

MINUTES OF THE PLAN COMMISSION & ZONING BOARD OF APPEALS OF THE VILLAGE OF SOUTH BARRINGTON

Held September 25, 2017

CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Chairman Mr. Michael McCombie. Roll call was taken.

PRESENT: Commissioners Kwasek, Murarka, Fox, Gillis, White and Chairman McCombie.

ABSENT: Commissioner Decker.

A quorum was present. Also in attendance were Village Building Officer Michael Moreland, Village Engineer Natalie Karney, and Village Attorney Melissa A. Wolf of Storino, Ramello & Durkin.

PUBLIC COMMENT: None.

APPROVAL OF MINUTES

Chairman McCombie asked for a Motion from the Board to approve the Minutes of the meeting held June 20, 2017. Commissioner Gillis made a Motion. Commissioner White seconded. By unanimous vote the Motion was passed. Chairman McCombie asked for a Motion from the Board to approve the Minutes of the meeting held July 11, 2017. Commissioner Kwasek made a Motion. Commissioner Gillis seconded. By unanimous vote the Motion was passed.

AGENDA ITEMS

Chairman McCombie stated that the order of the agenda items will be switched to Approval of the 4th Re-Subdivision for The Arboretum of South Barrington Shopping Center being the first item and the Discussion - Amendment to Sign Ordinance being the second item. The Board agreed.

Representing the petitioner were Mr. Todd Shaffer of Haeger Engineering and Ms. Cory Born, General Manager of The Arboretum.

Mr. Shaffer stated that the documents before the Board this evening address the condition that was requested at the meeting held June 20, 2017 to have the site plan show that the lot lines have been moved so they are not going through the buildings. Mr. Shaffer further stated that the documents presented this evening show that there are no lot lines going through the proposed buildings.

Mr. Shaffer stated that they did have one revision that was an internal change which was a switch of authorization signature which will be changed before the document goes before the Board of Trustees. Chairman McCombie asked Attorney Wolf if that change would affect their request? Attorney Wolf stated that it would not affect their request. Mr. Shaffer stated that they will also add the authorization date for the signature change to the document.

Chairman McCombie asked Village Engineer Karney if she had any issues with the revised submittal? Village Engineer Karney stated that she did not have any issues at this time.

Being no further comments or questions from the Board, Chairman McCombie asked for a Motion from the Board to recommend to the Board of Trustees the approval of the 4th Re-Subdivision for The Arboretum of South Barrington Shopping Center based on the submittals that were presented this evening. Commissioner Fox made a Motion. Commissioner White seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

The second item on the agenda was the discussion of the Amendment to the Sign Ordinance. Chairman McCombie stated that this item is for discussion only at this time. Attorney Wolf stated that after the Board's discussion, an amended text amendment will come back before the Board which will then need to be Public Noticed for that meeting in which the Board would then make their recommendations to the Board of Trustees.

Building Officer Moreland stated that he would like to clarify a few items. Building Officer Moreland further stated that in early Spring the Board of Trustees took action twice and added definitions to Ordinance 11.53 which will be in the final text amendment. The second change was concerning temporary signage which was changed from 60 days to 30 days. Building Officer Moreland stated that the last change was that the Board added in Section 10-5 language stating that all electrical signs are prohibited in all Districts and they added language for existing signs that

are considered non-conforming uses. These items will be added to the final draft. Attorney Wolf stated that the changes that were just mentioned by Building Officer Moreland were previously approved changes by the Board of Trustees and will appear before the Plan Commission Board the next time they meet.

Chairman McCombie stated that on page 2, section B there are four distinct signs identified which are For Sale, For Rent, Garage Sale, and Estate Sale. Building Officer Moreland stated that in theory there may be other types of signs but these are the four most commonly seen. Attorney Wolf suggested that they could add the language stating "including but not limited to" in that section and in Section 4.

Chairman McCombie asked if the Village Building and Zoning Board had gone over the sizes for the signs. Building Officer Moreland stated that they have been over the sizes twice and what the Board is seeing this evening is the result from those two meetings. Building Officer Moreland further stated that they were trying to add more explicit language in that section.

Commissioner Kwasek asked if the Ordinance addressed political signs? Building Officer Moreland stated that political signs are considered Freedom of Speech so it is something they did not address.

Chairman McCombie asked about the time limit for real estate open house signage being 12 hours. Building Officer Moreland stated that this was left in the Ordinance because they did not previously have any complaints. Commissioner Fox suggested that 12 hours may not be enough time for an open house and suggested that the time requirement possibly be changed to 36 hours. The Board agreed to recommend the suggestion.

Building Officer Moreland stated that signage on silt fences is something that the Village has not addressed and the issue has only come up once in the past.

Chairman McCombie had questions on the Penalty Phase paragraph of the Ordinance and asked Building Officer Moreland if he could clarify the language. Building Officer Moreland stated that the parties would be given an initial warning to comply within 14 days and pay a \$50.00 penalty and if not paid within that time then it would be \$75.00 and if it is an ongoing violation the penalty would not exceed \$500.00. Commissioner Kwasek asked who determines the penalty cost? Building Officer Moreland stated that he would determine the fine. The Board and Attorney Wolf agreed that the paragraph's language needs to be clarified and stronger.

Commissioner Kwasek asked if they could identify a different fine if it is a homeowner or a business entity? Attorney Wolf will check if they can do it by class but they want to make sure that they are consistent with their application based on the offense and violation. Commissioner Fox stated that most homeowner's may not be aware of the Ordinance. Building Officer Moreland stated that their normal procedure is to contact the homeowner to make them aware of the Village Ordinance which he has done in the past and the homeowner understood and removed the signs.

Chairman McCombie suggested that after a homeowner is notified and does not comply then the fine would be \$50.00 and for a business for non-compliance after notified a fine of \$100.00. Chairman McCombie further suggested not to define the maximum penalty but to define the initial fine which can escalate.

Attorney Wolf stated that they can have the language listing what the fines would be for a 2nd and 3rd offense, but they would also want to state what the maximum fine could be. Commissioner Kwasek asked if the 2nd offense the 2nd day would be for the 2nd location or a new location? Building Officer Moreland stated that he felt it would be for a new location. Commissioner Kwasek asked if the maximum fine would then be \$500.00 for multiple locations? Attorney Wolf stated that all of the violations would be \$500.00. Building Officer Moreland stated that this scenario recently played out in the Village with Toll Brothers. Building Officer Moreland further stated that Toll Brothers were not responding to the Village's requests for proper permitting of the temporary signage they had at their site and were given notice to comply. Building Officer Moreland stated that the fines did accumulate to several thousands of dollars before they complied.

Commissioner Kwasek suggested that there should be an initial fine of \$100 a day and if compliance is not met on the seventh day it accrue to \$200.00 per day which he felt would get someone's attention. Attorney Wolf stated that they would need to issue citations for each offense. Commissioner Fox asked how the violators get notified? Building Officer Moreland stated that they are notified by certified mail of the violation and that they have ten days to respond.

Attorney Wolf asked if the fines for Toll Brothers were for each sign? Building Officer Moreland stated yes the fines were for each sign. Attorney Wolf suggested that language should be added to the Ordinance in respect to that scenario. Officer Moreland stated that they can work on adding that language. Commissioner Gillis asked if after sending the first letter if they do not get a response, is there a second

letter sent? Building Officer Moreland stated that it depends on how significant the offense is and he will also try to contact the parties in person before taking further action.

Commissioner Kwasek stated that he felt the penalty should be clarified in the initial letter. Building Officer Moreland stated that he does quote the Village Ordinance along with listing the penalties for the violation.

Chairman McCombie asked for any further suggestions or comments from the Board. Being none Chairman McCombie stated that the Board will be looking forward to seeing the revised Sign Ordinance when it is completed.

NEW BUSINESS - None.

Being no further business, Chairman McCombie asked the Board for a Motion to adjourn the meeting. Commissioner Murarka made a Motion. Commissioner Gillis seconded. By unanimous vote the meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Christine Latoria, Secretary

These Minutes were approved this _____ day of _____, 20__