

**Meeting of the Village of Beecher  
PLANNING AND ZONING COMMISSION  
Washington Township Center  
September 27, 2012**

At 7:15 p.m., Phil Serviss called the meeting to order. Members present: Phil Serviss, Kim Koutsky, George Schuitema, Althea Machtemes, Lance Saller, Gayle Ahrendt and Kevin Bouchard. Absent: Dennis Tatgenhorst. Staff present: Robert Barber and Don Thomas. Audience present: Ernie Bleicher Sr., Ernie Bleicher Jr., Scott Wehling, Greg Szymanski, Christine Szymanski, Brian Cleary, Bill Voss, and Ron Kuhlman.

**AGENDA ITEM III: CONSIDER APPROVAL OF THE MINUTES OF THE AUGUST 1, 2012 MEETING.** A motion was entered by Machtemes and seconded by Schuitema to approve the minutes as presented. Roll call: 4 Ayes (Koutsky, Machtemes, Serviss and Schuitema). 0 Nays. 2 Abstained (Bouchard and Saller). Motion carried.

**AGENDA ITEM IV: CONSIDER HOLDING A PUBLIC HEARING ON A REQUEST FOR A VARIANCE TO PERMIT A SIX FOOT SOLID FENCE IN THE REAR YARD IN LIEU OF A MAXIMUM HEIGHT OF FIVE FEET AS REQUIRED BY THE ZONING ORDINANCE AT 1655 FOX HOUND TRAIL (DURANTE).** The petitioner was unable to present the required paperwork by the time of the meeting so this request was postponed until the October 25, 2012 meeting.

**AGENDA ITEM V: CONSIDER AMENDMENTS TO THE BEECHER ZONING ORDINANCE PERTAINING TO SPECIAL USE PERMITS FOR DIGITAL DISPLAY (LED) SIGNS.** At the last PZC meeting, a recommendation was sent to the Village Board, which was not approved. It was decided at that time that Village Board members would meet with PZC members to try to reach consensus on LED sign requirements.

Chairman Serviss asked Village Trustees what their thoughts were in not approving the recommendation.

Trustee Szymanski responded that it was felt that prohibiting all future pole signs was a blanket denial that could be wrong in some cases. Signs should be looked at on a case by case basis. Some locations in town would be forced to have a monument sign even though that type of sign may not fit on their property and may present a safety hazard for traffic. Existing businesses that wish to upgrade their pole signs to electronic should be allowed. The Village Board had originally requested general sign guidelines from the PZC rather than blanket denials.

Trustee Cleary added that it would be difficult to pass a zoning requirement that dictates what will be done without taking into account the requirements of the individual building. The Village Board wanted the PZC to define general criteria or specs for future signs without dictating a specific design. They are looking for parameters to guide the decision making process rather than exact dimensions of every piece of how the sign should look. A concern about prohibiting LED signs in the historic downtown business district is that it could limit development there in the future.

Bob Barber responded that the zero lot lines in the old downtown area had been the main concern, as well as saturation due to the smaller lots. He reminded everyone that this concern had begun with DeJong's sign and the fact that there are no criteria for electronic signs in the present ordinance. Once you put criteria into an ordinance, it becomes law.

Don Thomas reminded the group that the present ordinance doesn't deny all pole signs, but sign size is determined by building frontage to prevent visual blight. A building of 35,000 sq. ft. would still be allowed a pole sign in the future.

Wehling asked staff to redefine legal non-conforming use and to specify if that meant existing pole signs. Barber confirmed that existing pole signs are already a legal non-conforming use at this time. They discussed an example of the pole sign at L&H and confirmed that the sign would not be eligible for an upgrade to an electronic sign if this ordinance was approved.

Commissioner Koutsky informed the group that the ordinance, to him, is an aesthetic act, rather than something that addresses safety. Aesthetics are a matter of opinion and the PZC is trying to guide the future look of the town. Barber asked him that if this would prohibit a sign like L&H from upgrading to an LED sign board and Koutsky answered that it would.

Trustee Szymanski again said that it would be a mistake to prohibit all pole LED signs and that this would be unfair to existing businesses with pole signs. Future businesses would be a different story.

General discussion continued regarding the proposed ordinance and it was agreed that the only issue with the proposed ordinance was the section about prohibiting existing pole signs from upgrading. Commissioner Schuitema said he had no problem with making an existing pole sign conform to the new ordinance if it was destroyed in some way, since that is the same situation that buildings face when they are a legal, non-conforming use. However, if they just want to upgrade their existing sign to electronic, he feels they should be allowed to do so.

Cleary asked again for sign requirements such as lumens, flicker rate, and animation rate. When DeJong came in to upgrade his sign, there was no criteria for the Village Board to consider and that is what fueled the request to the PZC to determine the minimum acceptable practices for LED signs.

It was suggested that the sign company who erected DeJong's sign could be brought in to discuss sign technology and help create specs for future signs. The technology used in DeJong's sign provides no off-site light as opposed to the Beecher Plaza sign which is older technology. These were the types of things the Village Board was seeking rather than aesthetic design.

Szymanski added that he felt that all LED signs should be special use so that the specifics could be looked at and determined if it meets the requirements. However, existing businesses with pole signs should also be able to upgrade to electronic signs.

Another discussion began about whether the existing zoning ordinance could allow the PZC to become a separate decision-making Board without having to make referrals to the Village Board that could later be denied. Some PZC members had a concern about their decisions being overturned. Village Board members responded that they had not overthrown any decisions and the reason they attended this meeting was to work together. Don Thomas added that the zoning ordinance would have to be rewritten in order to allow the PZC to legislate although some towns do this.

Koutsky asked if density has been addressed in the ordinance. Barber answered that it had been decided that one sign per zoning lot would be allowed and that during the special use process, the PZC would have to make a determination regarding density. Both Cleary and Szymanski said they could live with adding saturation requirements even if it limited some businesses from having electronic signs just because another business close-by had added one first.

Commissioner Serviss asked that the PZC should have some time to consider all that had been discussed at this meeting and further address this issue at a future meeting.

**VI. CONSIDER A RECOMMENDATION TO THE VILLAGE BOARD AMENDING THE ZONING CODE PERTAINING TO THE INSTALLATION OF OFF-PREMISE RETAIL TRADE SIGNS.** A public hearing had been held at the last meeting to determine whether there should be any changes to the existing ordinance regarding off-premise signs. The existing ordinance denies off-premise signs entirely but leniency had been granted to new downtown businesses in the past by allowing them 30 days to place a small, temporary sign on Route One. This practice has been extended by Ernie's Barber Shop by putting up the sign for 30 days, removing it for 3 days, then putting it up

again. Mr. Bleicher, the owner, had been under the impression that this practice was allowed as a "loophole" in the law. It became apparent after Staff reviewed the ordinance, that allowing these temporary off-site signs had been an administrative decision rather than a loophole in the law. The leniency was allowed to assist hard-to-find downtown businesses a chance to build their business for a short period of time after they opened.

At the prior public hearing, consensus had not been reached so this portion of the ordinance was tabled. Several PZC members subsequently approached the Village Board to propose a compromise solution of either a designated area for off premise signage or a Village-sponsored directional sign for downtown businesses. Village Board members agreed to attend this PZC meeting to further discuss the matter.

Schuitema entered a motion to "untable" this portion of the ordinance for further discussion. Koutsky seconded. Roll call: 6 Ayes (Koutsky, Machtemes, Saller, Serviss, Bouchard and Schuitema), 0 Nays. Motion carried.

Discussion began about what provisions would be acceptable to aid the downtown businesses but still address off-premise signs in a way to ensure the ordinance could be fairly administered to all businesses in town. Some of the testimony from the past public hearing was discussed again regarding the requirements for signage on Route One. Trustees Szymanski and Cleary noted that they were not averse to the downtown businesses getting together to pay for a sign on Route One that would advertise the downtown businesses with individual placards. They reminded Bleicher that it would still have to conform to regulations regarding the right-of-way and Village easements and couldn't be a public safety hazard. It would have to be on private property with the owner agreeing to the sign.

Bleicher answered that he didn't have \$750 to spend on a variance and that he just wanted a full two years to advertise his business on Route One. He stated that his business had opened in March of 2011 and he had been installing and removing his temporary off-premise directional signage for a year and a half. He said it would impose a hardship on his business to remove it because his patrons needed to find him once they got into town. He stated that he gets approximately three new customers per week from the directional signs and they come from all around the surrounding countryside.

PZC members again discussed the original recommendation that had been tabled and the limits that had been discussed at that time. It had been agreed at that time that downtown businesses would be allowed off-premise signs for a maximum of 60 consecutive days, once per year. Barber asked their thoughts on this length of time. Schuitema thought it should be 60 days for the life of the business, rather than every year. Mr. Bleicher Jr. asked about real estate signs and it was determined that these signs were under different requirements. Commissioner Bouchard said the temporary signs had been up long enough at this point. Commissioner Saller felt there is no easy answer. The temporary signs are an eyesore but it would be a good idea for the businesses to put up a nice sign that advertised all the downtown businesses. The rest of the Commission wasn't polled on their opinion. There was discussion regarding whether or not more than one sign should be allowed. No consensus was reached on this idea.

Heated discussion followed between both of the Bleichers and Village Board members regarding whether or not their business should be allowed to circumvent the law and whether or not the Village could provide signage or allow signs in their easement. Trustee Cleary reminded the Bleichers that it is illegal for the Village to promote a private business. Barber reminded the Bleichers that if the previously revised ordinance allowing 60 consecutive days of signage per year was upheld, they would be allowed 60 days this year and 60 days next year and this would legally take them to the beginning of March which was exactly the two years they were requesting.

Koutsky entered a motion to send a positive recommendation to the Village Board to amend the zoning code pertaining to the installation of off-premise trade signs, allowing one sign per local business


for a single period of time not exceeding 60 continuous days per year. Each zoning lot may only have one temporary off-premise sign at a time; and the sign may not exceed six (6) square feet in area and the sign placement may not impede visibility of pedestrians or vehicular traffic. Machtemes seconded the motion. Roll call: 6 Ayes (Koutsky, Machtemes, Saller, Serviss, Bouchard and Schuitema), 0 Nays. Motion carried.

**AGENDA ITEM VIII: DISCUSSION ON A RESOLUTION APPROVING THE B3 ROUTE AS THE RECOMMENDED CORRIDOR FOR THE ILLIANA EXPRESSWAY.** The Village Board drafted and approved a resolution of support for the recommended B3 route for the Illiana Expressway and was asking the PZC to also affirm that the B3 corridor is the best route. Schuitema entered a motion affirming the B3 corridor and Bouchard seconded. Roll call: 6 Ayes (Koutsky, Machtemes, Saller, Serviss, Bouchard and Schuitema), 0 Nays. Motion carried.

**AGENDA ITEM IX: NEW BUSINESS.** Barber informed the PZC that the IKE Grant for the Land Use Plan had not been approved so the Village would likely proceed with their own, smaller update to the Plan but would wait until the final route for the Illiana to be approved. This will probably occur within the next month or two.

With no further new business, Bouchard entered a motion and Saller seconded that the meeting stand adjourned. Serviss called the motion to a vote and it carried unanimously. The meeting stood adjourned at 9:40pm.

Respectfully submitted,



Marcy Meyer  
Secretary