

REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS

MONDAY, DECEMBER 8, 2008, AT 7:30 P. M.

ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON

Chairman David Michaelsen called the December 8, 2008 meeting to order and directed Recording Secretary Wynne Progar to call the roll,

- Present: Chairman David Michaelsen, Commissioners Tim McNally, Anthony Manzzullo, Angelo Christopher, and Dee Spink,
- Absent: Ralph Smoot
- Also Present: Don Bastian, Asst. Community Development Director, Wynne Progar, Recording Secretary

MINUTES:

Commissioner Spink moved and Commissioner Manzzullo made the second to approve The Minutes of the Meeting of November 10, 2008 as presented. The results of the roll call vote were:

- Ayes: 5 Michaelsen, McNally, Manzzullo, and Spink
- Nays:
- Abstain: 1 Christopher and Smoot

Commissioner Spink moved and Commissioner Manzzullo made the second to open the Public Hearing. The motion passed by Voice Vote.

08288- Northland Mall Ltd (William Spatz) – 505-525 S. Schmale Road
Modifications to Approved PUD Plan
Zoning Code Text Amendments- B-3 District Uses
Special Use – Day Care Center
Special Use –Indoor Children’s Recreational and Party Facility

Since Mr. Spatz has not returned the information that was requested in The commentary letter that was sent in regard to this project to removing One of the buildings that were approved in the original PUD staff recommends that this case be continued to the meeting of 12th, 2009. Commissioner Spink so moved and Commissioner Christopher made the second. The results of the roll call vote were:

- Ayes: 5 Commissioners McNally, Manzzullo, Christopher, Spink And Michaelsen
- Nays: 0
- Absent: 1 Commissioner Smoot

08330: ASI-Modulex on behalf of Windsor Park Manor, 124 Windsor Park Drive
Variations: Sign Code

Dan Salamone, 2650 W. Bradley Place, Chicago, IL was sworn in as a witness in this matter and stated that he was represented a sign company hired by Windsor Park Manor. He noted that they have been

working with the Village on the exterior, extensive sign change program at Windsor Park Manor and at issue is the large sign on St. Charles Road. Within the program changes it was discovered that that sign is located five (5) feet beyond the property line and there are specific sites in the sign code that prohibit the placement of a commercial sign and the requirements for ground signs and the request is to vary those sections applying to this new sign. He stated that the original sign would be replaced and it would not be very visible if it were to be pushed back 5 feet toward the property line. Mr. Salamone said that DuPage County has approved the current site and also stated that Windsor Park is important to residents and visitors to the Johnson Health Center.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Bastian said that the applicant is requesting variations from Sections 6-11-10 and 6-11-11 of the Sign Code, which prohibit off-premise signs and establish the setback requirements for ground signs from lot lines, respectively. At their meeting on August 11, 2008, the Plan Commission approved Sign Code variations pertaining to the height, area and clearance above grade for 13 new signs regulating on-site traffic (referred to as "directional" signs) on the Windsor Park Manor campus. These signs were part of an overall program to upgrade all of the signage on the campus, including the ground signs at the campus entrances off of North Avenue and St. Charles Road. The Village issued permits for the directional signs and the new ground signs, and work has been completed on all of the signs except for the new ground sign off of St. Charles Road.

On behalf of Windsor Park Manor, Dan Salamone of ASI-Modulex has submitted a Sign Code variation application to allow the new ground sign adjacent to St. Charles Road to be installed off of their property (in the right-of-way) and less than five feet from the property line, as required. In evaluation of this application, a review of the history of signage at this location is provided below.

March 6, 1996: The Village issued a permit for a ground sign to be installed within the median in the southern entrance into the campus off of St. Charles Road. The permit application indicates that the sign would be set back five feet from the St. Charles Road property line. The sign was constructed and complied with the setback requirement.

January 22, 2003: The Final Plat of Subdivision for *The Estates of Windsor Park* was recorded by DuPage County. This subdivision allowed for the construction of Windsor Park's 62-unit age-restricted duplex neighborhood on the east side of the campus. As seen on the attached subdivision plat (Exhibits D-1 and D-2), the subdivision included the dedication of 17.22 feet of right-of-way on the north side of St. Charles Road from Windsor Park Manor to DuPage County, which was required to allow for the installation of a right-turn lane off of St. Charles Road into the southern entrance to the campus. St. Charles Road is under the jurisdiction of DuPage County. The right-of-way dedication effectively "moved" Windsor Park's southern property line 17.22 feet to the north.

As seen on the overheard aerial photo of the southern entrance into the campus (Exhibit B), the relocation of the property line 17.22 feet to the north caused the then existing ground sign to be located almost entirely within the St. Charles Road right-of-way. The property/right-of-way lines are shown in yellow on Exhibit B. The Village has no record that DuPage County either objected to or authorized the sign being located within their right-of-way. Customarily, public roadway agencies identify encroachments at the time of right-of-way acquisition, and identify a plan for remediation, if necessary.

May 19, 2008: Parvin-Clauss Sign Company applied for a sign permit to allow a new ground sign to be constructed within the median in the southern entrance into the campus off of St. Charles Road. During the review of the sign permit, Community Development Department staff identified that the existing sign appeared to be located within the St. Charles Road right-of-way.

June 18, 2008: Following discussions with the applicant about the proximity of the new sign to the property line, in which the Village made it clear that the new sign would need to be set back at least five feet from the property line, the sign permit was issued with the following condition, "all signs shall maintain a five foot setback from the property line".

September, October and November, 2008: Representatives from Parvin-Clauss and Windsor Park Manor are in contact with the Village about the proposed ground sign. Discussions focus on why the Village cannot issue a permit for the new sign to be installed at the same location as the prior sign. Village staff explained that a variation would be needed from the Sign Code to allow an off-premise sign and for the ground sign to be installed closer than five feet to the property line. Village staff also explained that approval would be necessary from the DuPage County Highway Department to allow a sign to be located within their right-of-way.

Discussion:

As explained in the preceding history, the sign that was constructed in 1996 came to be located in the St. Charles Road right-of-way as a result of the dedication of 17.22 feet of right-of-way to DuPage County in 2003. Parvin-Clauss and Windsor Park Manor representatives are aware that the Sign Code prohibits off-premise signs, and also that the Code requires ground signs to be installed at least five feet from the St. Charles Road property line. However, as explained on the submitted narrative and Sign Code variation application form, Windsor Park officials believe that a sign in the proposed location is, "critical in providing necessary identification and direction into the campus, especially for health care patients and medical personnel needing access to the ambulance entrance and Johnson Health Care Center". The primary concern with complying with the five foot setback from the property line is the reduced visibility that the sign would have if installed in a location that adheres to the Sign Code requirements. The visibility concern is exacerbated by the dense, mature landscape materials on both the east and west sides of the entrance drive off of St. Charles Road, as seen on Exhibit B. Staff concurs that a sign constructed with a five foot setback from St. Charles road would have limited visibility for both east- and west-bound motorists on St. Charles Road.

To allow the new ground sign to be installed at the same location as the previous sign, two Sign Code variations are needed. The first variation is needed to allow the sign to be constructed off of Windsor Park Manor's property as an off-premise sign, as the sign would be installed immediately to the south of the property within the St. Charles Road right-of-way. The Village has been very consistent in disallowing off-premise signs, which are also referred to as billboards, due to their potential for generating negative impacts on community aesthetics. This is not to say that Windsor Park's ground sign should be considered to be a billboard from a visual impact standpoint. The fact that the sign would be installed immediately in front of Windsor Park's property causes the sign to be significantly dissimilar to a traditional billboard. However, staff wishes to be very clear that, in general, we do not support off-premise signs. The second variation is from the requirement that ground signs be set back at least five feet from property lines. Of course, with the sign proposed to be installed within the right-of-way, it will not comply with the five foot set back.

One final issue regards the authority to install the sign within the right-of-way. As stated, St. Charles Road is under the jurisdiction of the DuPage County Highway Department. The Village of Carol Stream does not have the authority to approve the construction of the sign on County property. The DuPage County Highway Department has a permit process to allow obstructions, including signs, to be located within their rights-of-way. Windsor Park Manor has submitted an application for a DuPage County Highway Permit, a copy of which is attached to this report. Windsor Park Manor officials have discussed this matter with the Highway Department and it is their sense that it is likely that a permit will be issued. Staff will be recommending, as a condition of approval, that Windsor Park Manor must obtain a highway permit from DuPage County to allow the sign to be constructed within the County right-of-way.

To reiterate, as a general rule, staff does not support off-premise signs, or billboards. However, in this particular case, there are several unique factors that allow staff to support the variations to allow the off-premise sign, and for the sign to be set back less than five feet from the property line. These factors include: 1) the importance of sign visibility for emergency vehicle access purposes; 2) the fact that the new sign would be installed at the same location as the previous sign; 3) the fact that the location of the property line changed when the plat of subdivision was approved; and 4) the fact that, although the sign is off of Windsor Park's property, it will be located immediately in front of the property and not on a more remote property.

Staff recommends approval of the Sign Code variations to allow for the construction of an off-premise sign and for the sign to be set back less than five feet from the property line, subject to the following conditions:

1. That Windsor Park Manor must obtain a permit from the DuPage County Highway Department to allow the sign to be located within the St. Charles Road right-of-way, and that a copy of the approved permit must be submitted to the Carol Stream Community Development Department;
2. That a revised survey or site plan must be submitted to the Carol Stream Community Development Department for the sign permit file that accurately depicts the location of the sign in relation to the St. Charles Road property line; and
3. That, aside from the specific relief that would be granted through the requested variations, the sign must otherwise comply with all state, county, and village codes and requirements.

Commissioner Spink commented that the will be used for healthcare is not a valid reason for the variations since Windsor Park Manor and the health center have been there for a long time and she will vote against the variations to the sign code.

Commissioner Manzullo stated that the current sign is flood-lit and does not provide distraction when driving and he asked what lighting will be on the new sign and was told that it will be illuminated internally and there will be a single ground light on either side of the sign and that the dimensions of the sign are the same. Commissioner Manzullo said that he was concerned that any vehicle leaving and trying to turn eastward could have a problem seeing an approaching car due to the bright lighting of the sign. He also suggested that the stop bar at the entrance should be moved to allow more room between the exit driveway and the existing stop bar.

Commissioner McNally commented that any westbound traffic really is no problem. He also said that he agreed with Commissioner Manzullo that for safety, the stop bars should definitely be moved.

Chairman Michaelsen said that he does not have a problem as long as the lighting and height are addressed as well as the addition of moving the stop bar are added to the conditions.

Commissioner McNally moved and Commissioner Manzullo made the second to approve the variations to the Sign Code with addition of the movement of the stop bar. The results of the roll call vote were:

Ayes:	4	Commissioners McNally, Manzullo, Christopher, and Michaelsen
Nays:	1	Commissioner Spink
Absent:	1	Commissioner Smoot

The Village Board has 21 days to change or deny this matter.

Commissioner Manzullo moved to close the public hearing. The results of the roll call vote were:

Ayes:	5	Commissioners McNally, Manzullo, Christopher, Spink, & Michaelsen
Nays:	0	
Absent:	1	Commissioner Smoot

12-08-2008

Commissioner Spink moved and Commissioner Christopher moved to cancel the meeting on December 12, 2008 since no petitions have been published. The results of the roll call vote were:

Ayes:	5	Commissioners McNally, Manzzullo, Christopher, Spink, & Michaelson
Nays:	0	
Absent:	1	Commissioner Smoot

At 7:55 p.m. Commissioner Spink moved and Commissioner Manzzullo made the second to adjourn. The results of the roll call vote were:

Ayes:	5	Commissioners McNally, Manzzullo, Christopher, Spink, & Michaelson
Nays:	0	
Absent:	1	Commissioner Smoot

Mr. Bastian invited the Commissioners to Vangelo's for the Season's celebration.

FOR THE COMBINED COMMISSION