

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, MAY 7, 2014, AT THE VILLAGE HALL, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00 p.m.

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Kaucky, Ruffolo, Vice-Chairman Wagner and Chairman Kopp. Also present were Village Planner Jo Ellen Charlton, Building Inspector Roy Giuntoli and Secretary Joanne Prible. ABSENT: Commissioners Lacayo and Soukup.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Special Meeting April 9, 2014 (APPROVE)
- C. Minutes – Village Board Meeting March 24 and April 14, 2014

MOTION: Made by Commissioner Remkus seconded by Vice-Chairman Wagner, to approve the Omnibus Vote Agenda.

4. PLAN COMMISSION DISCUSSION: Zoning Hearing Case 14-05: Petition for an amendment to a PUD to allow for the replacement of the existing monument sign with a new digital monument sign.

- A. PUBLIC HEARING
- B. DISCUSSION

See Court Reporter Minutes.

MOTION: Made by Commissioner Remkus, seconded by Commissioner Wagner based on the submitted petition and testimony provided, I move that the Plan Commission present the Village Board with the findings listed in Exhibit 2 of the staff report prepared for the May 7, 2014 Plan Commission meeting and recommend to the Village Board approval of Zoning Hearing Case 14-05 to amend the previously approved PUD to allow for the replacement of the existing monument sign with a new digital monument sign in compliance with the documents attached to the aforementioned staff report subject to the following conditions:

1. Operational Limitations: Display shall contain static messages only, and shall not have movement of any kind, or the appearance or optical illusion of movement, of any part of the sign.
2. Minimum Display Time: Each message on the sign must be displayed for a minimum of 20 seconds or such longer duration as is hereafter enacted in the village Sign Ordinance for comparable signs.
3. Message Change Sequence: The change between static messages must be accomplished immediately, with no use of any transitions.
4. Illumination: The sign must include light sensors and dimmer controls that automatically adjust to outdoor lighting levels so that illumination levels are dimmer at night and on cloudy days than during sunny days; but in no instance shall illumination and lighting not be in compliance with 11-13 of the Willowbrook Zoning Ordinance.
5. No other freestanding or ground sign shall be constructed or erected within the area comprising the shopping center.
6. The sign shall not contain any other advertising other than the identity of the shopping center, the address; the businesses located therein including the promotion of related business products.
7. A sign permit shall be obtained pursuant to Village Code.

ROLL CALL: AYES: Commissioners Remkus, Kaucky, Ruffolo, Vice-Chairman Wagner and Chairman Kopp; NAYS: None. ABSENT: Commissioner Lacayo and Soukup.

MOTION DECLARED CARRIED

5. VISITOR'S BUSINESS:

None.

6. COMMUNICATIONS:

None.

7. ADJOURNMENT

MOTION: Made by Commissioner Remkus, seconded by Commissioner Ruffolo, to adjourn the regular meeting of the Plan Commission at the hour of 8:35 p.m.

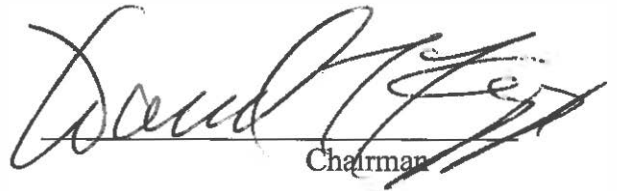
UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

July 16, 2014

Minutes transcribed by Joanne Prible.


Chairman

VILLAGE OF WILLOWBROOK
PUBLIC HEARING
ZONING HEARING CASE NUMBER 14-05

REPORT OF PROCEEDINGS at the hearing
of the above-entitled matter, taken before KIMBERLEE A.
ELLIOTT, a Certified Shorthand Reporter and Notary
Public within and for the County of Kane and State of
Illinois, at 7760 Quincy Street, Willowbrook, Illinois,
on the 7th day of May, 2014, at the hour of 7:00 p.m.

PRESENT:

- Daniel J. Koepf,
- John Wagner,
- William Remkus,
- Gregory Ruffolo,
- Leonard Kaucky,
- Roy Giuntoli, Building Inspector,
- Jo Ellen Charlton, Village Planner,
- Joanne Prible, Recording Secretary.

1 CHAIRMAN KOPP: I call to order the regular
2 meeting of the Plan Commission of the Village of
3 Willowbrook. I'd ask the Plan Commission Secretary to
4 call the roll.

5 MS. PRIBLE: Commissioner Lacayo is absent.
6 Commissioner Remkus.

7 COMMISSIONER REMKUS: Here.

8 MS. PRIBLE: Commissioner Soukup is absent.
9 Vice Chairman Wagner.

10 VICE CHAIRMAN WAGNER: Here.

11 MS. PRIBLE: Commissioner Kaucky.

12 COMMISSIONER KAUCKY: Here.

13 MS. PRIBLE: Commissioner Ruffolo.

14 COMMISSIONER RUFFOLO: Here.

15 MS. PRIBLE: Chairman Kopp.

16 CHAIRMAN KOPP: Here.

17 MS. PRIBLE: Building Inspector Roy Giuntoli.

18 MR. GIUNTOLI: Here.

19 MS. PRIBLE: Planner Jo Ellen Charlton.

20 MS. CHARLTON: Here.

21

22 * * * * *

23

24 CHAIRMAN KOPP: Next item on the agenda is the

1 continuation of Zoning Hearing Case 14-05 which is a
2 petition for an amendment to a PUD to allow for the
3 replacement of the existing monument sign with a new
4 digital monument sign.

5 MS. CHARLTON: Mr. Chairman, I just want to
6 point out that after the meeting, legal counsel advised
7 staff that a continuation of a meeting where there is
8 not a quorum isn't allowable so we did in fact have to
9 republish this as a new meeting and new notices were
10 all sent out for the record. Thank you.

11 CHAIRMAN KOPP: Okay. Then I will do the usual.
12 When was that published? I have got it. Notice is
13 hereby given that a Plan Commission of the Village of
14 Willowbrook shall meet Public Hearing Case Number
15 14-05.

16 The purpose of this public hearing
17 shall be to consider a petition for an amendment to a
18 special use permit for a previously approved planned
19 unit development to permit and regulate a digital
20 ground sign for the property commonly known as
21 Willowbrook Square Shopping Center located at 14 to 106
22 West 63rd Street, Willowbrook.

23 The applicant for this petition is
24 David Froberg for Willowbrook Square Management

1 Company, 6262 South Route 83, Suite 302, Willowbrook,
2 Illinois, 60527.

3 Notice of this public meeting was --
4 public hearing was published in the April 18, 2014
5 Edition of The Suburban Life Newspaper.

6 All right. Now that's out of the way.
7 Would the applicant like to speak to us about this
8 application? Anyone who speaks will need to be sworn
9 in by the court reporter, state your name and be sworn
10 by the court reporter.

11

12 DAVID FROBERG,
13 having been first duly sworn, by the Notary, testified
14 as follows:

15

16 MR. FROBERG: Good evening Chairman Kopp, ladies
17 and gentlemen. My name is Dave Froberg. I come
18 representing the owners of Willowbrook Square Bank
19 Trust 99-001 which is the Willowbrook Square Shopping
20 Center. This common address for that is 14 to 106 West
21 63rd Street and permanent index number is 091430022.

22 We are seeking a variation to allow
23 replacement of the existing monument sign which has
24 been there for 25 years. We built the center

1 originally and that was installed at the same time.

2 This sign is located at the 63rd
3 Street entrance to Willowbrook Square and I want to
4 point out that we're not seeking a change in zoning
5 classification. We are not seeking any change in the
6 use of the property.

7 We are just seeking your consideration
8 for a new monument sign there and we have provided I
9 think everybody a package that shows detailed drawings
10 and specifications of the sign we are proposing and its
11 location which is going to be built right on the same,
12 literally, the same foundation as the one that's been
13 there for the last 20 some years.

14 In addressing the standards for a
15 variation that might be required, I would point out
16 that there were -- we didn't find any sections of the
17 existing code which required relief because this type
18 of sign was really not contemplated when the existing
19 code came to be.

20 So I guess what I would do is point
21 out some pretty obvious things. One is that in these
22 tough economic times over the last couple of years and
23 continuing today, the tenants there have really slugged
24 it out and have done a terrific job of maintaining a

1 first class center here in Willowbrook.

2 There are something -- couple thousand
3 less than 20,000 cars a day that go by on 63rd Street
4 and what we are trying to do is something that will
5 enable our tenants to capture the interest of those
6 people and you might argue or some have argued or at
7 least put forth the proposition that a ladder sign or
8 some sort of a sign that identifies statically who is
9 in the center would be adequate and I guess what I
10 would tell you is that that is probably technology that
11 really got passed by in the last ten years and what we
12 are proposing now is the sign that you see there.

13 The color is not exactly true on the
14 brick. The brick is supposed to be the same color and
15 it will be the same as the brick that the shopping
16 center is constructed of.

17 Then we have the LED sign which is not
18 one of these things with bright lights and a crawler
19 like you sometimes see in front of a firehouse or
20 something like this. This is a state of the art sign
21 that is more like a high definition television. You
22 are literally going to be able to see images on this
23 that have considerable detail.

24 I think it's also a part of your

1 packet but this sign medium allows not only
2 specialization in terms of the message that it delivers
3 but it also allows for changes at whatever frequency
4 you would want in terms of the content of that sign.

5 So if you wanted to have your sign
6 change for a special or a back to school deal or
7 whatever it was, you can literally do it every two
8 weeks or something like that.

9 In looking at the standards that would
10 apply for variation, I guess I would just respond to
11 them in order. It is our proposition that the property
12 in question cannot yield a reasonable return if
13 permitted to be used only under the conditions allowed
14 by the regulation, the existing regulations of the
15 district in which it is located.

16 The LED sign will enhance the business
17 opportunities of the tenants and the owners. The new
18 sign will help attract and keep the highest quality
19 commercial tenants for the Willowbrook Square Shopping
20 Center. The proposed sign will allow each tenant to be
21 represented graphically at the 63rd Street entrance to
22 the property. This is not possible at present.

23 The existing sign ordinance did not
24 address the possibility of LED signs within the

1 district and this medium is now available for smaller
2 individual applications and not just the big ones that
3 you see out on the expressways.

4 The sign as proposed replaces an
5 existing sign of like size and will not be detrimental
6 to the public welfare or injurious to other property or
7 improvements in the neighborhood.

8 The proposed variation will not affect
9 the supply of light and air to adjacent properties,
10 will not increase congestion on public streets as it
11 replaces a sign of the same size which has been in this
12 identical location for more than 20 years.

13 The proposed sign will not alter the
14 essential character of the locality as nothing changes
15 but the medium used to announce the tenants who are
16 already there.

17 And I believe that the replacement of
18 the existing sign with a state of the art alternative
19 is in harmony with the spirit and intent of maintaining
20 a first class commercial center in the Village of
21 Willowbrook.

22 I think that if the commissioners can
23 look carefully and see the benefits that can come to
24 the business men that are going to be benefitted by

1 this I think that that has to be an overriding
2 consideration.

3 You know there were many things that
4 were wrong with the original LED signs. Usually when
5 people say well, they were too bright or this or that,
6 they had movement, they had crawlers on them and stuff
7 like that.

8 I looked, the analogy I would use
9 would be to like a brick phone. Before you had
10 I-Phones, whatnot. People used to carry portable
11 phones around in a bag. I had one that was, you know,
12 a brick and things have -- that is technology that is
13 10 or 12 years old.

14 Now the light is adjusted so that with
15 photocells so that it is optimized for 2:00 in the
16 afternoon on July 4th and 5:00 in the evening on
17 December 21st so the light changes and the intensity
18 changes as the ambient light changes around the sign.
19 I guess if you have any questions I will do my very
20 best to answer them.

21 CHAIRMAN KOPP: Do any of the commissioners have
22 any questions for the applicant?

23 COMMISSIONER KAUCKY: I was just curious, is
24 there any existing sign in any community that's just

1 like this one that I could have a --

2 MR. FROBERG: Well, you could see some that
3 proximate it. If you went over on Ogden Avenue in
4 Westmont on the food store there they have one, but the
5 difference is that it doesn't have, it is not -- does
6 not have the high definition that this one does.

7 This one is truly state of the art and
8 it would be just like the high definition screen on
9 your laptop or on your television at home.

10 Some of the other signs like at
11 Hinsdale High School, stuff like that they have a 10
12 year old kind of technology that is again probably best
13 used for speech crawlers or typed messages, something
14 like that.

15 VICE CHAIRMAN WAGNER: I would just make the
16 comment so the record is clear and I appreciate you
17 addressing the requirements of a variation to clarify
18 what we're doing here but in fact we are not listening
19 or discussing a variation since there is no variation
20 allowed for the sign ordinance.

21 MR. FROBERG: Right.

22 VICE CHAIRMAN WAGNER: But in fact we are
23 listening to testimony concerning the amendment of a
24 planned unit development to allow this sign and I just

1 would make that clear.

2 MR. FROBERG: I appreciate that. I guess I
3 looked at it as being the vehicle that was going to
4 carry this if we could do it.

5 CHAIRMAN KOPP: Any other questions of the
6 applicant by the commissioners?

7 VICE CHAIRMAN WAGNER: The only other question
8 or statement I would have is you haven't commented on
9 the regulations or restrictions that would be applied
10 to this sign.

11 MR. FROBERG: Well, I would be happy to do that.
12 It is our intention absolutely to limit this. I don't
13 know what the method would be for doing that but to
14 limit it, we are only going to be advertising tenants
15 in the shopping center.

16 We're not, there is not going to be
17 political messages there. There's not going to be
18 anything else. I suppose if there were an emergency if
19 God forbid a tornado or happened or something and you
20 wanted to tell people to go some place to seek help,
21 it's a simple enough thing to change the face of the
22 sign to do that but our intention is only to represent
23 the tenants, our tenants, that are in the shopping
24 center.

1 And it's kind of interesting in going
2 around and getting people to talking to them about
3 coming to the meeting, many of the people from the
4 center are still open tonight so they couldn't be here
5 for the meeting but those that were here, I know a
6 common thing was that they have had people come in to
7 their stores recently over time and say I've been
8 driving by here for 20 years, I didn't even know you
9 were here.

10 We are trying to capture the interests
11 and the attention of those 17,000 drivers a day that go
12 by the center that we miss totally. Anything else?

13 CHAIRMAN KOPP: Well, I think what Commissioner
14 Wagner was getting at was I think when you talked to
15 staff that as you mentioned there would be no movement.

16 MR. FROBERG: Right.

17 CHAIRMAN KOPP: There is no tickers or anything.

18 MR. FROBERG: No, they're not any animated.

19 CHAIRMAN KOPP: And that each message is going
20 to be on there for 30 seconds so it will be almost like
21 a piece of art like a static sign then it's replaced.

22 MR. FROBERG: Exactly.

23 CHAIRMAN KOPP: By another static sign and then
24 replaced. You mentioned the illumination. Okay.

1 Well, I guess that was the only, duration.

2 MR. FROBERG: Okay.

3 CHAIRMAN KOPP: All right. Next we allow anyone
4 in the audience who would like to ask any questions of
5 the applicant, you're free to do so and stand up and
6 state your name and ask any questions and then what
7 we'll do is we'll have the staff speak and then after
8 that, if anyone wants to speak for or against it, we'll
9 give them an opportunity to do that.

10 Would anyone in the audience like to
11 ask Mr. Froberg any question about his application?
12 Yes, ma'am.

13 MS. MANASSES: My name is Tina Manasses. I have
14 the Willowbrook Shoe Repair Tailoring and sometimes I
15 have people —

16 CHAIRMAN KOPP: I'm sorry, she needs to swear
17 you in.

18 TINA MANASSES,
19 having been first duly sworn, by the Notary, testified
20 as follows:

21
22 MS. MANASSES: I still have customers who come
23 to the store oh, I didn't know you been here. How long
24 you been here since over 25, 26 years and we have a big

1 sign on the front window that we thank everybody for
2 coming to our store for 25 years they tell me oh, I
3 been here. I live in this neighborhood for about 15,
4 16 years. I never been, I never thought you exist
5 here.

6 So Mr. Froberg was right when he says
7 that he want to catch more customers for us. That's
8 true.

9 CHAIRMAN KOPP: Okay. Very good.

10 MS. MANASSES: Okay.

11 CHAIRMAN KOPP: Yes, ma'am.

12 MS. OTTO: My name is Penelope Otto and I own
13 Penel's Hair Design that's in the shopping center and I
14 have been there this is going into my 27th year.

15
16 PENELOPE OTTO,
17 having been first duly sworn, by the Notary, testified
18 as follows:

19
20 MS. OTTO: I too have had many experiences with
21 clients that come in all the time telling me that they
22 just discovered I was there and they've lived in the
23 area for 10, 15 years and didn't know.

24 I did change my sign on the outside.

1 I had blue letters when I first opened up and I changed
2 them to red and that had made somewhat of a difference
3 to some of my business. I've had many people say that
4 I'm always asking how did you find me, you know, when
5 it's a new client, was it a recommendation, what kind
6 of advertising I'm doing to try and make sure that I'm
7 doing all the right things.

8 One of the biggest things that I have
9 noticed is that we don't have anything out in front
10 that has a list of all of our services because we sit
11 kind of low in that area where the other plaza across
12 the street is on higher ground and we did have some
13 tree trimming and stuff that seems to help give a
14 little bit more notability to us.

15 But having a sign like this which I
16 have seen those signs in Bolingbrook by the Promenade
17 and they're very, very lovely if anyone wanted to drive
18 by and take a look at what those kind of signs look
19 like there is a whole lot of them in that very pretty
20 Promenade area and they look very, very nice and they
21 are very attractive and it does, you know, make people
22 turn their heads and notice what stores are there and I
23 would like to see that happen for us because I
24 certainly could use more business. Thank you.

1 CHAIRMAN KOPP: Thank you.

2 MR. BEGEMAN: I'm Ed Begeman, Begeman Jewelers.

3

4 ED BEGEMAN,

5 having been first duly sworn, by the Notary, testified
6 as follows:

7

8 MR. BEGEMAN: The situation with me I've been in
9 the center since 1988. I'm part of a family jewelry
10 firm. We're over 80 years in business and we've had
11 several locations on the southwest side of Chicago.
12 We've been in a mall in Tinley Park and over the years,
13 we've had to close locations. We have had to move
14 because of neighborhood problems, landlord problems so
15 we've done it before and we could move again. Okay.

16 We are a very fine quality jewelry
17 store and service and so forth. We generate sales tax
18 for the village and we're not doing quite as good as we
19 did a number of years ago and we'd like to improve.

20 Now some people say why don't you just
21 move, go to another location, another town. We could
22 do that. The only thing a lot of our customers don't
23 always live here. They come from great distances. We
24 have customers in Tinley Park, Orland Park, Frankfort,

1 Oswego.

2 We have people that moved out of the
3 area and they do come back or they send in their family
4 and so forth and they do business with us. So they're
5 used to coming to 63rd Street and Route 83 and not that
6 I can't move but sometimes with people and we've
7 experienced in other locations you put ads in, we're
8 moving, you notify them and they think you're out of
9 business and they may not show up and we've had people
10 that maybe haven't been in for ten years and all of a
11 sudden they come in and say gee, I didn't know you're
12 in business, I thought you closed up.

13 So it's you could move but sometimes
14 it's not always good to move and we feel comfortable
15 with the center.

16 We have a good landlord. I'd like to
17 do more business and I think what Mr. Froberg is
18 proposing it's a boost for us. I'm in the process of
19 updating our outside sign to a nicer sign so I hope
20 that we could do something with the proposal here and
21 that I could stay in Willowbrook.

22 So I just kind of mention my own kind
23 of personal situation and more business, more sales tax
24 for the village.

1 Years ago before the village center on
2 83 and Plainfield was there, you know, we were kind of
3 the key center in Willowbrook. Now they've taken over.
4 It's competition. I know that but, you know, we'd
5 still like to improve everything in the center so
6 please take everything under consideration.

7 CHAIRMAN KOPP: All right. Jo Ellen, would you
8 like to give your report?

9 MS. CHARLTON: I would. Thank you. As
10 Commissioner Wagner did point out, this case requested
11 an amendment to an existing PUD to allow for the
12 replacement of that existing monument sign.

13 With the new monument sign, it
14 includes digital technology or as our code refers to it
15 as a dynamic sign. The staff report points out that
16 our code doesn't currently allowed for digital or any
17 moving kind of signs and furthermore if you go into any
18 of the variation sections and the administration part
19 of the zoning ordinance, it's not even really a
20 permissible variation.

21 So many of the requests for these
22 types of signs in the past have not even been
23 considered or brought forward. A, because I think the
24 technology wasn't quite there yet and a lot of people

1 still had issues with digital technology; and B, just
2 because the other thing we want to do is changing the
3 PUD is that that's really the only way that we can
4 allow that flexibility is through an amendment to the
5 PUD. So I just wanted to point that out.

6 This project is located on the
7 northwest corner of 83 and 63rd just west of the bank.
8 I think everyone knows that. The property itself or
9 the shopping center is just under two acres and the
10 shopping center itself contains about 29,000 square
11 feet of retail tenant space.

12 In addition to looking at the digital
13 part of the technology of the sign, we also have many
14 other provisions of the code that regulate free
15 standing signs so of course we wanted to take a look at
16 how this sign relates to the other provisions of the
17 code and in fact some of my first meetings with
18 Mr. Froberg was if you want digital technology to be
19 considered reasonably, you better make sure everything
20 else complies with the code.

21 I think, Dave, that very first sign
22 that you brought in was probably twice the size and had
23 no brick and lot of things. So he did work with us
24 pretty closely in an effort to really give this type of

1 sign I guess what I would call a fair shake at some
2 consideration.

3 So I want to go through some of those
4 other requirements of the code for free standing
5 monument signs in a shopping center this size. The
6 signs must contain brick that are consistent with the
7 principal structure so as Mr. Froberg stated the brick
8 that now surrounds the sign, the digital portion of the
9 sign, will be consistent with the brick that's on the
10 principal structure of the building.

11 Another provision is there can be no
12 other free standing sign on the property and we are
13 suggesting this as a condition even though they're not
14 proposing anything at this point.

15 We've seen in this center and on other
16 properties where people have an opportunity to post
17 additional for lease like temporary signs on their
18 property and we just feel that if the digital
19 technology gives them the ability to include that in
20 their message sequence that we really shouldn't have to
21 have additional signs even if they're temporary show up
22 on the property. So we're proposing that as a
23 condition.

24 The total sign area cannot exceed

1 100 square feet and again our code looks at both sides,
2 counts both sides of the sign so that's 50 square feet
3 per side of sign and the proposed sign, digital portion
4 of the sign includes 82 square feet so they're within
5 that requirement.

6 The code also says the sign can't be
7 higher than 16 feet above grade for a center this size.
8 This sign is actually just a little less than 12 feet
9 so we meet that requirement.

10 There is some landscaping provisions
11 that are required that say that you have to have one
12 and a half square feet of landscaped area plus an
13 additional six if the sign is taller than eight feet in
14 height. So we did evaluate the landscape plan which
15 was included at the back of your packet and it does
16 provide for the greater number of square footage of
17 landscaping that surround the base of the sign.

18 It must meet very specific sign
19 illumination standards within our code and that's
20 probably one of the things that we have in our zoning
21 ordinance that is very specific so we really -- we
22 didn't want to try to change that with any modification
23 that you might want to recommend for this PUD but we
24 did learn through our research on digital technology

1 that as Mr. Froberg stated there are provisions in
2 these new signs that allow them to adjust according to
3 the light standards that are outside so at night, the
4 sign can be a different illumination level than it is
5 during the day so that you are not blinded so this sign
6 is being equipped with that technology.

7 Beyond that, staff evaluated other
8 types of impacts that might be regulated to minimize
9 some of the problems that are often associated with
10 these types of signs.

11 Any time you open up the door to any
12 type of a new sign, it's in both parties interests to
13 make sure nothing bad is going to happen. We don't
14 want to create a nuisance. We don't want to have a
15 whole bunch of new accidents happening in that area as
16 a result of the installation of a new sign and most of
17 the time in the past, these signs, nuisances are
18 associated with brightness of the light which we're
19 already addressing, flashing, moving, scrolling types
20 of issues are also something that we wanted to
21 regulate.

22 So we did look at movement and are
23 proposing that you include in the recommendation if you
24 choose to move this forward anything that would

1 eliminate that so they can't flash. They can't scroll.
2 They can't have the growing or shrinking and again,
3 digital technology does allow for that but we can
4 include that kind of a restriction within the amendment
5 to the PUD that would be included with their ordinance.

6 Another way is to have messages that
7 happen too quickly so that motorists, you know, their
8 attention can't get away from the sign because they're
9 trying to see all of that information.

10 Research has shown if the sign is up
11 for a longer period of time you tend to go back and pay
12 attention to the road. So we're proposing a 30 second
13 time period that the signs must be up before they
14 change to the next message. And again, that's closely
15 related to the message change sequence.

16 Instead of fading in or scrolling
17 through or moving up from one message to the next, we
18 want the change to be immediate and without any kind of
19 a transition.

20 We already talked about illumination
21 and the fact that we don't want any additional free
22 standing signs on the property and finally although I
23 will talk about this a little bit more in a second, we
24 are going to include the provision that in our existing

1 code that talks about the message that can be on the
2 sign, currently our code says that you can only allow
3 for the identification of the shopping center, the
4 address, the business names or the products that they
5 sell.

6 We are proposing that this PUD include
7 that same provision except that we expand it just a
8 little bit so that they can include promotions.

9 So one of the things that Mr. Froberg
10 indicated is that if you change the sign message, maybe
11 you are having a sale on jewelry on a particular week
12 and you want to promote that sale, you could say, you
13 know, 25 percent off, something like that would be the
14 sign for that particular business and again, that's
15 part of a message restriction that we currently have.

16 It's easier to regulate when you don't
17 have the digital signs because you approve the sign and
18 it's there. Digital technology can be changed with the
19 stroke of a keyboard so it is an important distinction.

20 One of the things I did want to bring
21 up again because this is the first time Willowbrook is
22 looking at this type of technology, it is an amendment
23 to the PUD so it will only affect this center.

24 The change that is made if it's made

1 wouldn't be allowable to other businesses at this point
2 but if you make the recommendation and the board
3 approves it, it will set a precedent that people could
4 then start to come in and make similar requests.

5 What I would expect is that other PUDs
6 might want the same consideration or you may find
7 yourself being faced with a request for an actual text
8 amendment. Only when you do a text amendment would it
9 then be open to whomever you define in the new code for
10 that use.

11 So while we're not talking about it
12 specifically it's worth thinking about if you're
13 wanting to open this door is this a good test case for
14 it and I think the types of things that people get
15 concerned about on digital signs is what are they for.
16 Are they for a shopping center with many businesses or
17 is it for a stand alone business.

18 You know a stand alone business
19 doesn't have quite the same challenge as a shopping
20 center because their one sign can promote their one
21 business whereas a shopping center that has 20 tenants
22 rarely can put up 20 names on any monument sign that
23 can give exposure to all of those businesses so that's
24 something you might want to think about the size of the

1 center, would you be allowing it for commercial as well
2 as office or industrial uses or would it just be for
3 commercial uses, what zoning districts might it be
4 appropriate in or next to.

5 I know from experience in other areas
6 that approval of digital signs when they're next to or
7 in residential and I say in residential areas because
8 sometimes you have churches or nonresidential uses that
9 are allowed to be located in residential districts
10 where these things come up and a digital sign next to a
11 residence can sometimes cause an outcry from the
12 public. So it's just a few things to think about.

13 Having said all of that, this location
14 is on a pretty commercial oriented street close to a
15 major intersection. I don't believe that it would be
16 visible I know there's residents immediately to the
17 west of the site, multiple family residents. I don't
18 think it would be visible from any residential unit.

19 So I think it would be a good test
20 case if you kind of want to see what the response and
21 reaction from the community might be. The only thing,
22 other last thing I want to caution and again it's kind
23 of a broad caution on digital signage is when I talked
24 about the message content, our current code includes

1 it.

2 We're proposing that you would include
3 it if you want to make this recommendation to move
4 forward but there are a lot of court cases out there
5 that get involved with First Amendment Free Speech
6 Rights and probably every attorney that you'll ever
7 talk to will tell you you cannot regulate sign content
8 in a court of law. Again we do that but if we were
9 challenged, it's likely that our challenge would not
10 survive any court case.

11 With the static signs that we approve,
12 it's pretty easy to regulate because we approve the
13 specific sign or we give it back to them and kind of
14 work with them to make it comply with our code. We can
15 make these comply with our code and have all the best
16 intentions but I can tell you that in many cases where
17 a communities have allowed before this type of sign
18 even the scrolling sign, it's very hard to control the
19 message.

20 If the owner of the property or
21 somebody wants to change that message and it goes up
22 and as long as it's not obscene or offensive, they can
23 promote, you know, what they want to promote and it
24 doesn't necessarily have to be for the business and

1 again I say that because I believe everybody's intents
2 are genuine and want to try and do something that helps
3 the business but in the end if we were challenged, I
4 don't know that that's something that we would be able
5 to withstand.

6 I do also want to point out in your
7 packet that as part of the last notice for the public
8 hearing or in response to that, we did receive one
9 letter of opposition which was included in your packet
10 so you can take a look at that and include that in your
11 consideration.

12 I did also on Page 6 of the staff
13 report provide you with a sample recommendation if you
14 choose to proceed with this, that does include all of
15 the limitations that I discussed in the staff report
16 that are included in the staff report.

17 So if there is anything else I can
18 answer for you at this time, I would be happy to do
19 that.

20 CHAIRMAN KOPP: Do any of the commissioners have
21 any questions for Jo Ellen?

22 VICE CHAIRMAN WAGNER: I have a couple. This
23 planned unit development if I remember correctly does
24 it include the bank and the day care center that we

1 recently discussed?

2 MS. CHARLTON: Yes. The PUD does.

3 VICE CHAIRMAN WAGNER: And how does this change
4 the PUD because you stated that no other signs would be
5 on the property. How does this affect those two
6 businesses as it relates to the shopping center.

7 MS. CHARLTON: It would, the property is being
8 designed as the property where this shopping center is
9 so the change to the PUD only affects the shopping
10 center lot.

11 VICE CHAIRMAN WAGNER: Okay. Thank you. Is
12 there a relationship between, I should have asked
13 Mr. Froberg, is there a relationship between the square
14 footage of the business and the time allowed on the
15 sign?

16 MR. FROBERG: The simple answer would be yes.
17 If somebody has three stores, they're going to get
18 three times as many views as somebody who has one
19 store.

20 VICE CHAIRMAN WAGNER: How many current tenants
21 are there in the shopping center?

22 MR. FROBERG: 22.

23 VICE CHAIRMAN WAGNER: 22. So assuming that it
24 was a 30 second change, it would be 11 minutes to get

1 through all of this.

2 MR. FROBERG: I have to tell you my own
3 experience is that 30 seconds is a long time and I
4 guess what I would tell you is I'm willing to try it to
5 see what it looks like but I think 30 seconds is
6 probably over much for exposing one tenant. We would
7 like to do it so that if you're driving by, you get
8 stopped at the stoplight you might see one change. I
9 don't know what the timing is on those stoplights. We
10 would like to at least maybe have one change during the
11 stoplight.

12 VICE CHAIRMAN WAGNER: Thank you.

13 COMMISSIONER REMKUS: Isn't 30 seconds, Jo
14 Ellen, recommended because of traffic distraction?

15 MS. CHARLTON: It goes anywhere from 10 to
16 30 seconds in terms of, you know, where you are the
17 Tollway Authority for billboards that are not digital I
18 think is 10. When you're on more local streets, the
19 time gets longer so it's anywhere between 10 and 30 and
20 because it's kind of new to us and we're not real sure
21 what it's going to do, I kind of lean to the far side,
22 to the longer side.

23 VICE CHAIRMAN WAGNER: One other question, put
24 up a brick monument sign and it has a hundred inch

1 television in it essentially. I'm not sure the actual
2 size but it's like having a hundred inch HDTV.

3 MS. CHARLTON: Okay.

4 VICE CHAIRMAN WAGNER: As technology changes,
5 their sign has been there for 20 years, do we have to
6 approve a change to the future technology? In other
7 words, can the screen be changed from what we're
8 talking about today without coming back.

9 MS. CHARLTON: If that new technology still
10 meets the lighting, the size, you know, the overall
11 general.

12 CHAIRMAN KOPP: The motion doesn't say LED or
13 anything like that.

14 MS. CHARLTON: Right.

15 CHAIRMAN KOPP: It doesn't say the means of
16 technology.

17 VICE CHAIRMAN WAGNER: Okay. Thank you.

18 CHAIRMAN KOPP: At this point, would anyone in
19 the audience like to speak either in support of or in
20 opposition to this or to ask Mr. Froberg or us or
21 Jo Ellen any questions?

22 All right. If not, what we do is we
23 close the public hearing and then we immediately
24 thereafter discuss it among ourselves although you are

1 all here listening and we'll take a vote and then that
2 vote isn't binding. That vote is just a recommendation
3 that then goes to the village board and the village
4 board has the final say.

5 So I close the Public Hearing Case
6 Number 14-05 and we'll have our discussion.

7 I am personally in favor of this. I
8 don't know that it's not much different than a colorful
9 sign. It's just one they're able to change.

10 Just a couple things, Jo Ellen
11 mentioned it would be a test case but I do think if we
12 do agree to this, it wouldn't be fair not to let other
13 retailers do this and we can talk about limitations but
14 I don't want to -- I wouldn't want to approve it for
15 one shopping center and tell others that they can't do
16 it.

17 I think my own view if we approve it,
18 we should think that we're proving it at a minimum for
19 other comparable shopping centers. Another thing that
20 Jo Ellen mentioned about controlling the message, I
21 personally don't think we should be concerned about
22 controlling the messages, citizens or retailers so that
23 doesn't concern me.

24 So my own vote when we vote is going

1 to be in favor of this. I don't know if anybody else
2 wants to discuss.

3 COMMISSIONER REMKUS: Well, one of the things I
4 say I am in favor of it but I do like to at least have
5 a little bit of control over the safety issues
6 involved. It is along a street, how often it changes
7 and stuff like that to at least minimize the
8 distraction.

9 You know we want that sign. We want
10 people to see that sign. We want them to be attracted
11 to it. We don't want to distract them. So I do like
12 the idea of at least having something in place where
13 you can regulate somewhat of the distraction from the
14 sign.

15 CHAIRMAN KOPP: You are talking about time
16 period or --

17 COMMISSIONER REMKUS: Like the time period that
18 it's not changing every five seconds.

19 CHAIRMAN KOPP: Right. Well, the motion that
20 Jo Ellen prepared says it's the 30 second duration and
21 then there's also the illumination so it can't be so
22 bright.

23 COMMISSIONER REMKUS: Right. Maybe is
24 30 seconds is that too long or I don't know?

1 30 seconds is a long time.

2 CHAIRMAN KOPP: Right.

3 COMMISSIONER REMKUS: For a sign like that where
4 you're displaying, if you look at what they are
5 displaying on the sign, it has the business name. It
6 looks like it has, can't see the whole thing, it looks
7 like it has food or something on there.

8 MS. CHARLTON: Business name, cafe and deli, a
9 picture and phone number at the bottom.

10 COMMISSIONER REMKUS: Yeah, something like that
11 changed every 20 seconds.

12 MS. CHARLTON: I guess part of why I went longer
13 than shorter just based on a couple of examples that
14 you showed me is that it wasn't just the name, you
15 know. It was there was a lot of information.

16 It was a picture. There is a phone
17 number, you know. There was always quite a few pieces
18 of information that if you're driving and let's say you
19 wanted to grab the phone number and grab your phone and
20 write it down or write it with your pen, I just thought
21 there was a lot of information.

22 COMMISSIONER REMKUS: I agree when you put that
23 in the context of where you're going to look at it
24 longer, you know, I think maybe 20 seconds might be --

1 MS. CHARLTON: A lot of the other changeable
2 like the reader board signs are a little bit shorter
3 but those are pretty quick. You get the message and
4 you're done pretty quickly with it. With the digital,
5 there's so many other things that can happen on a
6 digital, some of the images, pictures, you know, there
7 might be a sale information, the name of a business, a
8 phone number. It's a pretty big sign. I mean it's a
9 pretty big --

10 COMMISSIONER REMKUS: Did you look at any of the
11 other villages around that have these signs what
12 their --

13 MS. CHARLTON: There's not a lot of people that
14 are regulating it yet.

15 COMMISSIONER REMKUS: Time wise, Westmont does I
16 believe.

17 MS. CHARLTON: I think they were at 30 seconds,
18 too.

19 COMMISSIONER REMKUS: 30 seconds.

20 MS. CHARLTON: I'd have to verify that, though.

21 COMMISSIONER REMKUS: I think you are right. I
22 think you are absolutely right.

23 MS. CHARLTON: Yes. I did take a look at those.
24 Again, I looked at the Toll -- the billboard signs

1 almost always are regulated by either the state or,
2 yes, they are regulated by the state and that's at 10
3 seconds. It's kind of that range.

4 CHAIRMAN KOPP: You would think double that,
5 though, for the street -- Is the speed limit 45?

6 MS. CHARLTON: Umm-umm.

7 CHAIRMAN KOPP: You would think double 20
8 seconds.

9 COMMISSIONER RUFFOLO: Mr. Chairman, the
10 comments, I think staff has done a great job on putting
11 some limitations on how this sign can function, but I
12 do have some of the same concerns maybe from a tenant
13 standpoint 30 seconds is an awful long time before you
14 see the next tenant sign and I don't know how staff
15 feels about this.

16 Certainly something shorter than that
17 might be part of our discussion and recommendation
18 especially given the process that's going to have to
19 take place to put this forward.

20 CHAIRMAN KOPP: Right.

21 MS. CHARLTON: Just again for discussion or
22 thought, you may want to include a range. You know,
23 again this is something we're looking at. We are not
24 real sure. There isn't a lot of local towns that have

1 it that are evaluating it. There is not a lot of local
2 statistics on it.

3 You may want to start at 30 but put
4 into the PUD again we have flexibility in this document
5 to regulate how things can be changed. So if, you
6 know, something, if they want to make a request for a
7 reduction to 20 seconds, that would be considered a
8 minor amendment that the council could look at without
9 further public hearings so we're not noticing everybody
10 and doing those things. Just an idea some ways to
11 handle that potentially.

12 COMMISSIONER RUFFOLO: If we feel comfortable
13 with 20 seconds and then it comes to light that that's
14 perhaps disruptive then we address it by --

15 MS. CHARLTON: It's much harder to go back.

16 COMMISSIONER RUFFOLO: Lengthen the process.

17 MS. CHARLTON: Yeah, much harder to get back
18 what you give up.

19 CHAIRMAN KOPP: I kind of hate to make them come
20 back even if it's before the village board. I would be
21 comfortable with 20 (inaudible) 20 seconds.

22 VICE CHAIRMAN WAGNER: I have a couple broader
23 concerns and clearly we have to evaluate the issue that
24 is before us but as you have said I think this is the

1 first of many.

2 I tend to agree with the Chairman that
3 if we are going to do this, we can do this tonight
4 through amending the PUD, but I think before we go too
5 much further that if these are going to be the
6 standards, then these need to be the standards across
7 the village.

8 The thought comes to my mind that
9 there are several shopping centers in the village that
10 are similar in nature to this but there's also the
11 larger one at Plainfield and Route 83 and I just can't
12 imagine that they're not going to be in here looking
13 for this type of sign not too far down the road knowing
14 that this may or may not be approved tonight.

15 So I guess the question that comes to
16 my mind is is this any different than Route 83? 663rd
17 Street is clearly not as big a street and not as busy
18 but it carries a lot of traffic. Would we do anything
19 different if it was on Route 83 because several of the
20 shopping centers are?

21 And then the next question really
22 becomes in my mind is and I don't know how large is
23 this going to get. For instance, the shopping center
24 across the street based on being that it's probably two

1 or three times larger than the shopping center we're
2 discussing. Do we end up with two of these?

3 I only raise these questions because a
4 few of the people I talked to about this petition, some
5 people were kind of complacent about it. They didn't
6 care one way or the other and some people were dead set
7 against it and I think initially I was not leaning
8 toward this because I was in my mind comparing this to
9 the billboard type sign on the building just before you
10 get off of 294 to go to O'Hare. The entire side of the
11 building is flashing at you and I think people tend to
12 think that that's what this is and I clearly think it's
13 not so I guess generally I'm in favor of this.

14 I don't have a problem with the time.
15 I think 30 seconds to be honest with you is too long
16 but I'm very concerned about what this is going to
17 trigger for the rest of the village and I think if we
18 are going to do this, that the standards that we
19 establish tonight for one person if in fact that's how
20 we do this need to be carried forward for the rest of
21 the village because I think honestly we are going to
22 see petitions for these within months.

23 MS. CHARLTON: The one thing I'll say if you
24 remember going through our last sign code revision is

1 we had several different types of free standing sign
2 allowances for centers based on their size or the
3 square footage of their tenants.

4 So you know I wouldn't get too caught
5 up in like the size for example or the number because
6 we already have established precedent in the code for
7 bigger centers getting more signs and I think that
8 could easily be adapted to that.

9 I think what you're going to find more
10 of is is it just shopping centers, do stand alone
11 businesses, you know. When you get a few of them are
12 rarely or can probably be tolerated if people have
13 issues with them. It's when you start getting a lot of
14 them that people or they get close to residential that
15 it becomes more objectionable in most communities.

16 Again, not knowing how people will
17 react, it's hard to at this point to predict, you know.
18 Again, I think once this goes up, Willowbrook will know
19 pretty quickly what the reaction is or isn't to the
20 sign.

21 So you might want to kind of see what
22 that does and then begin to look at how you want to
23 massage the code. I don't think doing anything here
24 would set you back. We've kind of tightly again like I

1 said I did 30 seconds. You guys are talking about 20.
2 I was being pretty conservative because it's the first
3 one. So it might just be something we need to massage
4 if we decide to move forward with it.

5 COMMISSIONER KAUCKY: I have a question. You
6 talk about the reaction to the sign. What's been the
7 history of the pay back or the revenue generation on a
8 sign like this compared to an old sign that was there
9 formerly? Have they ever did studies on that?

10 MS. CHARLTON: I'm not familiar with that. I
11 don't know if Dave knows.

12 MR. FROBERG: They have done studies for highway
13 signs about the revenue generated because there is no
14 painting. There is no, you know, they can go out.
15 They can change the, you know, the sign face ten times
16 a day if they want to. So it's a little bit different.
17 We get to sell the same space more times.

18 We have two big limits. One is that
19 we are agreeing that what we're doing here is only for
20 our tenants and I believe that that alone, tenants are
21 going to find out that they can't have an enormous
22 amount to copy. Nobody is going to copy down a phone
23 number. They're going to drive in and go see them.

24 I think the graphic depiction if it's

1 a wedding ring and it says Begeman's or something like
2 that, that is what is going to get you to turn in
3 there. It won't be Ed's phone number because I don't
4 think anybody will copy it down. I think they'll go in
5 there, at least that's our hope.

6 COMMISSIONER KAUCKY: Well, I'm in favor of this
7 project. Whatever I can personally do to help these
8 folks and their business prosper in this village I want
9 to make sure I'm for it so when it comes time to vote,
10 I'm going to vote yes.

11 CHAIRMAN KOPP: All right.

12 COMMISSIONER REMKUS: I have got one more
13 question. If we decide to stay with the 30 seconds,
14 can it be made where if they maybe want to change that
15 that can be made just by the administrator without
16 going through village board?

17 MS. CHARLTON: I'm sure we can come up with some
18 language. There probably would need to be something,
19 some kind of request, some standard. I don't know.

20 COMMISSIONER REMKUS: It would make it easier
21 for the administrator to make the decision without --

22 MS. CHARLTON: The short answer to the question
23 is yes. Whether you or the council would want any kind
24 of way to evaluate the request I guess.

1 COMMISSIONER REMKUS: I'm just talking on that
2 time limit for the sign for that 30 seconds, 20
3 seconds, you know, being our first sign, we want to go
4 the longest but you want to have a little leeway in
5 there hey, that's a little too long can we shorten it
6 that they have the means to go and do that where it's
7 easy without going through all the rigamarole.

8 MS. CHARLTON: All the meetings, right.

9 COMMISSIONER REMKUS: You know that you are
10 dealing with one person instead of six or eight.

11 MS. CHARLTON: That's something I can certainly
12 try to get ideas from legal counsel and how that would
13 be could be provided.

14 VICE CHAIRMAN WAGNER: The only suggestion I
15 might suggest there is clearly this is the first one
16 that we will establish some time through our motion
17 tonight but why don't we give it some language where if
18 the village does come up with a future standard, that
19 they could meet that standard without having to amend
20 the PUD.

21 CHAIRMAN KOPP: That's a great idea so that if
22 we amend the sign ordinance.

23 MS. CHARLTON: Right. That's good.

24 VICE CHAIRMAN WAGNER: One other quick question,

1 does this precludes the use of real estate signs for
2 empty tenants?

3 MS. CHARLTON: In the window?

4 VICE CHAIRMAN WAGNER: No, ground signs.

5 MS. CHARLTON: Yes.

6 VICE CHAIRMAN WAGNER: It eliminates that?

7 MS. CHARLTON: Yes.

8 VICE CHAIRMAN WAGNER: Thank you.

9 COMMISSIONER REMKUS: Now they would be able to
10 put it on the sign. They would take up one of the
11 30 seconds spots.

12 VICE CHAIRMAN WAGNER: That's great. I think
13 that's the most wonderful thing the village could look
14 forward to.

15 CHAIRMAN KOPP: If we're done with our
16 discussion, will someone make a motion based on the
17 submitted petition and testimony provided I move that
18 the plan commission present the village board with the
19 findings listed in Exhibit 2 of the staff report
20 prepared for the May 7th, 2014 Plan Commission Meeting
21 and recommend that the village board approve of Zoning
22 Hearing Case 14-05 to amend the previously approved PUD
23 to allow for the replacement of the existing monument
24 sign of a new digital monument sign in compliance with

1 the documents attached to the aforementioned staff
2 report subject to the following conditions:

3 One, operational limitations: Display
4 shall contain static messages only which shall not have
5 movement any kind or the appearance or optical illusion
6 of movement of any part of the sign;

7 Two, minimum display time: Each
8 message on the sign must be displayed for a minimum of
9 20 seconds or such longer duration as hereafter enacted
10 in the village sign ordinance for comparable size;

11 Three, message change sequence: The
12 change between static messages must be accomplished
13 immediately with no use of transitions;

14 Four, illumination: The sign must
15 include light sensors and dimmer controls that
16 automatically adjust to outdoor lighting levels so that
17 illumination levels are dimmer at night and on cloudy
18 days than during sunny days but in no instance shall
19 illumination and lighting not be in compliance with
20 Section 11-13 of the Willowbrook Zoning Ordinance;

21 Five, no other free standing or ground
22 signs shall be constructed or erected within the area
23 comprising the shopping center;

24 Six, the sign shall not contain any

1 other advertising other than the identity of the
2 shopping center, the address, the businesses located
3 therein including the promotion of related business
4 products;

5 Seven, sign permits shall be obtained
6 pursuant to the village code.

7 COMMISSIONER REMKUS: So moved.

8 VICE CHAIRMAN WAGNER: Second.

9 CHAIRMAN KOPP: I'd ask the Plan Commission
10 Secretary to call the vote.

11 MS. PRIBLE: Commissioner Remkus.

12 COMMISSIONER REMKUS: Yes.

13 MS. PRIBLE: Vice Chairman Wagner.

14 VICE CHAIRMAN WAGNER: Yes.

15 MS. PRIBLE: Commissioner Kaucky.

16 COMMISSIONER KAUCKY: Yes.

17 MS. PRIBLE: Commissioner Ruffolo.

18 COMMISSIONER RUFFOLO: Yes.

19 MS. PRIBLE: Chairman Kopp.

20 CHAIRMAN KOPP: Yes.

21 MR. FROBERG: Thank you very much.

22 (Hearing adjourned at 8:03 p.m.)

23

24

1 STATE OF ILLINOIS)
2 COUNTY OF K A N E) SS.
3

4 I, KIMBERLEE A. ELLIOTT, being first duly
5 sworn on oath says that she is a court reporter doing
6 business in the County of Kane and State of Illinois;
7 that she reported in shorthand the testimony given at
8 said hearing aforesaid; that the foregoing is a true
9 and correct transcript of her shorthand notes so taken
10 as aforesaid, and contains all the testimony so given
11 at said hearing.
12

13
14 
15 Notary Public, Kane County, IL
16 CSR # 084-003093

