

**VILLAGE OF WOODRIDGE
PLAN COMMISSION MEETING
Regular Meeting of September 16, 2013**

A regular meeting of the Plan Commission for the Village of Woodridge was held at 7:30 p.m. on Monday, September 16, 2013 in the Board Room of the Village Hall, Five Plaza Drive, Woodridge, Illinois.

I. CALL TO ORDER

Chairman Zawacki called the meeting to order at 7:35 p.m.

II. ROLL CALL

Upon roll call the following were:

Present: Balogh, Gaspar, Hendricks, Przepiorka, Zawacki

Absent: Krywaruczenko, Mast

Director of Community Development Michael Mays, Senior Planner Jenny Horn, Planner Jason Zawila, and Recording Secretary Peggy Halper were also present.

III. APPROVAL OF MINUTES FOR THE AUGUST 19, 2013 MEETING

Commissioner Przepiorka made a motion, seconded by Commissioner Balogh to approve the minutes of the August 19, 2013 meeting with no changes. A roll call vote was taken:

Ayes: Przepiorka, Balogh, Gaspar, Hendricks, Zawacki

Nays: None

Motion passed

III. CONSIDERATION OF A SPECIAL USE AND SITE PLAN FOR A PUBLIC UTILITY AND SERVICE USE – DUPAGE COUNTY GREENE VALLEY PLANT – 7900 ROUTE 53 – DUPAGE COUNTY

A. Public Hearing

Chairman Zawacki called the public hearing to order at 7:36 p.m. He reviewed the application before the Plan Commission verifying that all required public notices had been given. He then called for a motion to adopt the Rules of Procedure.

Commissioner Przepiorka made a motion, seconded by Commissioner Gaspar to adopt the Rules of Procedure. A roll call vote was taken:

Ayes: Przepiorka, Gaspar, Balogh, Hendricks, Zawacki

Nays: None

Motion passed

Chairman Zawacki asked if staff was ready to make their presentation.

Jason Zawila, Planner, was sworn in. He stated he would like to enter staff's report as exhibit "B". He said the site is approximately 10.67 acres and is improved with various structures and associated parking for the DuPage County Greene Valley wastewater treatment plant. He stated the Village annexed the southern 10.67 acre portion of the plant in 1960 and subsequently rezoned the property to M-1. In 2003, the Village involuntarily annexed the northern 27.57 acre portion of the plant.

Mr. Zawila stated the subject property is legal non-conforming regarding general site design. Per Village Code, the existing legal non-conformities can remain, but any future building expansions or new structures on the property must comply with Village Code requirements. He said earlier this year, DuPage County received approval to construct a vector truck receiving station and associated site improvements. He stated construction of the station will commence this fall.

Mr. Zawila said the applicant is seeking a special use to construct a salt storage building and associated improvements. He stated the new structure will solely be used for salt storage and loading. In addition to the salt storage structure, a stormwater management area will be constructed immediately east of the proposed structure. He said public utility and service uses require a special use in the M-1 District.

Mr. Zawila stated the County currently stores salt just south of the proposed location in the existing pole barn building. He said once the salt is removed, the existing structure will continue to be used for various functions associated with the treatment plant.

Mr. Zawila said the Comprehensive Plan identifies this area for transportation and utilities uses. He stated the proposed use complies with the Comprehensive Plan and M-1 District, and is consistent with other structures in the treatment plant.

Mr. Zawila stated the applicant is requesting 100% relief from the foundation landscaping requirements. He said the applicant states that in order to maximize utility of the structure and site for turning movements it will be necessary to access the structure from all sides of the building and drive areas. He stated in lieu of the required landscaping, the applicant is proposing to install additional landscaping southeast of the proposed structure to offer additional screening for the existing pole barn structure. He said staff is supportive of this relief request and the accommodation to provide additional screening to existing structures on the site.

Mr. Zawila said the applicant is proposing to construct a salt storage structure that will consist of concrete walls with a truss and canopy system. The structure will be 25 feet and 10 inches in maximum height. He stated the proposed structure will exceed the maximum height of 17 feet for accessory structures. He said the applicant is requesting the relief in order to accommodate the salt storage volume required for snow operations. He stated it should be noted that the existing pole barn structure is approximately 30 feet at the peak of the building. Mr. Zawila stated staff is supportive

of the relief as the building will be significantly screened with the existing landscaping already on the site, in addition to the applicant providing landscaping to further screen other structures on the site.

Mr. Zawila stated this morning staff received correspondence from the DuPage County Forest Preserve. In summary the correspondence wants to ensure that construction of the salt storage facility will not have an adverse impact on endangered wildlife and natural habitats. He said the petitioner will provide a more detailed response to the Forest Preserve's questions. He said this concluded staff's presentation.

Chairman Zawacki asked if the Commission had any questions.

Commissioner Przepiorka asked if Mr. Zawila could show on the overhead projection which areas are inside the Village and which ones are not.

Mr. Zawila showed on the map the areas that were and were not inside the Village.

Commissioner Przepiorka asked if most of the use on the property was for water treatment and the only non-water treatment on the facility was the salt that is stored in the pole barn.

Mr. Zawila stated he believed so, however the applicant can answer that further.

Commissioner Przepiorka asked if staff knew if they wanted to do any other activities besides those two on this site.

Mr. Zawila said that is the only item that has been presented to them, but again the applicant would be able to answer that for him.

Commissioner Hendricks said in regards to the landscaping, it sounds like it needs the relief however how will the required landscaping be transferred to another location.

Mr. Zawila stated they had worked with the County to identify other locations to provide landscaping as the site is constrained but they are providing additional screening of other structures on the site.

Commissioner Balogh asked what "screening" included or meant.

Mr. Zawila said this is typically foundation landscaping or perimeter landscaping that generally consists of shrubs and trees.

Chairman Zawacki asked if there were any further questions. None responded. He then asked if the applicant would like to make a presentation.

Mark Bushnell, Senior Project Engineer for Trotter and Associates at 40W201 Wasco Road, St. Charles, and Morgan Cotten, DuPage County Division of Transportation at 421 N. County Farm Road, Wheaton were sworn in.

Mr. Bushnell said the existing wastewater treatment facility has a couple of different operations. On the overhead he showed the various locations which included administration buildings, a wastewater treatment facility, a decommissioned wastewater treatment plant, an open air pole barn facility that was previously used for material storage and the proposed salt storage facility. He then showed pictures of the site and some of the equipment on the site.

Mr. Bushnell stated the reason why this is needed is because the wastewater treatment plant needs the open air pole barn for other operations. He said the goal is to move the salt storage across the site at the proposed location and put it in an enclosed environment. He then showed on the overhead the proposed planned improvements. He identified the proposed building location and how drainage would work on the site.

Mr. Bushnell showed examples of the type of building they are proposing. He said there is an existing 10 foot concrete wall and the overall height of the building is 35 feet. He stated there will be one large door on the east side which will protect it from north and west winds. Mr. Bushnell said the door will be large enough for a truck to back in, dump the load of salt, drop the bed back down and be able to leave. He stated the operations will be inside the building itself.

Mr. Bushnell said there are eight items outlined by the U.S. Environmental Protection Agency and steps that should be taken to reduce any salt contamination. He stated the first six items are operational which are for when the salt leaves the sight. He said one of the last two is employee training and education and then lastly is proper salt storage. Mr. Bushnell said it helps to take it out of an open air environment and put it in an enclosed structure with the majority of the operations inside.

Mr. Bushnell further described the operations of the stormwater facility. He stated anything that is tributary to the detention basin which not only includes the salt storage but some of the existing roadway would flow in there. He said the first 4/10 of an inch will remain in the detention basin and drain in the ground. The facility uses catch basins that are storm sewer structures that have a sump on the bottom that collect any solid material before it goes into the detention basin. He stated there will be a snout structure and showed on the overhead where it will be located. He said with this device anything that is floating or heavy material gets trapped which will help for catching any kinds of oils, hydrocarbons or industrial fluids.

Mr. Bushnell stated the outlet structure goes to Crab Tree Creek, so they wanted to make sure the water was not continuously flowing in and out of the creek. He stated on the left side is the salt storage area and on the right side is the creek. He said there will be a one-way valve that will only open if there is positive pressure from the one side. He stated this will prevent water from flowing back into the detention basin and being

recycled back and forth. Mr. Bushnell said there is a restrictor that limits the amount of storm water flow, so they will not be increasing any of the run-offs from the site.

Mr. Bushnell said the last thing they will address is the hydrocarbons, oils and fluids. He stated they will do this with plantings at the bottom of the detention basin. He said the plantings are salt tolerant and will be planted with plugs and seeds.

Mr. Bushnell stated they are requesting relief from the foundation landscaping requirements. He said they have looked at viable locations to where they could plant some trees. He stated they will plant three shade trees along the existing pole barn which will remain in use.

Mr. Bushnell said they have received the Army Corps of Engineers letter of “no objection” and the Illinois Historic Preservation Agency have also signed off. He stated they received a letter from Illinois Department of Natural Resources for threatened and endangered species stating no further action is required. Mr. Bushnell said once the site plan is cleared and they have received approval from the Village they will get their building permit and start construction. He said Mr. Cotten can answer any questions in regards to the operations.

Chairman Zawacki asked if there were any questions from the Commission.

Commissioner Przepiorka asked if this site would be the main location for salt trucks for DuPage County during storms.

Mr. Cotten said yes.

Commissioner Przepiorka said then during storms it will be a high traffic area. He asked would it be reasonable to assume that salt will get on the ground in the area from falling off of the trucks or from tires.

Mr. Cotten said that there will be a ramp at the new location so a front end loader will go out of the building and up a ramp to put the salt in the trucks. He stated the trucks will have a circulation pattern.

Commissioner Przepiorka asked if the trucks are loaded outside the facility.

Mr. Cotten stated yes.

Commissioner Przepiorka said then there is the potential for spillage.

Mr. Cotten said that any spillage would drain toward the detention basin.

Commissioner Przepiorka asked how much salt on an annual basis ends up in the detention basin.

Mr. Cotten said it would depend on the operations.

Mr. Bushnell said the operation is the same right now where trucks are loaded outside. He stated there should be no additional salt than what is being generated today. He said the existing building is open-air so you can get some airborne salt from just blowing across the pile; however you won't with the new building.

Commissioner Przepiorka asked when there is spillage now where does the salt go.

Mr. Cotten stated there is a trench drain that leads to the sanitary sewer system.

Commissioner Przepiorka asked if they were now diverting that spillage from the sewer system to the detention basin and are capturing it instead of letting it go.

Mr. Cotten said once salt mixes with water there is no way to separate the two. He stated the main thing is keeping it stored inside a building.

Commissioner Hendricks asked if approved by the Village were they planning to start construction in the spring and how long will it take to complete.

Mr. Cotten stated they hope to start in the spring and it should take about three months to complete.

Chairman Zawacki asked if anyone from the audience wanted to give statement or testimony in support of the applicant.

Mr. Zawila said staff is supportive of this project and recommended approval of the project.

Chairman Zawacki asked if there were any further questions. None responded. He then asked if there was anyone in the audience that wanted to make a statement in opposition of the applicant.

Chairman Zawacki stated he would like to enter into the record as Exhibit "C" a letter that they had received from the Forest Preserve District of DuPage County.

Mr. Zawila said the letter requests clarification of items that they would like staff to review. He stated the plans are still being reviewed by Village staff. He said staff will make sure that all issues that the Forest Preserve have will be accommodated as part of that review. Mr. Zawila stated the Commission can make that part of a condition of the approval.

Chairman Zawacki stated the letter did not seem to him like they were in support, but more like there were questions that needed to be addressed.

Commissioner Przepiorka said it sounds like in this letter they are asking for more information.

Mr. Zawila stated they have invited the Forest Preserve to come and view the most recent stormwater reports and the environmental reports. He said they have not come to review the reports to date.

Commissioner Przepiorka said you would think that they would view the salt moving indoors as a positive thing.

Commissioner Balogh asked if staff felt if the Forest Preserve District was looking for any modifications to the plan.

Mr. Zawila said they do have some items that they want staff to consider as part as the review. He stated most of the comments relate to the stormwater improvements, and reinforced the County's strict guidelines, standards and requirements that must be followed. He said these are things that we review as part of any development request.

Commissioner Hendricks asked what the reason was for loading the salt outside of the facility rather than inside.

Mr. Cotten stated it has to do with the size of the opening. He said there is one size opening for just the trucks to come in and out to off load. He stated the snow plow trucks are harder to maneuver in and out of the building and the opening would have to be larger. He further stated that this makes it more susceptible to environmental influences in terms of wind and rain. He stated during the summertime it will have salt in it so having the smaller door size will limit the amount of rain that can come into the building. He said in the spring they come through with a vacuum truck and clean up the site to limit the amount of salt in the environment.

Commissioner Hendricks asked if the opening was large enough for trucks to dump inside the facility then why wouldn't it be large enough to load.

Mr. Cotten said it has to do with the maneuverability with the trucks. He stated there is the operation of getting the truck in and out of the building and the other is maneuvering the equipment around to load the truck. Mr. Cotten said when they are dumping the salt they just back in, dump then leave. He stated there is not enough space for the end-loader to maneuver around with a truck there and load the truck from the side.

Commissioner Hendricks stated then it is not just the opening itself as it is the opening inside.

Mr. Cotten said it is all of it. He stated he would like to add one more thing regarding the Forest Preserve District's letter. He said one issue that they raised was regarding the vector system and the possibility of contamination with that operation. Mr. Cotten

stated currently the spoils and sweeper from the vector are set on the ground and allowed to drain. He said the vector facility will be connected into the sanitary sewer. So once the run-off comes off of that, all the materials that they are concerned about going into the creek, will actually go into the treatment plant and be treated before it is discharged.

Commissioner Przepiorka asked for clarification again on the vector system.

Mr. Cotten stated it is a truck with a large vacuum cleaner on it. He said it is used for cleaning out catch basins or excavating small holes. He stated the Woodridge Public Works Department has one for their operations. Mr. Cotton said it is used to try and contain sediment from entering the stream system.

Chairman Zawacki asked if there were any further questions. None responded. He then asked if the applicant wanted to make a brief summarization.

Mr. Bushnell said not at this time.

Chairman Zawacki then called for a motion to adjourn the public hearing.

Commissioner Gaspar made a motion, seconded by Commissioner Balogh to adjourn the public hearing. A roll call vote was taken:

Ayes: Gaspar, Balogh, Hendricks, Przepiorka, Zawacki

Nays: None

Motion passed

B. Plan Commission Discussion

Chairman Zawacki asked if there was anything further from staff.

Mr. Zawila stated staff does recommend that the Plan Commission make the following motions and recommendation. He said a total of two motions are needed, one being the Findings of Fact and the other being a recommendation to the Mayor and Board of Trustees approval of the special use and site plan request for the DuPage County Public Works Salt Storage Facility subject to the plans and conditions stated in staff's report.

Commissioner Hendricks said in staff's report, page three it should read the peak of the building is approximately 35 feet.

Commissioner Przepiorka asked if there is still an additional review being completed by the Village Engineer.

Mr. Zawila stated staff is still reviewing the second submittal which was received a couple of weeks ago. He said normally it takes about three weeks. He stated staff felt comfortable bringing this before the Commission while they are still reviewing the plan.

Commissioner Przepiorka asked if they should be making a recommendation if staff is not finished with their review.

Mr. Zawila said they can make a condition that approval is recommended subject to complying with all applicable Village Codes and Ordinances. He stated they have done this in past cases as well.

Commissioner Przepiorka asked if this was covered within staff's two conditions.

Mr. Zawila stated yes it was. He said it was listed as the first condition.

Chairman Zawacki asked if there were any further questions for staff. None responded

C. Findings of Fact

Chairman Zawacki then called for a motion for the Findings of Fact.

Commissioner Przepiorka made a motion, seconded by Commissioner Balogh to adopt the Findings of Fact for a Special Use, as contained in Attachment "7" in staff's report dated September 16, 2013. A roll call vote was taken:

Ayes: Przepiorka, Balogh, Gaspar, Hendricks, Zawacki

Nays: None

Motion passed

D. Plan Commission Recommendation

Chairman Zawacki then called for a motion for recommendation to the Mayor and Board of Trustees.

Commissioner Balogh made a motion, seconded by Commissioner Gaspar to recommend to the Mayor and Board of Trustees approval of a special use and site plan request for the DuPage County Public Works Salt Storage Facility, subject to the plans listed as A through D, and subject to the conditions listed on page 4 of staff's report dated September 16, 2013. A roll call vote was taken:

Ayes: Balogh, Gaspar, Hendricks, Przepiorka, Zawacki

Nays: None

Motion passed

IV. CONTINUATION FROM AUGUST 19, 2013 OF CONSIDERATION OF CERTAIN PROPOSED ZONING TEXT AMENDMENTS TO TITLE 9 AND 10 OF THE VILLAGE CODE, THE ZONING AND SUBDIVISION ORDINANCE OF THE VILLAGE OF WOODRIDGE.

Chairman Zawacki wanted to clarify that this was a continuation of the meeting; and the public hearing for the meeting had been closed.

Mr. Mays, Director of Community Development, stated yes it was.

A. Staff Presentation

Mr. Zawila said on August 19, 2013 the Plan Commission held a public hearing regarding text amendments to the municipal code including proposed amendments to the zoning ordinance and subdivision regulations and provided input on changes to the Village Code. He stated the proposed amendments were organized by topic into six categories: (a) Village and Zoning administration amendments; (b) accessory structure amendments; (c) lighting standard amendments; (d) signage amendments; (e) medical marijuana dispensary and cultivation centers; and (f) wind energy system amendments.

Mr. Zawila stated the public hearing was closed on August 19, 2013. At the same meeting, the Plan Commission indicated support on the Village and zoning administration and accessory structure amendments. He said the Plan Commission also recommended that staff not pursue small wind energy system amendments at this time. He stated however, the Plan Commission requested that staff further examine the proposed signage amendments, medical marijuana dispensary and cultivation center amendments and the lighting standard amendments.

Mr. Zawila said this evening he will provide a summary of each of these items and pause in between for questions and comments. He stated he will start with the lighting amendments. He said during the public hearing the Plan Commission raised concerns and sought clarification on several items. He stated before he goes into a summary of staff's findings it may help to provide a little background on the lighting amendments in 2011. He said in regard to night sky pollution that amendment took the community in a positive direction by requiring full cut-off of light fixtures and amended the foot candle to limit light spill over. He stated with that limitation staff has recognized challenges with developing compliance using newer technology. He stated with response from residential concerns at that time, the Village had made the lighting requirements more restrictive than most communities mainly because they only allow one type of luminaire, high pressure sodium, with some exceptions.

Mr. Zawila stated the lighting code does not offer businesses an opportunity to install a newer technology such as LED. He stated as noted in staff's current staff report, staff did attempt to find examples of LED lighting installations with a colored temperature as proposed in the last meeting. He said this would be the 4300 Kelvin temperature. He stated available examples were not available, because most communities do not restrict color temperature for their lighting. He said this makes it very difficult to demonstrate the variable lighting for the Plan Commission's consideration.

Mr. Zawila said as noted in the staff report, staff also sought additional input on how public street lighting is being reviewed with regards to LED lighting. He stated currently the Village does not have a comfort level regarding cost, energy savings or lighting when it comes to relamping the Village street lights with LED lighting or similar technologies. He said this uncertainty is largely due to the cost and energy

savings which cannot be fully analyzed until ComEd and the ICC revises their rate structure. He stated this will give the Village time to review what works best for energy savings as well as cost savings.

Mr. Zawila stated in light of these issues, staff does not recommend that the amendment to the lighting ordinance be pursued at this time. He said to update the lighting ordinance correctly staff would not only want to analyze outdoor lighting for private properties but for public infrastructure as well.

Mr. Zawila asked if there were any questions or comments for staff.

Commissioner Przepiorka asked if staff was not ready or were they not going to have something in the future as well.

Mr. Zawila said at this time they are not ready to recommend an amendment. He stated they want to look at the public street lighting as well before they recommend anything. He said in the future they would need to complete some type of pilot study of the lighting so they can see what the lighting would look like and what the cost and energy savings would be.

Commissioner Przepiorka stated he commends staff on the research that they completed in less than four weeks and feel they are on the right track to find out what is out there.

Chairman Zawacki asked if there were any questions in regards to lighting. None responded.

Mr. Zawila said he will move onto signage. He stated during the public hearing, the Plan Commission requested examples of electronic message board signs (EMB) that were approved in Naperville and wanted better clarification on which locations will be allowed to have an EMB sign. Additional information was also requested on the past relief approvals for monument signs.

Mr. Zawila stated the Plan Commission also discussed the potential proliferation of EMB signs will have if the amendment is approved. He said the map highlighted the potential impact the proposed ordinance will have regarding locations that EMB signs can be incorporated into permitted ground signs. He stated it is important to clarify the area requirements for gas station price signs and the limited impact they have on the Village's commercial corridors in addition to the proposed expansion of allowable EMB signage. Price signs for gas stations are restricted to signage that may not exceed 60 square feet; most contain a static message, and can only be used for the purpose of displaying gas prices. He said the existing area requirements for gas stations are typically under the proposed area requirements for standalone businesses.

Mr. Zawila said in order to address the Plan Commissions proliferation concern, staff reevaluated the proposed amendment and revised the proposed regulations so that shopping center outlots will not be allowed to have an EMB sign incorporated into an

existing ground sign. He stated the thought process behind this was that outlots, unlike standalone businesses, potentially have the opportunity to incorporate a message into the ground sign for the shopping center. He stated as demonstrated in Attachment "O" of staff's report, the revised amendment decreases the amount of potential EMB locations by approximately 24%. He said this was most notable along 75th Street and the Boughton and Woodward Commercial Corridor.

Mr. Zawila stated information was requested regarding past approval for shopping center signage in the Village. With the proposed amendments staff recommended that the area requirement be increased to 640 square feet, as the proposed maximum area is consistent with past approvals for large shopping centers in the Village.

Mr. Zawila said during Plan Commission discussion, it was also suggested that staff evaluate using posted speed limits as a method to regulate maximum sign requirements. He stated in the Village, a majority of roadways that shopping centers and standalone businesses are located on have posted speed limits of 45 MPH. He said as further described in staff's report there are concerns for using Naperville's model to regulate area requirements. Mr. Zawila stated it would allow some areas to have larger signs than currently allowed and other cases this would create a situation that would decrease the area of signage that they are allowed today. He said basing the sign area on speed limits will still not take into account past relief granted for major shopping centers such as Seven Bridges and Centerpointe. He then asked if the Commission had any questions.

Commissioner Przepiorka said to just clarify the difference between the two proposals, it was to remove the outlots from being able to have their own EMB sign.

Mr. Zawila stated yes that was the only thing changed on the EMB proposal.

Chairman Zawacki stated if you count the boxes it changed from 31 EMB's to 21 EMB's. He said if you look at 63rd Street and Route 53 there could be 6 new EMB's with one right after each other. He stated one here or there is not a major distraction, but with that many it would be.

Mr. Zawila said with that specific corridor there are mostly office buildings that are in the same zoning district as our retail areas. He stated the likelihood of them using an EMB sign is rare in comparison to other communities. He said you mostly see them in shopping centers or a couple of standalone businesses, and then non-residential uses in residential districts, which still requires a special use.

Mr. Mays stated understanding the Plan Commission's concerns is why Mr. Zawila put together the graphic. It shows the maximum potential size that the EMB would be proportioned to what would be permitted signage, both being pylon signage as well as a typical monument sign. He said this also gave you what the scale and scope would be. He stated these would not be additional signs, but they would have to be incorporated within existing permitted signs.

Commissioner Gaspar said he does not have a question, but has a concern. He stated the strip of land on 75th Street that is a mile long between Janes and Woodward there is a potential of 16 new signs. He said to him that is a lot.

Mr. Zawila stated compared to what was previously recommended it would have been more with the outlots included as part of the proposal.

Commissioner Gaspar said compared to the amount of businesses versus 75th and Lemont that there is only a potential of three new signs there.

Mr. Zawila stated that is a shopping center compared to more standalone businesses as you go west.

Chairman Zawacki said that because there are several individual business which can lead into what we call the “Ogden Avenue” effect of sign after sign.

Commissioner Gaspar stated if it is a small business and the sign goes out they might not have the money to fix it and it becomes an eye sore.

Mr. Mays said one way they can enforce fixing it would be the property maintenance code. If the sign is in disrepair, then that would create a code enforcement situation. He stated one other thing for Plan Commission, a notification of a couple of the signs identified for potential EMB’s along 75th Street currently have changeable copy as incorporated into their pylon or sign. He said this would be something that would replace that which predated the existing sign code.

Chairman Zawacki stated the distraction issue is gone with a fixed sign like that. He said he feels that is the problem with EMBs especially when there are that many of them one right after another.

Commissioner Przepiorka said one of the other discussion points was about the message changing. He asked if there was anything in the language that would control the transition of the messages.

Mr. Zawila stated right now it states the main message has to be static for five seconds. He said the message does have to move to change, but staff can take a look at the language in regarding that issue.

Commissioner Przepiorka said maybe they can put a time limit on the animation that is used for the transition of messages.

Chairman Zawacki stated that would create a problem of policing the EMB signs that may be out there.

Commissioner Balogh said she doesn't want the overflow of signs or drive down 75th Street with a bunch of these signs flashing. She stated when she looks at the map of 75th Street she only see two additional spots that could get them. She said she does not want to limit a business from having an EMB that is a standalone business. She further stated that if you look at Woodward where four of them are allowed in that strip mall, it seems a bit too much. She said she also has the same concerns as fellow Commissioners; however she feels it would not be right to not allow them.

Mr. Zawila stated that one shopping strip is technically three different shopping centers and they are allowed right now to come in as a special use if they wanted. However, the Village has never been approached by those centers.

Mr. Mays said they can appreciate the Commission's concern about proliferation and trying to balance a compromise of what the business community has asked from them. He stated with the concern of too many EMB's if you were to limit a distance between the signs then you have a race between businesses to try to get theirs in first.

Chairman Zawacki stated no EMB's would be fair. He said there has to be a way to regulate this rather than by the type of business. He stated if it is a small business with only 100 feet of frontage on 75th Street then it is too small.

Commissioner Balogh said if they approve it the way it is, she can see everyone having one in 10 years.

Chairman Zawacki stated over a period time these signs will be getting cheaper.

Commissioner Hendricks said he is not opposed to the EMB's and feel they can be effective. He stated his fear is in order to gain one's attention the signs are going to be obnoxious when making the transitions to gain attention. He said this is where the problem is going to arise.

Mr. Mays stated staff can look at other regulations that can be incorporated and noted the existing code prohibits flashing to address some of those concerns.

Commissioner Gaspar asked if they move forward with these signs is there a way to have just one color.

Mr. Zawila said they would have to look into it and check with the Village attorney. He stated he does not see a lot of ordinances that specify a specific color, but they can look into that. He stated he does hear the concern about the flashing and they can work some language in for that.

Commissioner Gaspar asked if there would be a way to limit the time. He said at two in the morning do all these signs need to be on.

Mr. Zawila stated he can look into that as well.

Commissioner Gaspar asked if the signs are approved can they regulate the maximum height and make sure landscaping is put around them to give them a more aesthetic appeal.

Mr. Zawila said the code does require landscaping and there are also maximum heights and for area in the code. He stated the amendment does allow 50% of signage and then explained how the EMB area is calculated.

Commissioner Przepiorka asked if Attachment "M" was today's proposal or the proposal from last month.

Mr. Zawila said the attachment references the measurement requirements for signs located on outlots, but this evening staff is recommending EMB signs for shopping center and standalone signs only. He stated at the bottom of the table the proposed increase to shopping center sign area is provided and is the same requirements highlighted four weeks ago. He said the area applies to shopping centers larger than 20 acres and recommends a maximum of 640 square feet, which is based upon past relief. Mr. Zawila stated they are additionally recommending a maximum height of 25 feet for shopping center monument signs.

Commissioner Przepiorka asked if the existing monument sign ordinance controlled the size of the sign based on the size of the lot or if there is no correlation.

Mr. Zawila said there is not a correlation. He stated there is only one size and if the lot is less than 20 acres it would default to what the existing code is right now.

Mr. Mays stated this is in response to the concern of the relief that has been granted over the past 20 years. He said the sign code would bring it more in line with past approvals.

Chairman Zawacki said he feels that was not the intent. He stated they were not looking to establish a new larger standard. He said they were looking at each individual project where they felt additional signage could be useful giving its location. He further stated there were a couple of cases where he felt the signs needed to be larger in order to be seen. He said it really varies and should not be based on just over 20 acres. He stated if you allow them to have a big sign they will put it up even if they don't need it.

Chairman Zawacki asked if there were any further comments or questions. None responded.

Mr. Zawila stated the last item that he will provide an overview is on the proposed medical marijuana ordinance. During the public hearing the Commission requested the Village Attorney's opinion on two specific items related to the proposed amendments. He said Attachment "Q" provides response to those questions. Mr. Zawila then read

the questions to the Commission.

Mr. Zawila said to summarize the Attorney's response, by not defining a specific zoning district the use would be expressly prohibited pursuant to section 9-3-3 of our ordinance. He stated it is unlikely that a total prohibition of a dispensary anywhere within the Village's corporate boundaries would withstand judicial scrutiny. He said for additional reasons stated in the Village Attorney's response, it is in the best interest of the Village to have an ordinance in place with the review of any potential applications that may come forward than to not have a text amendment in place.

Chairman Zawacki stated he read the Village's Attorney's response and he can appreciate from a legal standpoint where she is coming from. However, it does not mean he has to like what is being forced upon them. He said instead of hiding the locations, why not put it in a mall that is 20 acres or larger and faces a primary road. Chairman Zawacki stated maybe this will deter anyone going in there trying to purchase drugs illegally. He said this way the store owners will be watching who is going in there. He asked if they hide it in the industrial area are they going to need someone to police it 24/7. He said maybe hiding it is not the answer.

Mr. Mays said it is something that municipalities do not want to have to regulate. He stated the State has said this is a permitted use.

Chairman Zawacki stated it did not say regulate. He said we are not regulating it. He stated that the Village should put it in a place where people can see what is going on.

Mr. Mays said based on the use, staff would recommend the RBC zoning district. He stated when you look at the map with the potential conflicts; this would keep it the furthest away from residential areas and schools.

Mr. Zawila stated dispensaries have to be 1,000 feet from schools and daycares. He said cultivation has to be 2,500 feet from residential areas and roads.

Commissioner Przepiorka asked if dispensaries have to be away from residential.

Mr. Zawila stated no. He then showed on the overhead a map of areas where they cannot be. He said the way the law is written there are only going to be 60 dispensaries throughout the entire State. He stated we do not know where those locations are going to be.

Commissioner Przepiorka stated Burr Ridge was voting on this issue. He asked if staff had heard how they voted.

Mr. Zawila said many municipalities are looking at this now to meet the January 1st date. He stated the majority of what they have seen proposed locations have included business parks or industrial areas. He said it would make sense to have some locations located in medical areas.

Commissioner Balogh stated one of the things talked about last month was if we have to. She said it is being advised that we do, so have we determined that we have to zone for this.

Mr. Mays said that is the Village Attorney's recommendation.

Chairman Zawacki asked if there are any further questions. None responded.

Mr. Mays stated they will be looking for a formal recommendation or denial on each of the items.

Commissioner Przepiorka asked if they could vote on them separately.

Mr. Mays said yes or if there is a consensus on certain ones then they can be done together.

Mr. Zawila stated he has reorganized the amendments as follows: (a) Village and Zoning Administration amendments; (b) accessory structure amendments; (c) signage amendments; (d) medical marijuana dispensary and cultivation centers.

Chairman Zawacki stated they will do them one at a time and they will start out with the administration amendments.

B. Plan Commission Recommendation

Chairman Zawacki then called for a motion.

Commissioner Przepiorka made a motion, seconded by Commissioner Gaspar to recommend to the Mayor and Board of Trustees approval of the text amendments to Title 9 and 10 for the Village and Zoning administration as outlined in Attachment "A" of staff's report dated September 16, 2013. A roll call vote was taken:

Ayes: Przepiorka, Gaspar, Balogh, Hendricks, Zawacki

Nays: None

Motion passed

Commissioner Przepiorka made a motion, seconded by Commissioner Balogh to recommend to the Mayor and Board of Trustees approval of the text amendments to Title 9 for accessory structure as listed in Attachment "B" of staff's report dated September 16, 2013. A roll call vote was taken:

Ayes: Przepiorka, Balogh, Gaspar, Hendricks, Zawacki

Nays: None

Motion passed

Commissioner Przepiorka made a motion, seconded by Commissioner Balogh to recommend to the Mayor and Board of Trustees approval of the text amendments to

Title 9 for signage amendments as listed in Attachment “C” of staff’s report dated September 16, 2013 with the following three (3) recommendations:

1. Further research before it goes to the Village Board for approval in regards to defining limits for transitions and animations.
2. Further research before it goes to the Village Board on limits that they could put for the number of colors used with preference to limiting it to one (1) color.
3. Further research before it goes to the Village Board for limiting the amount of time within a 24 hour period that the sign can be on.

A roll call vote was taken:

Ayes: Przepiorka, Balogh, Gaspar, Hendricks, Zawacki

Nays: None

Motion passed

Discussion continued in regards to what would happen if the Commission did not recommend approval for medical marijuana dispensaries.

Commissioner Balogh stated she does not want this in her shopping centers. She said she feels it is the Commissions job is to recommend something.

Commissioner Hendricks said it is not something negative and he will not get into a debate about medical marijuana. However, prescription drugs are just as bad and are being abused. He stated he supports anything that is natural and that can help people more than the synthetic items that are out on the market. Commissioner Hendricks said he agrees that it should be sold at the normal pharmacies, but this is the first step. He stated if you have ever seen someone terminally ill, items like marijuana can help them. He said it is not just the negative recreational drug.

Chairman Zawacki called for a motion for a recommendation.

Commissioner Przepiorka made a motion, seconded by Commissioner Gaspar to recommend to the Mayor and Board of Trustees approval of the text amendments to Title 9 for medical marijuana dispensary and cultivation centers as listed in Attachment “D” of staff’s report dated September 16, 2013. A roll call vote was taken:

Ayes: Przepiorka, Gaspar, Balogh, Hendricks, Zawacki

Nays: None

Motion passed

V. PUBLIC COMMENT (ITEMS NOT RELATED TO THE AGENDA)

None

VI. DISCUSSION ITEMS

A. Open Meetings Act Training

Mrs. Horn said she wanted to remind the Commissioners that have not done their Open Meetings Act Training online to please do so. She stated the deadline is in October.

Mr. Mays stated if anyone wanted a little primer before taking it, on September 26th the Village Board is holding a workshop and have invited all Commissioners from various Boards. He said one of the topics being covered is the Open Meeting Act.

B. Tree Preservation Regulation

Mrs. Horn said this was talked about at the last meeting. She asked if there were any questions or if the Commission had anything that they wanted staff to follow-up with.

Commissioner Przepiorka asked if there was any regard in the ordinance as to whether species was native or non-native.

Mrs. Horn stated there are certain classes of trees defined. She said she is not certain whether if they are native or non-native.

Mr. Mays said it was not. He said it is based on a certain quality of tree but not necessarily if they are indigenous to this area.

Commissioner Przepiorka stated if they have the opportunity they should have the buckthorns taken out. He said he is not sure if this was something that other towns have done to reduce invasive species.

Mrs. Horn said she can look into that. She asked if there were any other questions.

None responded.

VIII. UPDATE OF PREVIOUS PLAN COMMISSION CASES

Mrs. Horn said on September 12th the Village Board approved Clara's request for the amendment to the zoning lot plan to allow for an addition. Also at the meeting the Village Board approved the Park District's request for the cold storage building and parking lot addition.

Chairman Zawacki asked if there were any more questions for staff.

Commissioner Balogh asked if there was a meeting tomorrow for Suburban Estates.

Mrs. Horn said they invited the Suburban Estates residents to attend an open house where they can ask questions. She stated they entered into an annexation agreement with the Village in 2005 so they could be served with Village water. She said they were allowed to connect but through the annexation agreement they had deferred annexation for 10 years. She stated that 10 years is approaching so the Village Board will be conducting an evaluation of the Suburban Estates Subdivision. She said the

Village Board has established a set of criteria to evaluate each new potential annexation. She stated one of the criteria is to involve the homeowners to get their perspective and answer questions. She said in November they will have a workshop to evaluate the whole annexation.

Discussion continued in regards to the Suburban Estates Subdivision annexation.

Mrs. Horn said there will be another Plan Commission meeting on October 7th.

Chairman Zawacki stated if there is nothing scheduled for the end of October, shouldn't they have Plan Commissioner's training.

Mr. Mays said it would depend on everyone's availability. He stated they will send out an email.

IX. ADJOURNMENT

Chairman Zawacki called for a motion to adjourn the meeting.

Commissioner Przepiorka made a motion, seconded by Commissioner Gaspar to adjourn the meeting. A roll call vote was taken:

Ayes: Przepiorka, Gaspar, Balogh, Hendricks, Zawacki

Nays: None

Motion passed

Donn Zawacki, Chairman

Peggy Halper, Recording Secretary