

**Meeting of the Village of Beecher  
PLANNING AND ZONING COMMISSION  
Washington Township Center  
October 25, 2012**

At 7:15 p.m., Phil Serviss called the meeting to order. Members present: Phil Serviss, Dennis Tatgenhorst, George Schuitema, Kevin Bouchard, Lance Saller, and Gayle Ahrendt. Absent: Kim Koutsky and Althea Machtemes. Staff present: Robert Barber and Don Thomas. Audience present: Janet Piepho.

**AGENDA ITEM III: CONSIDER APPROVAL OF THE MINUTES OF THE SEPTEMBER 27, 2012 MEETING.** A motion was entered by Tatgenhorst and seconded by Schuitema to approve the minutes as presented. Roll call: 5 Ayes (Saller, Tatgenhorst, Serviss, Bouchard and Schuitema). 0 Nays. 0 Abstained. Motion carried.

**AGENDA ITEM IV: WORKSHOP SESSION: 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 did not submit a formal application for the variance. Item was tabled.

**AGENDA ITEM V: WORKSHOP SESSION: CONSIDER HOLDING A PUBLIC HEARING ON A REQUEST FOR A VARIANCE FOR A FENCE IN THE FRONT YARD AT 281 ORCHARD LANE (PIEPHO).** The resident constructed a monument wall along the front property line of a corner lot which they believed to be their backyard. No permit was obtained for the wall but since it appeared to be part of the landscaping, no action was taken. The resident subsequently approached the Village about constructing a wrought-iron fence along this monument wall which then requires a variance. The fence is decorative and does not provide security. The resident is in the process of acquiring the lot located behind the residence so that obstruction of view of the street is not a concern from this vacant lot. Staff has no objections to the request but the remaining issues are: 1. Does the resident intend to extend the front yard fence further to the north along the frontage of the vacant lot being purchased; and 2. Should the resident be required to extend the public sidewalk across the frontage of the vacant lot if the lot is never going to be built upon.

Janet Piepho was in attendance and clarified her request. They had placed the decorative brick border without a permit because they considered it to be landscaping and the landscapers who did the work never pulled a permit. The metal fence material to be installed on the wall will be ornamental in nature and won't close in the lot. The pillars are 53" tall and the fence material will be 48" tall. When asked about the lot she had purchased to the north of hers, she stated that she has no objection to installing a sidewalk along the north lot. She was questioned by commissioners about the fact that a permit hadn't been given for the original wall and that as a former business owner in town, they were surprised she hadn't known about the requirements. She responded that when they placed the monument wall they hadn't realized that having a corner lot gave them different requirements to meet and they considered it to be a decorative part of their landscaping. When asked if she would agree to install a sidewalk along the north vacant lot she had purchased, she answered that she would agree.

Bouchard entered a motion to hold a public hearing on November 29, 2012. Schuitema seconded. Roll call: 5 Ayes (Saller, Tatgenhorst, Serviss, Bouchard and Schuitema). 0 Nays. 0 Abstained. Motion carried.

**AGENDA ITEM VI. CONSIDER AMENDMENTS TO THE BEECHER ZONING ORDINANCE PERTAINING TO SPECIAL USE PERMITS FOR DIGITAL DISPLAY (LED) SIGNS.**

In August, the PZC recommended, by a vote of 4-1 to recommend the enclosed ordinance pertaining to LED signs. The only negative vote centered on whether legal non-conforming signs could be upgraded to digital signs. The Village Board, without taking a vote, was not sure of the recommendation and sought more input from the PZC. The concern was based on the fact that DeJong's sign was issued a special use permit for an upgrade to a non-conforming sign. At a workshop in September, the trustees present expressed concern again about this item and requested more technical criteria for evaluating requests for LED signs. The PZC asked staff to produce a report based on criteria used by other municipalities. If a new list of criteria is agreed upon, there could be another public hearing in November.

A main source of conflict on the PZC had been the requirement which prohibited a digital sign upgrade to an existing legal non-conforming sign or pole sign; that digital signs must be monument type. Per consensus, this item was removed. The remainder of the discussion concentrated on the twelve suggested criteria for LED signs listed in the staff memo (attached).

Of these twelve suggested criteria, the conclusions were as follows:

1. "Off-premise LED signs, or billboards, shall be prohibited." *Since this is already covered in the original sign ordinance, this was deemed an unnecessary inclusion.*
2. "Advertising products or services which are not sold on premise shall be prohibited, since this meets the definition of a billboard. First Amendment-protected messages of a political or religious nature and community service announcements shall be permitted." *This item was approved.*
3. "The sign's display shall remain static for at least five seconds between messages, and the change of display shall be instantaneous (no fading in or out of the message)." *This item was approved.*
4. "There is empirical evidence that flashing or scrolling messages and animation, such as video reproduction, can be distracting to drivers. Many communities have banned scrolling, flashing and animation for these types of signs." *This item is for information only.*
5. "The size of LED signs is typically regulated to 50% of the permitted sign area for the specific zoning lot." *This item was approved.*
6. "One sign per zoning lot is typical, with many imposing a minimum distance requirement to adjoining residential areas, and the average seems to be 150 to 200 feet. There have been a few attempts to regulate distance between signs, but this is not a standard- or average-type regulation." *This item is for information only.*
7. "Luminance shall be limited to 5,000 nits during daylight hours and 500 nits at night. Most LED sign controllers have this built in already. The installer of the sign shall certify to the Village in writing that these limits were set prior to final inspection." *After discussion, it was agreed to change the nighttime limit to 250 nits but it was requested that Bob Barber should check with Whiteway Signs (who installed the DeJong sign) to check the nighttime nits since none of the commissioners were sure of the brightness of a nit.*
8. "Automatic brightness controls shall be keyed to ambient light levels." *This item was approved.*
9. "If the display malfunctions the controller shall be set to 'dark' to prevent flashing or unknown images from appearing." *This item was approved.*
10. "Signs shall be placed perpendicular to any residence so the sign face does not face a residential area." *This item was approved.*


11. "Light trespass onto adjoining residential property shall not exceed 0.1 foot candles, and light trespass onto adjoining commercial or industrial property shall not exceed 0.3 foot candles." *This item was approved.*
12. "The LED sign's proximity to a traffic control device and impedance of visibility to any intersecting driveway, roadway, or pedestrian crosswalk shall be grounds for denial of a special use permit." *This item was approved.*
13. "The courts have determined that a municipality can deny a special use permit for a sign based on aesthetics, as long as the zoning ordinance states that it has the authority to do so and an explanation is provided as to why the special use permit was denied. The courts have ruled both for the municipality and for the petitioner in these cases and it comes down to whether the 'aesthetics' argument is documented and factual. You just cannot say a sign is ugly, you must provide specific reasons why you believe the sign is ugly or not fit for the location applied for." *This item was for information only. It may already be addressed in the present sign ordinance.*
14. "There appear to be 11 legal non-conforming pole signs along Dixie Highway which could be converted to LED in the future. This has been the subject of much debate. This new draft ordinance provides for an application for a special use permit for an existing legal non-conforming sign. The Village would still have the ability to deny the special use permit for such signs." *This item was removed.*

Schuitema entered a motion to hold a public hearing on the newly revised sign ordinance on November 29, 2012. Bouchard seconded. Roll call: 5 Ayes (Saller, Tatgenhorst, Serviss, Bouchard and Schuitema). 0 Nays. 0 Abstained. Motion carried.

**AGENDA ITEM VII: ILLIANA EXPRESSWAY/LAND USE PLAN UPDATE.** The B3 route appears to be the official recommended corridor. There will be grant plans recommended by IDOT for towns in the route of the Illiana. Work will not begin on the Land Use Plan until after January 1, 2013. Since the south route is downhill of our sewer treatment plant the largest issue for development will be sewer treatment. Will sewage be lifted or will the plant be moved further south? The cost is estimated at \$10-12,000,000. The town doesn't have that much bonding capacity and the EPA will not approve two plants. One would have to be shuttered. Any Land Use Plan updates will have to address sewer treatment.

**AGENDA ITEM VIII: NEW BUSINESS.** There will be two public hearings on November 29, as agreed above. With no further new business, Saller entered a motion and Bouchard seconded that the meeting stand adjourned. Serviss called the motion to a vote and it carried unanimously. The meeting stood adjourned at 8:15pm.

Respectfully submitted,

  
Marcy Meyer  
Secretary