercial District. The PUD allows flexibility with regards to the underlying zoning district. In this instance, the applicants are requesting the ability to subdivide the property without meeting building setbacks, off-site parking and signs, and providing lots without frontage on a public street or ROW. She stated that the subject property is located at the northeast corner of Route 132 and N. Route 21 and consists of approximately 9-acres. As with all Special Use petitions, the Planning and Zoning Board will make a recommendation that will be forwarded to the Village Board for their determination. The petitioner is in attendance to present their request and answer any questions the board may have.

As this was a Public Hearing, Mr. Sula asked that anyone wishing to speak on this matter be sworn in. Ms. Neddenriep, acting Village Attorney, conducted the swearing-in.

Mr. Glenn Christensen, representative of the property owners and Pecklay Surveying Co., stated that this is basically a housekeeping issue. There is no construction proposed, nor any changes to the site proposed. The request for the PUD is to allow the subdivision of the property so that each of the three buildings (uses) can be located on their own separate lot with the remaining area where parking, lighting, and stormwater detention is provided in a common area. He noted that the site was first subdivided in 1946 when a house was located near the river and, what appears to have been a gas station was located near the corner. Those original lot lines remain, so that are there currently 4 different PINS on the site and the lot lines associated with these PINS do not align with any of the current buildings on the site. The PUD will allow subdivision so that each building is on its own lot, something that couldn't be achieved without the PUD because of building setbacks to the lot lines, off-site parking, off-site ground signs, etc. Mr. Christensen offered to answer any questions.

Mr. Sula expressed that he felt the request was consistent with other developments.

Mr. Sula then asked if there were any questions or comments from the Board.

Mr. Paff asked if the Ace Hardware were to go out of business, and the store was to be torn down, would a new building have to be built on the same lot length. Mr. Sula responded that, most likely, the plot would be subdivided.

Mr. Sula then opened the floor to the public on this matter. As there were no responses, he closed the floor to the public.

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Mr. Sula then asked if there were any more questions from the Board, and—if not, a motion would be in order.

Mr. Garrity motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation on the applicant's petition for a Special Use Permit for a Planned Unit Development with Final PUD Plat/Plan approval for the property located at the northeast corner of Rt. 132 and Rt. 21, as proposed.

Mr. Sula then asked if there was any discussion on the motion; as there was not, a vote was taken.

Roll Call Vote:

Ayes: Baugh, Garrity, Nordentoft, Paff, Pejsach, Reilly, and Sula

Nays: None

Abstain: None

Motion Approved: 7-0-0

5. Final Plat of Grand – Riverside Commercial Subdivision

Approval of a Final Subdivision Plat for approximately 9-acres located at the northeast corner of Route 132 and N. Route 21. The subdivision plat provides for the division of property into 3 lots and an outlet to accommodate shared parking, access, signage, and storm water detention.

Ms. Gable stated that the property owners are seeking approval of a Final Subdivision Plat for 9-acres associated with the previous PUD application. The subdivision plat provides for the division of property into 3 lots and an outlet to accommodate shared parking, access, signage, and storm water detention. Public improvements currently exist and the subdivision plat is recommended for approval, as proposed.

Mr. Sula asked if there were any questions, and—if not, a motion would be in order.

Mr. Pejsach motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation on the Grand-Riverside Commercial Final Subdivision Plat, as presented.

Mr. Sula then asked if there was any discussion on the motion; as there was not, a vote was taken.

Roll Call Vote:

Ayes: Baugh, Garrity, Paff, Pejsach, Nordentoft, Reilly, and Sula

Nays: None

Abstain: None

Motion Approved: 7-0-0

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6. Public Hearing: Special Use Permit for an Electronic Message Board Sign (Chicago Sign Group, LLC on behalf of Temps Now - 3747 Route 132)

Chicago Sign Group, LLC, on behalf of Scott Polen of Temps Now Employment & Placement Services LLC, for a Special Use Permit to allow the incorporation of an electronic message board into a freestanding (ground) sign. The subject property is zoned EGG, East Grand Gateway District, and is located at 3747 Route 132.

Ms. Gable stated that Chicago Sign Group, LLC, on behalf of Scott Polen of Temps Now Employment & Placement Services LLC, is requesting a Special Use Permit to allow the incorporation of an electronic message board into a freestanding (ground) sign. The subject property is zoned EGG, East Grand Gateway District, and is located at 3747 Route 132. The proposed sign is 10 feet tall and 48 sq. ft. (30 sq. ft. for the main non-electronic message board portion and 18 sq. ft. for the electronic message board portion). Manually changeable reader board signs are permitted by right, but electronic message board signs require a Special Use permit. The petitioner has committed to meeting the standards placed on the existing Warren Township High School electronic message board sign, the only other sign of this type operating in the community under a SUP, and has also committed to making any letters or number on the sign at least 6 inches in height. As with all Special Use petitions, the Planning and Zoning Board will make a recommendation that will be forwarded to the Village Board for their determination. The petitioner is in attendance to present their request and answer any questions the board may have.

As this was a Public Hearing, Mr. Sula asked that anyone wishing to speak on this matter be sworn in. Ms. Neddenriep, acting Village Attorney, conducted the swearing-in.

Mr. Scott Polen, owner of Temps Now, introduced his partner, Ed Polen. He then stated that they have been in business for 15 years. It's getting harder and harder to find good people and that is what keeps them in business. He explained the reason for their request, noting changes in the field over the last 15 years that have required new innovation in advertising their services (such as the use of social media) and the decline in effectiveness by prior means (such as less-read classifieds in newspapers). He added that increased competition brought on by low unemployment and increased wages have made it necessary to present what services and potential jobs, they have available to job-seekers in a highly-visible, immediate manner. Mr. Polen assured that they are committed to creating a sign with high impact but low imposition, and offered that they have met with the mayor and Mr. Sula to learn what is not only desired by the Village, but—what is not wanted, as well.

Mr. Polen then presented the proposed sign, citing features such as LED within the monument, the ability to change the wording remotely from indoors, an auto-dimmer, and high-resolution. The sign would not have any motion and no frills in order to prevent it from causing issues. He also noted the minimum height of six inches in lettering and presented landscaping planned to surround the sign. He also explained how the sign met the standards, and offered that the sign would meet the same conditions as the electronic sign approved for the high school, including but not limited to a condition that the sign would be off between midnight and 6:00 a.m., that

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it would have no white backgrounds, no flashing, no slow-dissolves, and no two-part messages. He stated that they do not want to do a manually changeable reader board, as things change fast for them and he doesn't want to send people out in February to manually change the message on the sign. It's not feasible and it's not attractive.

Mr. Polen then presented a few other signs in the immediate area that have manual changeable message board area, which is allowed by right in Gurnee, indicating that they are less attractive. He noted some are missing letters and they look bad. He also presented a few signs in neighboring communities that were similar (i.e., electronic message board signs), but which had features they planned to avoid in the creation of their sign (i.e., color motion screens, flashing/scrolling messages, two part messages, bright lighting, too quick turn-over of messages, etc.). He noted that their sign will have a photocell that will monitor ambient light, an automatic dimmer, will not use bright white backgrounds, have a minimum message duration of 15 seconds, will be turned off between midnight and 6 a.m., will not contain messages wishing people Happy Halloween but instead limit messages to job fair announcements and jobs/pay rate. He also noted that the sign will have a minimum letter height of 6", have instantaneous message transition, will not have any two-part messages, and will have a very high resolution (8mm). Mr. Polen concluded his presentation by offering to answer any questions.

Mr. Sula asked if there were any questions or comments from the Board.

Mr. Paff asked what was to become of the existing restaurant's sign.

Mr. Polen explained that the restaurant is no longer located on the site. He explained that Temps Now occupies the entire building.

Mr. Sula asserted that the higher resolution is critical, so that the sign will look as much like a static sign as possible. He also acknowledge the letter height and automatic dimming as important features, and expressed that a duration of 15 seconds to present each slide/message as adequate.

Mr. Garrity was concerned that it may be a slippery slope headed down should this type of sign be approved. He questioned whether or not it fit within streetscape envisioned for the East Grand area of the Village.

Mr. Nordentoft stated that his issue is a differentiation of the purpose of a sign. He stated that a sign is to identify the business name, what your business does, and where you are located so that if I'm a consumer I know what you do and where I can find you. He noted that what this 18 sq. ft. electronic message board sign does is a different nuance to a sign, as it advertises specific "products". He noted that he has to look at the standards for recommending approval of a SUP and he has concerns, including compatible use. He noted that the Village has always been very careful with these signs and that each SUP has to stand on its own merit and the board is using the Warren High School sign to model this request with the assumption that this is now acceptable as it exists. He expressed concern that the nuance of this reader board would allow

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a dentist down the block to request such a sign to advertise a special on root canals or a liquor store to advertise beer specials. He noted that he knows a liquor store sells beer. This electronic message component is driven by a desire to advertise product.

Mr. Sula responded that the Board is to make its decision based on the sign's characteristics, not content.

Mr. Paff clarified that the manually changeable message boards are allowed by right and that he understands the applicant's concerns with sending employees out in the winter to change. He also noted that the sign does not go beyond what was allowed for the high school. He noted that he doesn't have a problem with the sign.

Mr. Garrity expressed concern over the amount of text lines and messages each sign slide can contain. He also expressed concern about the precedent this would set and the village will see additional requests.

Mr. Sula responded once again by stressing content of a proposed sign is not what the Board is to factor into its decision.

Mr. Garrity felt his concerns were not really in regards to the sign's content.

Mr. Sula asserted that, in the end, it is the materials used in the construction of the sign—and, its dimensions—that is to be considered.

Mr. Baugh stated that the petitioner should be left to make his own case. He also added that he agreed with Mr. Garrity's concerns over the proposed sign, calling it a "horrible idea."

Mr. Pejsach stated that he has mixed feelings. He appreciates the conditions that are proposed because it mimics more closely a static sign. He stated that he thinks back to the sign that the Board approved for the Village Church of Gurnee. He noted that they installed a sign where panels can be replaced when they want to announce a new service. He stated that this sign self-regulates how often it can change and presents a professional appearance.

Ms. Velkover noted that the Church sign provided a box type of sign at the bottom and that the Church had premade face panels that could be slid in and out to change the message. She noted that didn't require any special action by the PZB, and said they appeared before this board due to a request for a minor height or sign increase.

Ms. Reilly asked what the alternative signage would be. She noted that they are being asked to decide between the top sign and the bottom sign (a manually changeable reader board and an electronic message board).

Mr. Polen stated that he has to get his message out so he would be forced to continue using an "old-school" type sign (manually changeable message board sign).

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Mr. Sula and Ms. Reilly both conveyed that if the same advertising could be placed in the old type of sign, they would rather see it placed in a more advanced type of sign.

Mr. Garrity stated that this should not be the PZB's consideration; whether a manually changeable message board would be installed if the electronic message board sign was not approved. The PZB can't be concerned with what alternative a petitioner chooses if their request isn't approved. He agreed that the manually changeable reader board signs are not very attractive, but stated that the board cannot assume what the petitioner will do if their request is not approved. The board must look at the proposed sign only and SUP standards.

Mr. Sula asked what objections he had with the materials to be used in the proposed sign.

Mr. Garrity stated that his concerns were in response to other members and that he was being met with advocacy on behalf of the petitioner.

Mr. Sula and Mr. Paff explained that they were not advocating on behalf of the petitioner, but simply had no real problem with the type of sign being proposed. Mr. Paff also stated that he understood a business owner's desire to avoid having to go outside to change the lettering of the sign. He also clarified the difference between this type of electronic sign and a flashing type of sign.

Mr. Sula took this time to open the floor to the public. As there was no one wishing to speak, he closed the floor to the public.

As discussion among Board members continued, Mr. Baugh commented that although the applicant indicated that he would not put up messages not related to the business, that the Village cannot control content and therefore, there is no condition that the Board can attach to this ordinance to present the sign's use from wishing people a Happy Halloween, etc. He said that this type of sign gives the applicant the ability to put whatever he wants on the sign, including political messages, cars for sale, etc. It becomes a mini-billboard that he can put whatever message he wants to on it with the press of a keypad without the actual inconvenience of actually going out to manually change.

Mr. Sula asked what the objection is to the sign.

Mr. Baugh stated that the objection is the ability to change the sign so quickly that can't be regulated. Mr. Baugh also reiterated inability to control message content. He cautioned that there is no real assurance that this type of signage could be used in ways expanding far beyond the usual intent of a sign, which is to simply identify a business.

Mr. Sula stated that the applicant cannot place any message that advertises anything located off-site, as off-site advertising signs are not allowed. He noted that what is allowed on the sign must be germane to the business. All this is doing is taking advantage of new technology to more efficiently and more professionally communicate the applicant's message.

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Mr. Baugh stated that the Village should be prepared for this to come to west Grand Avenue too then.

Mr. Sula stated that he could see Marcus Theater coming forward with a similar sign.

Mr. Baugh added that Menards and Home Depot and Target would all come forward too.

Mr. Sula asked what would be wrong with this as long as they meet lighting and quality standards.

Mr. Baugh stated that we should just make a text amendment to make these signs prohibited.

Mr. Pejsach asked why such signs were, in the past, not allowed by right.

Mr. Sula explained that, in the past, such signs were poor in quality and less attractive.

Ms. Velkover added that concerns in the past were always related to the safety of such signage; specifically a concern that the changing messages distracts from driver attention resulting in an unsafe condition.

Mr. Sula stated that this type of signage is evolving, and that it is being utilized more and more. He suggested that the Village should consider these types of signs moving forward and keep current with trend and technology.

Mr. Nordentoft stated that he does not find this type of signage compatible with the Special Use Permit standards and questioned why, if these signs are not a safety concern given the operational conditions in place for the high school, the Village doesn't process text amendments to make these signs permitted. If this is where it's going to go, then why go through this process? Why not set the bar at these operational conditions and make these signs permitted uses then if we're not going to use the standards.

Mr. Sula answered that, perhaps there will soon be such amendment, as the use of this technology in signage grows. He noted that that is why text amendments are done and noted that the Zoning Ordinance is nothing like it was 20-30 years ago.

As discussion came to an end, a motion was made.

Mr. Nordentoft motioned, seconded by Mr. Paff, to forward a favorable recommendation on the petition of Chicago Sign Group, LLC, on behalf of Scott Polen of Temps Now Employment & Placement Services LLC, for a Special Use Permit to allow the incorporation of an electronic message board into a freestanding (ground) sign on property located at 3747 Route 132 subject to the conditions outlined by the petitioner (below):

- No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

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- The electronic message board sign must have an automatic dimmer and photo cell which shall constantly monitor ambient light conditions and adjust sign brightness accordingly.
- The use of bright, white backgrounds for electronic message displays is prohibited. The use of an amber color for the electronic message text on a dark background is encouraged.
- All portions of the electronic image/message must have a minimum duration of 15 seconds.
- That the electronic message board must be turned off between midnight and 6 a.m.
- That the message duration in condition #4 above will be reviewed by the Village Board in 6 months from the date of approval of the Special Use Permit to determine whether it should be adjusted.
- That the electronic sign copy shall be limited to employment postings by the staffing agency to help recruit candidates for possible employment.
- The minimum height of electronic letters/numbers shall be no less than 6 inches as to make the sign easier to read.
- The transition time between messages will be instantaneous.
- The entire message will be contained on one screen, there will not be any two-party messages or continuations.
- The electronic sign will have a resolution of 8mm.

Ms. Velkover noted there were additional conditions added, and acknowledged that the motion was based on conditions “presented.”

Mr. Sula acknowledged Mr. Pejsach, who requested discussion on the motion. Mr. Pejsach asked if there would be any restriction on the number of slides that could be rotated (in the allowed 15-second intervals) per day. Ms. Velkover responded that there was not.

Roll Call Vote:

Ayes: Paff, Reilly, and Sula

Nays: Baugh, Garrity, Nordentoft, and Pejsach

Abstain: None

Motion Failed: 3-4-0

7. Next Meeting Date: January 15, 2020

Ms. Velkover stated that, at this time, staff does not know whether there will be a meeting on this night or not.

8. Public Comment

There were no public comments.

9. Adjournment

Mr. Baugh motioned, seconded by Mr. Pejsach to adjourn the meeting.

Approved

Voice vote:

All "Ayes," no "Nays," None abstaining

Motion carried: 7-0-0

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Joann Metzger,

Recording Secretary, Planning and Zoning Board