

CITY OF KANKAKEE
PLANNING BOARD

REPORT OF PROCEEDINGS at the hearing
of the City of Kankakee Planning Board, on the 20
day of September, 2016, at the hour of 6:59
o'clock p.m.

PRESENT:

MS. LORETTO COWHIG, Chairperson
MR. CLIFFORD M. CROSS, City Planner
MS. CAROLE S. FRANKE, Member
MS. DEBRA TERRILL, Member
MR. BERRY McCracken, Member
MS. MARSHA LLOYD, Member
MR. RALPH "CHIP" ROREM, Member
MR. WILLIE AMES, Member
MR. EDWIN ECKHARDT, Member
MR. L. PATRICK POWER, City Attorney

Reported by: DIANA DEBRA SABO, CSR

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MARILYNN MROZYNSKI, CSR
(815) 935-0545

 ORIGINAL

(The following proceedings were
had.)

3 CHAIRPERSON COWHIG: Would the meeting
4 come to order, please.

5 Mr. Cross, would you call the roll.

6 MR. CROSS: I will.

7 Edwin Eckhardt?

8 MR. ECKHARDT: Here.

9 MR. CROSS: Carol Franke?

10 MS. FRANKE: Here.

11 MR. CROSS: Marsha Lloyd?

12 MS. LLOYD: Here.

13 MR. CROSS: Berry McCracken?

14 MR. McCRACKEN: Here.

15 MR. CROSS: Debra Terrill?

16 MS. TERRILL: Here.

17 MR. CROSS: Chip Rorem?

18 MR. ROREM: Here.

19 MR. CROSS: Willie Ames?

20 MR. AMES: Here.

21 MR. CROSS: Loretto Cowhig?

22 CHAIRPERSON COWHIG: Here.

1 MR. CROSS: We have a quorum.

2 CHAIRPERSON COWHIG: Thank you.

3 We have the minutes of our August
4 meeting, August the 16. If there are no
5 corrections or additions, we can file those for
6 the record. Thank you.

7 City council action: We had a case
8 that -- from our last meeting that went to the
9 council.

10 MR. CROSS: Yes, we did. It was the case
11 PB16-07. It was the application by Vurnice
12 Maloney who is associated with the Garden of
13 Prayer Youth Center. They had applied for the
14 conditional use permit to establish the off-site
15 parking that was within the allowed proximity of
16 their operation.

17 The city council upheld the
18 recommendation of the Planning Board and approved
19 the request based upon the conditions that were
20 attached that required appropriate landscaping and
21 fencing and to insure compliance with all
22 engineering requirements and the administrative

1 review process. So that was approved at the --
2 not last night's city council meeting, but the
3 council meeting on the -- I think it was the 5th
4 or 6th of the month.

5 CHAIRPERSON COWHIG: Thank you.

6 Under unfinished business we have
7 two cases. The first is No. 16-04. This is for
8 property at 2121 East Maple where the applicant,
9 Community Alternatives Illinois, is requesting a
10 conditional use permit to establish and operate a
11 community family residence.

12 What's the status of this case?

13 MR. CROSS: I spoke with the -- let me
14 grab the appropriate file. Sorry. I spoke with
15 the applicant's representative. And if you
16 recall, a couple things that you were asking that
17 we confirm was whether they were a tax-paying
18 entity and if they -- in answer to the question on
19 the distance from another community residence.

20 If you recall, we talked about an
21 800-foot requirement from the state, and the
22 applicant indicated that the state requirement

1 only applies to state-licensed agencies and not to
2 individually-ran community residences.

3 And she did put me in contact
4 with -- Miss Walls did put me in contact with the
5 State of Illinois and they did verify that. That,
6 in fact, is true, that an agency -- an
7 individually-ran community residence that's not
8 ran by an agency is not subject to that distance
9 requirement. They did acknowledge that they are
10 considering changing that, but at this time that
11 is not the case.

12 So my -- the thought is when you
13 proceed with this, we do have our thousand-foot
14 requirement, but it does not appear that the
15 800-foot separation is applicable in this case.

16 So those were the answers to the
17 questions, and I did go out and verify; they are
18 well within the thousand foot. But the question
19 is is that something that you as a board, you
20 know, really wants to take a harder look at and
21 how you consider that and address that issue on
22 any future action.

1 CHAIRPERSON COWHIG: So do we have the
2 authority to recommend a waiver of that petition
3 or to grant a waiver if we so choose?

4 MR. CROSS: Sure. Yeah, it's part of the
5 conditional use permit process you can. Because
6 ultimately it goes to -- I mean, it's my -- unless
7 Mr. Power feels it is not relevant. But as part
8 of any action of the city council, they ultimately
9 have the authority to waive any provisions
10 associated with the conditional use permit.

11 CHAIRPERSON COWHIG: So are there any
12 other outstanding questions or points that we --

13 MS. TERRILL: My only remaining concern
14 was about the taxes, and when I went and asked for
15 a copy of the tax records, the company in
16 Valdosta, Georgia, that owns the property, I
17 guess?

18 MR. CROSS: Yes.

19 MS. TERRILL: They are paying full real
20 estate taxes. They get no exemptions or nonprofit
21 status. So I -- I feel satisfied.

22 MR. CROSS: And I verified that as well.

1 You know, now, obviously, any entity
2 in a new tax year after a levy, I mean, obviously
3 they can't guarantee in the future they're not
4 going to come back in and apply, and I don't
5 believe you can attach that condition to it.
6 Because I think you can put that restriction on,
7 but yeah, they are paying taxes as of this case.

8 CHAIRPERSON COWHIG: Mr. Rorem?

9 MR. ROREM: Moving forward from this
10 point, the language that we have that talks about
11 a thousand feet, I would assume, does not have the
12 language that waives the requirement that's in the
13 state language.

14 CHAIRPERSON COWHIG: I believe --

15 MR. CROSS: No, go ahead.

16 CHAIRPERSON COWHIG: I believe you're
17 right.

18 MR. ROREM: You know, is there merit in
19 making our language coincide or match the state
20 language?

21 CHAIRPERSON COWHIG: To reduce the
22 thousand foot separation to 800?

1 MR. ROREM: Well, the language that seems
2 to be most pertinent here is the waiving the
3 requirement due to the status of the house.

4 CHAIRPERSON COWHIG: I'm not following.

5 MR. CROSS: I think what you are saying
6 is that we haven't separated what's an agency ran
7 to an individually ran.

8 MR. ROREM: Correct.

9 MR. CROSS: And therefore we are not in
10 the same page as the state.

11 And you're asking if we can clean
12 that up, and the answer is I think we probably
13 need to, but when do we do that? I don't know if
14 we can do anything until they do.

15 And as we know, they cannot provide
16 us a list of the homes as was presented at the
17 last meeting. So the question becomes how --
18 still how you can, you know, address that issue
19 and then still monitor. Because how do you
20 regulate it locally? Because, you know, you
21 may --

22

1 The other problem is there's so many
2 of them out there. If you remember, the actual
3 amendment that requires them to apply for the
4 conditional use permit in the -- I believe it's
5 the residential zoning districts, we didn't do
6 that amendment until about seven, eight years ago.

7 The original 95 Zoning Ordinance
8 only required that conditional use permit in, I
9 believe, the commercial zoning districts, and the
10 reason being is it was defined as a
11 home-occupational business which is not a
12 permitted use. Because a home in a commercially
13 zoned district is a nonconforming use. You add
14 any use to it, then you are expanding upon the
15 nonconforming provisions.

16 So we did that amendment because we
17 wanted to try to get more control because they
18 were popping up in residentially zoned districts
19 and we were finding them so close to each other.
20 And the original intent of that amendment we found
21 out that, quite honestly, it's hard to track; so
22 it's not meeting its original intent.

1 MS. TERRILL: I guess I would feel
2 uncomfortable reducing the requirement especially
3 for those that aren't agency run, because those
4 are the more problematic as far as nuts and bolts
5 are concerned and also, they're becoming more
6 popular. The last three requests we have had have
7 been for individually owned or operated CILAs. So
8 I'd hate to reduce that to an 800 feet for them or
9 for all of them.

10 MR. CROSS: Yeah, any change would
11 require an amendment, and I guess that's
12 something -- I don't think that's something we can
13 debate. We just don't have the information to do
14 it tonight.

15 But in this particular case, what
16 Miss Walls was indicating is accurate. I mean,
17 it's been verified that the -- because I guess the
18 only question is how do you verify what's an
19 individually ran and what's an agency ran? I
20 mean, the property's owned by an out-of-state
21 company. She rans -- how do we -- how do you
22 verify whether it's not a division of a

1 Georgia-ran agency? But we just can't.

2 Unfortunately, we just can't at this time.

3 CHAIRPERSON COWHIG: But any change to
4 that standard would require a tax amendment which
5 we can't consider tonight.

6 MR. CROSS: Absolutely not. We got to
7 follow the process of the tax amendment.

8 CHAIRPERSON COWHIG: We just have to
9 restrict ourselves to the petition at hand.

10 MR. ROREM: My interest was not in
11 getting a change this evening --

12 CHAIRPERSON COWHIG: I understand.

13 MR. ROREM: -- but to address the
14 solidarity between the state and the city
15 languages.

16 MR. CROSS: Well, we made progress. At
17 least we got contact now.

18 CHAIRPERSON COWHIG: So if there are no
19 further questions, are you ready to act on this
20 case?

21 We opened the public hearing at our
22 meeting, I believe it was in August, but we would

1 still entertain comments if there are questions or
2 comments from anyone in the audience about this
3 case. This is your opportunity to speak. If not,
4 are we ready to act?

5 MS. FRANKE: Yes. In the matter of
6 PB16-04, an application by Community Alternatives
7 Illinois requesting a conditional use permit to
8 establish and operate a community family residence
9 at the address commonly known as 2121 East Maple
10 Street, I make a motion that we recommend to the
11 city council approval of this motion being that
12 all of our questions were answered that we had.
13 We did receive the information that we needed.

14 The proposed use of a family-type
15 residence would be consistent with the surrounding
16 neighborhood. It would be suitable for the
17 proposed uses and improvements. There would be no
18 difficulty with the maintenance of public health,
19 safety, and general welfare; and there would be no
20 impairment of enjoyment by surrounding property by
21 neighbors or intended use.

22 CHAIRPERSON COWHIG: Do you want to

1 explicitly include a waiver of the distance
2 requirements, the separation?

3 MS. FRANKE: And with a waiver of the
4 1,000-foot requirement.

5 CHAIRPERSON COWHIG: Is there a second?

6 MR. AMES: I'll second.

7 CHAIRPERSON COWHIG: Motion by
8 Miss Franke. Seconded by Mr. Ames to recommend
9 approval of the conditional permit with an
10 explicit recommendation of a waiver of the
11 separation requirements.

12 Any further discussion?

13 Would you call the roll, please.

14 MR. CROSS: I will.

15 Edwin Eckhardt?

16 MR. ECKHARDT: Yes.

17 MR. CROSS: Carol Franke?

18 MS. FRANKE: Yes.

19 MR. CROSS: Marsha Lloyd?

20 MS. LLOYD: Yes.

21 MR. CROSS: Berry McCracken?

22 MR. McCracken: Abstain.

1 MR. CROSS: Debra Terrill?

2 MS. TERRILL: Yes.

3 MR. CROSS: Chip Rorem?

4 MR. ROREM: Yes.

5 MR. CROSS: Willie Ames?

6 MR. AMES: Yes.

7 MR. CROSS: Loretto Cowhig?

8 CHAIRPERSON COWHIG: Yes.

9 MR. CROSS: This will appear not at the
10 next council meeting, but at the second council
11 meeting in October is when we expect it will be on
12 that agenda for council action.

13 CHAIRPERSON COWHIG: Thank you.

14 The other case that was unfinished
15 at our last meeting, No. 16-05 which is for
16 property at 154 West Water Street where the
17 applicant, Rosa Sanchez, is requesting a
18 conditional use permit to establish and operate a
19 used motor vehicle parts sales operation with
20 outdoor storage.

21 What was the status of this case?

22 MR. CROSS: This was the one where we

1 tabled. I believe the applicant was not present
2 at that meeting. And what the status was that we
3 would bring it back. We would prepare to take
4 action if they do -- if they are not -- if they
5 are not here and there's not a recommendation to
6 forward to council. So we were going to give the
7 applicant an opportunity to come and further
8 clarify where they were in the case, give us an
9 update on the status of the outdoor operations on
10 the property that's abutting it which is part
11 which, I believe, they lease to another entity
12 that had some outdoor vehicles there.

13 So she's here. I don't know if she
14 wants to come up. I believe Miss Sanchez talks.

15 I know I had been to the property as
16 well; so I can give you an update on some of
17 the -- some of what I had seen with the property
18 and done some additional research. We will let
19 Miss Sanchez speak and we can go from there.

20 CHAIRPERSON COWHIG: Good evening.

21 MR. CROSS: I got to swear you in.

22 (Witness sworn.)

1 MR. CROSS: Please state your name for
2 the record.

3 MS. SANCHEZ: She's going to be my
4 interpreter.

5 MR. CROSS: Okay. I have to swear you in
6 too.

7 (Interpreter sworn.)

8 MR. CROSS: And please state your name
9 for the record.

10 THE INTERPRETER: Verdella Judkins.

11 CHAIRPERSON COWHIG: So what were the
12 outstanding questions when we considered this two
13 months ago?

14 MR. CROSS: Well, I think the main
15 question was where are we in getting the vehicles
16 cleaned up.

17 I recall we weren't as concerned
18 about the actual operation. I think the operation
19 itself was going to be conducted completely
20 indoors was not a problem. The one concern we had
21 was to make sure we were in compliance with all
22 the Environmental Protection Agency standards and

1 that there would be no issues there.

2 THE INTERPRETER: Everything is cleaned.
3 It's been cleaned up.

4 MR. CROSS: Okay. And your tenant,
5 Mr. Cortez, is he still there and operating?

6 THE INTERPRETER: He's still there;
7 however, he will no longer be putting anything on
8 the property itself. He's going to keep
9 everything on the inside.

10 MR. CROSS: What about --

11 THE INTERPRETER: In a garage?

12 MS. SANCHEZ: Uh-hum.

13 THE INTERPRETER: In a garage.

14 MR. CROSS: Inside a garage?

15 MS. SANCHEZ: Yeah.

16 MR. CROSS: Okay. Because that was the
17 issue with the outdoor storage.

18 The use itself was -- I'm sorry.

19 THE INTERPRETER: She says the problem
20 was that he was taking the cars apart outside --
21 you know, on the outside, not inside the garage.
22 So he will no longer be doing that.

1 MR. CROSS: Okay. But the other issue
2 was that he could not, in a sense, whether he
3 parted them out or not, he could not create a
4 wreck and salvage yard in that zoning district.
5 So the vehicles cannot be brought in there and
6 stored as a salvage yard. That was the --

7 THE INTERPRETER: That's understood.

8 CHAIRPERSON COWHIG: There was somebody
9 working on a truck this afternoon outdoors.

10 THE INTERPRETER: She says that was her
11 husband's car. They were changing the brakes.

12 CHAIRPERSON COWHIG: Well, I don't think
13 we have an exception for your husband's car. If
14 it's not allowed, it's not allowed.

15 MS. SANCHEZ: Okay.

16 MS. TERRILL: If he is not allowed to do
17 vehicle salvage on the site, does it matter
18 whether he's indoors or out?

19 MR. CROSS: I -- he cannot do any salvage
20 operations. It's an auto repair business, and the
21 only reason it was allowed to continue was because
22 it was a grandfathered use as an auto repair

1 facility only. That's what it has always been.

2 If your tenant has now turned it
3 into -- he might -- a combination of things: He
4 prepares; he parts; he brings his buddies' cars
5 over and pulls the wheels off and puts it on
6 blocks. I mean, it's -- and they are stored
7 outside. That cannot happen.

8 The operations of the motor vehicle
9 repair are fine. And the only time we talk about
10 any exception to any vehicles and that would be
11 something that would be in the conditional use
12 permit as an expansion of use would be maybe one
13 or two vehicles that are licensed and fully
14 operational that may come in to be worked on that
15 day and they're overnight, if I recall. But that
16 was the purpose of the fencing.

17 And because we understand
18 traditional motor vehicle repair businesses may
19 have one vehicle that is parked. You know, fix it
20 today; customer comes in tomorrow to pick it up,
21 something that may be there overnight.

22

1 But you can't have a nonoperational
2 unlicensed car that's got no wheels on it, no
3 doors there.

4 THE INTERPRETER: She says in order to
5 resolve this type of confusing problem, would the
6 owner then have to just come and pick up their
7 cars?

8 MS. SANCHEZ: No. Sorry.

9 THE INTERPRETER: Oh, she says -- sorry.
10 She says does she have to take her -- get rid of
11 her renter, the person that's doing the work
12 that's renting from them?

13 MR. CROSS: And she provided us a lease
14 agreement between her and her tenant. And we
15 signed off years ago in the planning department on
16 a notice of proper zoning form from the Illinois
17 Secretary of State's office that requires that
18 signoff to insure the operations, and that's
19 specifically said no outdoor operations long
20 before she ever bought this property.

21 And one thing that I noticed in her
22 lease, if I recall -- it's been a while since I've

1 looked at it -- she actually put that in there
2 that he would not be operating outdoors. So I
3 guess it's confusing to understand why it's
4 happened.

5 THE INTERPRETER: She says that she
6 understands that. She did put that in the
7 application. She spoke with her tenant, and he is
8 not going to -- they have come to an agreement
9 that he is not going to be putting any cars on the
10 outside of the property, that it -- whatever he
11 does is going to be inside the building. But
12 not -- he's not going to be taking parts -- you
13 know, having cars there to take parts off of and
14 that type of thing. She does not -- her renter
15 does not have her permission to do that.

16 MS. TERRILL: What would the penalties be
17 if he continues to do this?

18 MR. CROSS: He would be in violation of
19 the --

20 MS. TERRILL: No, her. I think I meant
21 her.

22 MR. CROSS: He and she. That's exactly

1 right because the zoning ordinance and the
2 property maintenance code. Some of the outdoor
3 operations are more than just property's unkempt,
4 quite honestly, in certain areas.

5 The issue becomes that he as a
6 violator would be noticed for violation of the
7 zoning ordinance. You also as a property owner
8 could, probably would be noticed as a violator as
9 well.

10 And I -- I mean, simple fact of the
11 matter if he's violating the terms of your
12 lease -- maybe I'm wrong here -- but you're going
13 to have to resolve your tenant problem because we
14 are not going to be able to do it. I mean, if we
15 do, you're going to be pulled into it.

16 THE INTERPRETER: She says she'll take
17 that responsibility.

18 MR. CROSS: Okay. I mean, I think she --
19 I mean, her business is -- her business, I think,
20 is a good fit there. And she got a fence and the
21 fence was approved because it's separate lots and
22 you have the separation of lots. Her lot's not

1 the issue. It's still his associated with the
2 lot. See? I mean, they're both --

3 THE INTERPRETER: She says she wants to
4 avoid all problems. She's going to give them a
5 30-day notice.

6 MR. CROSS: The problem is the lots -- I
7 don't know -- they were never legally -- I don't
8 think they were ever legally divided. That's how
9 the 154 1/2 address came in.

10 THE INTERPRETER: You said divided?

11 MR. CROSS: Divided. They never did a
12 legal subdivision. Somebody drew up the legal and
13 gave him a -- created two separate tracts, but
14 that's why they're still together, still one legal
15 recorded lot on the record.

16 MS. TERRILL: Were there also EPA issues
17 that we needed to address?

18 MR. CROSS: Well, I think the EPA issue
19 would be something that administratively we would
20 make sure she's in compliance and she would have
21 to report to make sure there's no oil or anything
22 going down in the sanitary sewer or storm sewer.

1 I don't -- I don't think that's the problem. It's
2 the other.

3 MR. BERENSKI: You ever been there? God.

4 CHAIRPERSON COWHIG: We haven't opened it
5 up for questions or comments yet.

6 Do you have any further questions on
7 the condition?

8 MS. TERRILL: I don't believe I do.

9 MR. ROREM: I don't.

10 CHAIRPERSON COWHIG: Okay. Now, if -- is
11 there anyone in the audience who wants to ask a
12 question or to speak for or against this petition?
13 This is your opportunity to come forward and be
14 sworn in.

15 MR. CROSS: Please have a seat.

16 CHAIRPERSON COWHIG: Evidently not.

17 Then are you ready to act?

18 MS. TERRILL: I am. On case of PB16-05,
19 application by Rosa Sanchez requesting a
20 conditional use permit to establish and operate a
21 used motor vehicle parts sale operation with
22 outdoor storage at the address commonly known as

1 154 West Water Street, I would like to propose
2 that we recommend to city council that they
3 approve this permit based on the applicant's
4 willingness to work with us on eliminating
5 problems based on the fact that the other business
6 owners in the area have spoken highly of her
7 business and think that it's a good fit there.
8 It's been in operation for a while.

9 But I think we should attach the
10 condition that any vehicle on the lot overnight
11 must be currently licensed and fully operable.

12 CHAIRPERSON COWHIG: Is there a second?

13 MS. LLOYD: Second.

14 CHAIRPERSON COWHIG: Motion by
15 Ms. Terrill. Seconded by Miss Lloyd to recommend
16 approval of the requested conditional use permit
17 with the condition that any vehicles stored
18 overnight is licensed and operable? Is that --

19 MS. TERRILL: Currently licensed and
20 fully operable.

21 CHAIRPERSON COWHIG: Any further
22 discussion?

1 Would you call the roll, please.

2 MR. CROSS: I will.

3 Edwin Eckhardt?

4 MR. ECKHARDT: Yes.

5 MR. CROSS: Carol Franke?

6 MS. FRANKE: Yes.

7 MR. CROSS: Marsha Lloyd?

8 MS. LLOYD: Yes.

9 MR. CROSS: Berry McCracken?

10 MR. McCRACKEN: Yes.

11 MR. CROSS: Debra Terrill?

12 MS. TERRILL: Yes.

13 MR. CROSS: Chip Rorem?

14 MR. ROREM: Yes.

15 MR. CROSS: Willie Ames?

16 MR. AMES: Yes.

17 MR. CROSS: Loretto Cowhig?

18 CHAIRPERSON COWHIG: Yes.

19 MR. CROSS: Motion carries. That will go
20 before the city council at the second council
21 meeting.

22 CHAIRPERSON COWHIG: Thank you.

1 MR. CROSS: Uh-hum.

2 CHAIRPERSON COWHIG: Now we come to new
3 business. We have two cases. The first, No.
4 16-10. This is a request for a conditional use
5 permit at 108 South Alma Avenue. The applicant is
6 Sign's of the Times, and they want to erect an
7 outdoor off-premises advertising sign.

8 Who is the spokesman for the
9 applicant?

10 MR. COGHLAN: I'm John Coghlan for the
11 applicant.

12 CHAIRPERSON COWHIG: We all have a copy
13 of the information that Mr. Crawford submitted.
14 What else do we need to know?

15 MR. COGHLAN: I think there's been a lot
16 of controversy about this. I also know that the
17 commission has received a variety of mailings from
18 people that are opposing this.

19 And I think what you need to do -- I
20 think what needs to be addressed is that you have
21 to look at the character, of course, in the
22 arguments that have been provided by the main

1 objectors.

2 Court Street in that area is
3 characterized as mainly residential. I will
4 submit it's anything but.

5 As you go down Court Street on both
6 sides of the street from Wall going west, on the
7 side of the street that this proposal -- the
8 proposed use permit is for, you have, as has been
9 pointed out, Mr. Spiros's law office. You then
10 have a vacant lot. You then have a variety of
11 commercial buildings. You have a bank. You have
12 office space. You have a gas station on the other
13 side of the street. You have Monical's, then you
14 have -- you also have a car -- a car dealership
15 and a variety of commercial space that is there.

16 This particular use and the proposal
17 is that this was a building that was vacant, that
18 wasn't bringing any money into the city.

19 The Sign's of the Times people --
20 they tore it down. They have put -- made that lot
21 into a vacant lot that's ready for a -- ready for
22 some development.

1 And this isn't just a sign being
2 thrown up there by itself. There's also a
3 1200-square foot commercial building that is part
4 of this proposal that is going to go on that piece
5 of property. That is -- I think as everybody
6 knows, in this city we have vacant lots
7 everywhere.

8 One of the things that's killing us
9 is that we don't -- we're not having
10 tax-generating properties. I'm on the school
11 board. I deal with it all the time. We don't
12 have enough income because of that.

13 What we have here is somebody that
14 wants to build a commercial building, also is
15 going to put up a sign. The sign itself is within
16 the 300-square foot, total 600-square foot
17 requirement. The Sign of the Times people are
18 more than willing if the planning commission or
19 the city council has any requirements that they
20 might have that they want to vary the sign at all,
21 that's something that they will definitely want to
22 work with the city.

1 But I think the thing that you have
2 to remember here is that this is property that's
3 not being used. It is commercial property. And
4 any type of -- any type of things that are
5 necessary as far as turning down the lights or
6 doing any of those types of things, these people
7 are more than willing to do.

8 This is a project that is good for
9 the city and it's also good for that area.
10 Because I don't believe that where you've got a
11 busy area such as that, that that sign -- it's not
12 this terrible type of -- it's not going to cause
13 accidents. It's not going to cause all these
14 other things. It's going to generate income both
15 for my people and also for the city as well. I
16 think that the -- that particular area is an
17 appropriate usage.

18 The Sign's of the Times people have
19 invested a considerable amount of income of
20 tearing down the property, buying the property,
21 and then also the improvements they have done thus
22 far.

1 So we would respectfully ask that
2 you approve the conditional use permit.

3 CHAIRPERSON COWHIG: Thank you.

4 What is the contemplated use of this
5 building to be built?

6 MR. COGHLAN: It's going to be office
7 space.

8 CHAIRPERSON COWHIG: Is there anyone in
9 the audience who wanted to speak either for or
10 against or to ask a question about this
11 application?

12 Yes, sir.

13 MR. SPIROS: I would like to speak.

14 Good evening. My name is Jim
15 Spiros. And as Mr. Coghlan said, I own the
16 property just to the east of the subject property.

17 If there's a building to be built
18 there, then it can be built there, and I'm not
19 sure why that's the subject of this conditional
20 use permit.

21 This is solely the subject of a
22 double-sided electronic billboard, and the

1 question really is what is it? What's it for?
2 What's the purpose of it?

3 To put it in perspective, if you
4 look behind the City of Kankakee logo and you look
5 at the curved wood behind that, that's about 12 by
6 24, the big curvature behind there. That would be
7 about 30 feet up in the air standing at its
8 highest point to 42 feet double-sided, an
9 electrical digital billboard.

10 There was mention made about the
11 cost of this lot. It's public record. The lot
12 cost \$25,000. We spent \$200,000 on our lot. We
13 also got a building permit for another 200,000
14 plus to improve our building.

15 The lot that we don't want next to
16 us has a billboard that's something similar to
17 what you might see in Las Vegas.

18 Mr. Coghlan talked a lot about a gas
19 station down the road and businesses here and
20 there. What he forgot to mention there's a home
21 immediately adjacent to this lot. There's a home
22 immediately to the west of this lot. There is a

1 Monical's Pizza across the street and then there
2 is, of course, our building just to the east.

3 We went in and did our construction,
4 made our purchase consistent with the zoning and
5 the intended use.

6 I would also ask that my objection
7 be made part of the record. And I don't want to
8 reiterate all the points I brought up, but a
9 couple of the points that Mr. Coghlan omitted are,
10 No. 1, the enjoyment of the adjoining properties,
11 and that's, I think, very obvious; and No. 2, the
12 safety. And the data that we brought out and that
13 we submit in our objection talks about digital
14 billboards and the traffic safety impact.

15 It's no secret that the corner of
16 the nearest major intersection right there which is
17 in a few -- literally a hundred feet or less is a
18 very busy intersection in this county. We feel
19 that the digital billboard will distract drivers,
20 and I think it also distracts not only from our
21 property, but from some of the other folks that
22 are here tonight. I've attached a written

1 objection by some of our neighbors.

2 We feel we have been a good neighbor
3 to the community for several years. We like 1230
4 West Court Street. We want it to remain as it is
5 with the intended use with the local zoning. We
6 certainly are empathetic to the money they spent
7 to buy this property, but we think it pales in
8 comparison to our interests and the expenses that
9 we have placed in the community.

10 Thank you.

11 CHAIRPERSON COWHIG: Thank you.

12 Anyone else?

13 MR. SERENE: Folks, my name is Larry
14 Serene, and this is Michelle Allen.

15 CHAIRPERSON COWHIG: You need to be sworn
16 in.

17 MR. CROSS: You need to be sworn in, sir,
18 unless you're an attorney.

19 (Witness sworn.)

20 MR. POWER: He is.

21 MR. CROSS: Oh, he is? Oh, my bad.

22 MR. SERENE: I have to tell the truth

1 anyway .

2 MR. CROSS: I know; I know.

3 MR. SERENE: Anyway, Michelle lives in
4 the home that's owned by Francis Lagesse which is
5 the home immediately to the south of the lot in
6 question which I'm not sure -- is it 110 Alma
7 or --

8 I represent Francis. I'm an
9 attorney, licensed attorney, state of Illinois.
10 Francis is my client. He objects to the sign for
11 obvious reasons: The size of it; the amount of
12 light that would be produced.

13 I think Michelle objects to it.
14 She's the current tenant there. She lives in the
15 house.

16 I would argue that, you know, to --
17 I would call it a can of worms, open up the can of
18 worms. And to allow something of this size is
19 just a bad, bad, bad thing to happen in that
20 neighborhood. It is -- sure, it's commercial, but
21 it's beyond. What they're proposing is beyond
22 commercial.

1 And to put the restrictions on it, I
2 mean, I don't see how the city can approve it and
3 then say, well, it can only be a certain size. I
4 mean, he's proposed this. We feel that it should
5 be denied.

6 CHAIRPERSON COWHIG: Thank you.

7 MR. SERENE: Thank you.

8 CHAIRPERSON COWHIG: Anyone else?

9 (Witness sworn.)

10 MR. CROSS: Okay. Please state your name
11 for the record, sir.

12 MR. BERENSKI: My name is Larry Berenski.
13 I live at 167 North Alma.

14 MR. CROSS: Why don't you come forward,
15 please to the microphone.

16 MR. BERENSKI: Pardon?

17 MR. CROSS: Can you come forward to the
18 microphone, please.

19 MR. BERENSKI: I live at 167 North Alma.
20 I'm opposed to it. I think it's already getting
21 to be a three-ring circus in that neighborhood,
22 you know, and they don't enforce the codes over

1 there anyway. So what are we going to do?
2 Advertise about it? You know, it's just bullcrap.
3 I don't get it, you know -- look out your front
4 door; you can see crap out there. Advertising for
5 what, you know --

6 MS. TERRILL: Which house do you live in?

7 MR. BERENSKI: I live on the other side
8 of Court on the north side, fourth house down on
9 the west side.

10 You know, there was a house there
11 before, a Section 8 house. We have got another
12 one right across the street kitty-corner from
13 where I live where they can't even enforce the
14 codes on. The people throw garbage out all the
15 time and they can't do anything about it? I've
16 talked to Crawford. I've talked to Osenga.
17 Nobody does anything.

18 You know, my old lady told me, you
19 know what? If you could move, where would you
20 move to?

21 I said, I can tell you right now,
22 back to Wyoming, because I'm not going to put up

1 with none of this crap, you know, and that's the
2 truth. I'll swear to God on that, you know --

3 But I mean, it's -- it's, like, what
4 are you going to put up with, you know --

5 He told me when he bought that, he
6 tore that house down; he did a good thing. But he
7 never said anything, you know, he's going to build
8 a small office building for, like, an insurance
9 company or whatnot. I have no problem with that.
10 But put a huge billboard out there? Are you
11 kidding me? You know, that was residential before
12 it was ever commercial. There's not slues of crap
13 around there, you know -- there's a little home
14 appliance sign on the corner on Alma. That's
15 about it. So now we need something as wide as
16 this room over there? I don't think so. And I've
17 said all I want to say.

18 CHAIRPERSON COWHIG: Thank you, sir.

19 MS. ALLEN: I have a question.

20 CHAIRPERSON COWHIG: Okay. Come forward,
21 please.

22 MS. ALLEN: I'm just confused on the

1 whole thing. Are they just putting a sign up or a
2 sign with the business and parking lot?

3 CHAIRPERSON COWHIG: A building to be
4 built for which they don't need special
5 permission. They can already do that.

6 MS. ALLEN: So they can just build
7 whatever they want.

8 CHAIRPERSON COWHIG: Well, not whatever
9 they want.

10 MR. CROSS: No, they would have to build
11 what would be allowed to be built in that
12 underlying zoning district -- or within the zoning
13 district. Certain uses and businesses are allowed
14 in certain zoning districts.

15 MS. ALLEN: Right.

16 MR. CROSS: And then there's certain
17 buildable requirements in terms of building
18 heights, sizes, setbacks. So some uses are
19 permitted by right.

20 Commercial office building,
21 attorneys -- or attorney's office such as
22 Mr. Spiros, those are permitted by right. So you

1 can build them. So all that takes is an
2 administrative review to make sure the building
3 meets the building codes --

4 MS. ALLEN: Okay.

5 MR. CROSS: -- setbacks, things like
6 that.

7 MS. ALLEN: I think that's why we are all
8 wondering. We want to know what they are going to
9 build. What's the sign going to say? You know,
10 how can we say we are okay with it when we don't
11 even know --

12 MR. CROSS: Signs are tough -- are very
13 tough, and we have talked about this before
14 because the sign design, size, and square footages
15 can be set. But once it's up, we don't want to be
16 the advertisement police restricting what's on
17 there. I mean, you can't be. I mean, now,
18 obviously, if there's immoral things that are put
19 up there, that we might be able to. You can't
20 restrict someone's advertisement because now
21 you're restricting their right to advertise the
22 same thing as --

1 MS. ALLEN: We just feel that, like, it's
2 why can't he be here and just say this is what I
3 am building. This is what's going to go. You
4 know, why is everything so secretive?

5 MS. HUOT: I'm here.

6 MS. ALLEN: That's what no one's
7 understanding.

8 MR. CROSS: Well, he's got his
9 representation here. I'm not going to answer for
10 them. They can answer that, but, I mean, they are
11 here speaking for it tonight.

12 MS. ALLEN: Right. But nothing was said
13 on what's it going to be. You know, that's
14 everybody wants to know.

15 MR. CROSS: Okay.

16 MS. TERRILL: Are you asking what the --
17 the building is a nonissue because one has nothing
18 to do with the other.

19 The purpose of the sign is to rent
20 out for advertising. Is that what you are asking?

21 MS. ALLEN: Yeah, is he just going to put
22 a sign there right now? Is that what he wants to

1 do?

2 CHAIRPERSON COWHIG: Yes.

3 MS. ALLEN: And then a year from now or a
4 month from now you can build a building, and
5 that's what everyone's confused on.

6 MS. TERRILL: Yes. He just -- I can't be
7 speaking for them, but the way I understand it,
8 the way it was presented to us is that the sign is
9 for the purpose of renting out advertising, and he
10 does not have to build a building to get this
11 request.

12 MS. ALLEN: So right now he wants to
13 build a big flashing sign. Okay.

14 MR. CROSS: Signs are unique in nature in
15 that they -- a lot of times they are defined as
16 accessory -- well, they are accessory structures.

17 You know, this is a unique situation
18 because this is a stand-alone sign which would be
19 a primary by itself.

20 Now, one condition that may have to
21 go in there if this ever goes and they are going
22 to build a building there, that the building will

1 ultimately be the primary structure. And the
2 reason I say that is because the applicants don't
3 want this because they don't want their building
4 to ever be viewed as a legal nonconforming use or
5 a nonconforming use, because then they have
6 insurance problems, loan problems, rebuild
7 provision problems, and so forth. So I think
8 that's why they wanted to mention -- I'm -- I
9 can't. I'm not going to answer for them, but I
10 think that's why as a planning department we want
11 to make sure everybody knew when we talked to them
12 what the potential complete build-out of this lot
13 was going to be. That's --

14 CHAIRPERSON COWHIG: If the sign is not
15 necessarily related to the building that is to be
16 built.

17 MS. ALLEN: If it's just for advertising,
18 whatever he wants to advertise. Okay. That's
19 what I wanted to clear up.

20 CHAIRPERSON COWHIG: Anyone else who
21 wanted to speak?

22 (Witness sworn.)

1 MR. CROSS: Please state your name for
2 the record.

3 MR. LACOST: Adam Lacost.

4 So how high is this sign going to be
5 from the bottom to the top?

6 MR. CROSS: He had it in there, and I
7 don't know. Mr. Coghlan may want to answer it. I
8 think we need --

9 MR. COGHLAN: Forty feet.

10 MR. LACOST: The very top is 40 feet?

11 MR. COGHLAN: Yeah.

12 MR. LACOST: And then so it be roughly,
13 like, 20 or 30 feet off the ground?

14 So first, people were upset because
15 there was a bad house across the street, and
16 everybody in town wanting Kankakee to grow west.
17 And now that somebody's trying to, they want to
18 have their cake and eat it too. So I mean, yeah,
19 who wants to live in Las Vegas, but who wants
20 crackheads across the street. So prefer the sign
21 over drugs.

22

1 So the sign -- I live across the
2 street. So if anybody would see it the most, I
3 would -- closest. As long as it's not going to be
4 wrong for anybody else to put one up, too, though,
5 also. So that means all the other neighbors
6 should be able to apply and get the same thing?

7 CHAIRPERSON COWHIG: It depends on what
8 their zoning is.

9 MR. LACOST: Well, we're all commercial.
10 So I mean, when they built Monical's and Riverside
11 and day-care center, they zoned the whole area
12 commercial, residential C-1.

13 So I can just go ahead and knock my
14 house down and put a sign up across the street
15 also then on North 120. Because I just -- you
16 know, if it's fair for one person, it should be
17 fair for everybody.

18 CHAIRPERSON COWHIG: Well, anyone who
19 wanted to do so would have to get a conditional
20 use permit.

21 MR. LACOST: Understood.

22

1 So I don't think it's going to be a
2 bad thing. It's just, you know, I just don't want
3 to see the drugs. If I have to deal with the
4 sign, it's not a big deal.

5 CHAIRPERSON COWHIG: Where do the drugs
6 enter into this?

7 MR. LACOST: The house. We have to sit
8 there and watch this -- about the house getting
9 knocked down. How there was trash and they
10 knocked it down and making the place better. We
11 all wanted Kankakee to grow west and here it is
12 going west and, you know --

13 CHAIRPERSON COWHIG: And the house that
14 was torn down was a drug haven? Is that what you
15 are saying?

16 MR. LACOST: Yeah.

17 CHAIRPERSON COWHIG: What's your address?

18 MR. LACOST: 120 North Alma.

19 CHAIRPERSON COWHIG: Thank you.

20 MR. LACOST: There's only two houses left
21 that are on Court Street and I'd be one of them;
22 so -- so I think the sign should be fine.

1 CHAIRPERSON COWHIG: Thank you.

2 MR. LACOST: As long as they follow all
3 the rules, you know, dimming them down and stuff
4 like that.

5 What are the Kankakee rules, though,
6 for the lights?

7 MR. CROSS: Well, that's -- that's -- we
8 have been throwing that around because that's a
9 code that is not actively in place. So that's
10 obviously something that would be part of it, that
11 we would recommend as part of any conditional use
12 permit to prevent the glare.

13 Now, we have said this before. We
14 don't want to be the sign enforcement police. So
15 we are trying to figure out, educate ourselves
16 through the State of Illinois on -- you know, on
17 the illumination standards. I do know that at
18 night you obviously want the illumines a lot less
19 than you do in the day.

20 MR. LACOST: Just like Riverside --

21 MR. CROSS: But there's no set number to
22 answer your question. So that would have to be --

1 MR. LACOST: So how is the public
2 supposed to voice their opinion about the sign if
3 there's no rules yet?

4 MR. CROSS: Well, there are rules. It's
5 just the way the sign ordinance is written. When
6 this original sign ordinance was written, it
7 never -- LED signs were not as prevalent, and
8 quite honestly, they probably didn't have the
9 technology. They were probably one light bulb and
10 one brightness.

11 And nowadays my understanding is the
12 Department of Transportation -- and that's
13 something else that, you know, has to be looked
14 at, and that's another entity that's going to have
15 a say on the regulations because it is right on an
16 IDOT route.

17 So even if a conditional use permit
18 was granted, there's still administrative review
19 and approval processes that have to go through
20 before this sign's ever, ever would be
21 constructed.

22

1 So with regulating it, I mean,
2 basically, my understanding is there's -- they
3 basically got a gun, like a radar gun that you can
4 measure it. Now, who is going to be out at 9:00
5 o'clock? You know, those are questions that have
6 to be answered.

7 MS. TERRILL: Mr. Lacost, is yours the
8 brown stucco house?

9 MR. LACOST: No. I am north, North Alma,
10 120. My backyard is Monical's Pizza. You guys
11 turned my alley into a street.

12 So commercial's already there. I
13 mean, some people aren't happy about it, but I'm
14 the only one with an alley that's a street. So I
15 don't think the sign's going to be any different.
16 I mean, it's going that direction; so I don't
17 think it's a bad thing.

18 All right. Thank you.

19 CHAIRPERSON COWHIG: Thank you,
20 Mr. Lacost.

21

22

1 Anyone else?

2 Mr. Cross, did you say that in
3 addition to the requirement for city approval,
4 this would also have to be approved by the state?

5 MR. CROSS: We actually got as part of
6 the package that came after your package came out,
7 IDOT did respond with their application process
8 indicating, you know, that any sign would have to
9 follow those guidelines associated with the IDOT.

10 CHAIRPERSON COWHIG: Do they have
11 specific criteria for this type of a sign?

12 MR. CROSS: They're pretty vague in what
13 they have got. They just sent a response saying
14 the outdoor advertising signs -- I mean, yeah,
15 they do talk about it in their application which I
16 didn't get until today; so I haven't -- because I
17 haven't been able to go through it all. But it
18 was, if I recall, they talk about the on-premise
19 signs means the signs which advertise activity.
20 So they began to define them, and it just goes
21 into a lot of different things. It talks about
22 merging or intersecting traffic. And quite

1 honestly, I still have to go through these, and so
2 we may not have enough information, you know,
3 until we can get this done.

4 But I can guarantee this: Whatever
5 action's taken, these are going to be -- have to
6 be complied with through IDOT. So they ultimately
7 are the ones that regulate the sign.

8 MR. BERENSKI: I got another question for
9 you.

10 CHAIRPERSON COWHIG: Yes, sir.

11 MR. BERENSKI: What's the lot description
12 and size on that lot?

13 MR. CROSS: It is 6700 square feet
14 roughly.

15 MR. BERENSKI: That's -- what? -- roughly
16 maybe 47 feet wide?

17 MR. CROSS: Yes, sir.

18 MR. BERENSKI: And what? A hundred
19 and --

20 MR. CROSS: I don't got the exact --

21 MR. BERENSKI: I don't think he can put
22 an office building on that lot, parking for that

1 building, because there's no parking on Court
2 Street. And how is he going to have a sign over
3 there? Is he going to cram it all together so the
4 sign's on his roof or what's he going to do?

5 MR. CROSS: I mean, those are questions
6 that are going to have to be answered by him and
7 by the applicant when it comes time to build.
8 Those are administrative reviews.

9 MR. BERENSKI: It's already cut and
10 dried, and that's the way things go in this town.

11 CHAIRPERSON COWHIG: We have a site plan
12 that they submitted which you're welcome to see.

13 MS. FRANKE: Madam Chairwoman, I wanted
14 to say something.

15 CHAIRPERSON COWHIG: Oh, go right ahead.

16 MS. FRANKE: Well, I think it is
17 admirable that the applicant did remove a derelict
18 building and has plans to add a commercial
19 building. Actually, that's apples and oranges.
20 The request for the sign has nothing to do with
21 building a commercial building. So if the
22 applicant wants to improve the property removing

1 it and building a commercial building, that
2 applicant can do so, but there's no need to attach
3 a digital LED light and sign to the property --
4 to -- or to the building.

5 MS. TERRILL: I agree. I think the
6 building is a nonissue. I don't think we should
7 talk about it, consider it or anything because
8 it's --

9 CHAIRPERSON COWHIG: Could we have one
10 conversation going on at a time.

11 Miss Terrill.

12 MS. TERRILL: I was saying that I think
13 we need to stop considering the building at all.
14 It's not -- it has nothing to do with this sign
15 request.

16 CHAIRPERSON COWHIG: Except the fact that
17 the sign will not be for the occupants for the
18 building.

19 MS. TERRILL: We -- that ship sailed when
20 we granted the first sign request to Crawford's
21 barbershop.

22 CHAIRPERSON COWHIG: Mr. Rorem?

1 MS. FRANKE: There's a gentleman here.

2 CHAIRPERSON COWHIG: Hold on.

3 Mr. Rorem.

4 MR. ROREM: I'm the architect for
5 Monical's Pizza and a shareholder of the
6 corporation; so I have to recuse myself from
7 acting on this case.

8 CHAIRPERSON COWHIG: Thank you.

9 Yes, sir; yes, sir.

10 (Witness sworn.)

11 MR. CROSS: Please state your name for
12 the record.

13 MR. ZABINSKI: Thomas Zabinski. Live on
14 165 North Alma.

15 One of the questions is I can't hear
16 anything that's been said in this room because of
17 the acoustics. I'm sitting here and still can't
18 hear, but that's not the issue. The issue is the
19 sign.

20 A proposed building after the sign.
21 That doesn't even make sense to me. I think
22 that's the way that thing's worded, the

1 questionnaire or whatever you want to call it.

2 Why do we have to -- or why does he
3 want to put a sign up for a proposed maybe office
4 building? That's one of my questions. And what
5 good is it going to do to the neighborhood we live
6 in, this sign? The whole issue is this sign.
7 That's -- that's just the issue. I don't
8 understand what he's after. He's a beautiful man,
9 smart man, but I don't get it.

10 And this man over here with his
11 business and across the street, the woman back
12 here, next-door neighbors to this thing. You
13 know, what is this? It's like a -- I don't
14 understand it.

15 Why can't he -- if he wants the sign
16 for his supposed to be maybe business, what's
17 wrong with Dual Battery, Roper West? There's
18 nothing there. It's not going to bother anybody.

19 He wants to put it in a residential
20 district which is zoned commercial or whatever you
21 like, commercial, whatever it may be. That's just
22 my question. Plant it in the middle of a

1 neighborhood.

2 That's all I got to say, and I'm
3 absolutely against it with the rest of the
4 neighborhood. Thank you.

5 CHAIRPERSON COWHIG: Thank you, sir.

6 Are you ready to act?

7 MS. TERRILL: I think, you know,
8 obviously, we encourage business in Kankakee, new
9 businesses, old existing businesses; and I don't
10 think there's anybody on this board that wishes to
11 stand in the way of development. As the gentleman
12 stated, you know, we have always wanted
13 development to the west corridor, and we are
14 seeing that slowly but surely.

15 However, all that being said, I have
16 very serious concerns about this particular place
17 for the sign. And among those concerns if --
18 keeping in mind the criteria that we need to
19 consider, the findings for each request, you know,
20 the suitability of the site, the ability of
21 neighbors to enjoy their property, safety issues,
22 the general welfare and safety of the public. I

1 have a lot of notes here. The first of which is
2 that the sign exceeds any size standards that we
3 have by -- what? -- double. It's a safety issue.

4 We have seen accidents due to the
5 sign in front of Country Fruit Market. It's
6 provable that these signs are causing accidents.

7 I personally have had a near
8 accident from the one at St. Mary's, the med
9 center north there coming out of Fifth Avenue.

10 Obviously, there's a lot of
11 objection by homeowners and businesses in the
12 area. And with one exception which is the home
13 appliance sign, all of the signs that are
14 currently in place on that west two blocks are the
15 signs for the businesses that exist there.

16 This sign is for the purpose of
17 renting out for advertising just like a billboard,
18 and you don't have any current restrictions on
19 brightness.

20 So yes, we could -- I'm sure that
21 Mr. Crawford or Sign's of the Times or whoever it
22 is that owns this business, which has not been

1 clearly established, would be willing to work with
2 us on that, but we don't have any teeth. We don't
3 have any guarantee that the brightness is not
4 going to be an issue.

5 So I think chief among my concerns
6 is the safety issue. People coming out of
7 Monical's there; people pulling out on the side
8 streets; people distracted at the intersection by
9 the sign. And unless, you know, somebody can
10 convince me otherwise, I'm ready to move on a
11 motion that we recommend denial.

12 CHAIRPERSON COWHIG: Is there a second?

13 MEMBER OF THE AUDIENCE: I have a
14 question, comment. Can I interrupt?

15 MR. CROSS: No.

16 CHAIRPERSON COWHIG: The public hearing
17 is closed. Everyone has had ample opportunity.

18 Is there a second to the motion?

19 MS. FRANKE: I second.

20 CHAIRPERSON COWHIG: Motion by
21 Miss Terrill. Seconded by Miss Franke to
22 recommend denial of the requested conditional use

1 permit.

2 I should have mentioned earlier, but
3 you all received a copy. There was a letter from
4 Monical's Pizza in opposition to it, and I want
5 that to be a part of the record too.

6 Is there any further discussion on
7 the motion?

8 A yes vote would be to deny the
9 request.

10 Would you call the roll, please.

11 MR. CROSS: I will.

12 Edwin Eckhardt?

13 MR. ECKHARDT: Yes.

14 MR. CROSS: Carol Franke?

15 MS. FRANKE: Yes.

16 MR. CROSS: Marsha Lloyd?

17 MS. LLOYD: Abstain.

18 MR. CROSS: Berry McCracken?

19 MR. McCRACKEN: Yes.

20 MR. CROSS: Debra Terrill?

21 MS. TERRILL: Yes.

22 MR. CROSS: Chip Rorem?

1 MR. ROREM: Abstain.

2 MR. CROSS: Willie Ames?

3 MR. AMES: Yes.

4 MR. CROSS: Loretto Cowhig?

5 CHAIRPERSON COWHIG: Yes.

6 MR. CROSS: Recommendation for denial.

7 This too will go -- still has to go before council
8 because it's a recommendation on the second
9 council meeting in October.

10 CHAIRPERSON COWHIG: Thank you.

11 And we have one more piece of new
12 business tonight, and that is Case No. 16-11.

13 This is for property at 2131 South Schuyler. This
14 is another request for a conditional use permit to
15 allow an off-premises advertising sign, and the
16 applicant is Sign's of the Times.

17 Are you again the spokesman for
18 Sign's of the Times?

19 MR. COGHLAN: Yes, ma'am.

20 This property -- this request for a
21 sign is on South 42 -- on 45/50. That is truly
22 commercial property. It is truly an area that has

1 a variety of signs.

2 I believe that the spot -- current
3 spot for that is right near the -- a motel. That
4 whole area, I believe, is appropriate for that
5 type of signage. There's a variety of commercial
6 signs. There's industry. I think that this is an
7 appropriate use for that particular piece of
8 property, and we ask that it be approved.

9 MS. TERRILL: Can I ask you a question,
10 sir.

11 MR. COGHLAN: Yes, ma'am.

12 MS. TERRILL: Is the sign going to be the
13 same size?

14 MR. COGHLAN: I believe so.

15 MS. TERRILL: Okay. Personally I feel
16 like that's a much more suitable site for such a
17 sign. We don't have anyone objecting to that one.
18 There aren't any houses there to, you know, have
19 it shining in the windows.

20 I don't think it would be as much of
21 a safety issue because the way I saw it when I
22 drove out there and looked at the particular site,

1 there aren't any major driveways or anything.
2 Correct me if I'm wrong, but I didn't see any
3 major driveways or anything coming out very near
4 to it.

5 MS. FRANKE: I agree that it's a much
6 more appropriate placement.

7 I am concerned, however, about the
8 brightness. Because as we have talked about with
9 the Country Fruit Market -- and Mr. Cross, I told
10 you many times, I've seen near accidents happening
11 there all the time because of the brightness of
12 that light and the flashing. So that would be --
13 I think this is much more appropriate, but I do
14 have concerns is there going to be regulation of
15 that.

16 MR. CROSS: Well, what we are doing is --
17 and what's come out of our code committee meetings
18 is, quite honestly, no municipality throughout the
19 state is really willing at this time to do a sign
20 amendment just because -- and Mr. Power can attest
21 to this because he's probably done more research
22 on this than anybody.

1 But this is what we are -- one of
2 the quick fixes we are talking about doing.
3 Because if we do do a sign amendment, two issues,
4 two things have to happen: We are not going to
5 put it to the zoning board. It's going to come
6 out. It's going to be a stand-alone ordinance.
7 It's probably going to go into Chapter 8. So it's
8 enforceable just like any other property
9 maintenance provision. Therefore, we would have
10 to do a tax amendment to remove it out of the
11 zoning ordinance and then we do an ordinance to
12 add it to Chapter 8. It takes a long time. It
13 takes a lot of research. How long it's going to
14 take, I don't know, but we want immediate results.

15 So I will say this: One of the
16 things we have looked at -- and Mr. Crawford has
17 been very active in this. I mean, he's done a lot
18 of research and he's actually brought a lot of
19 recommendations. One of the things we are talking
20 about doing is creating a policy as a quick fix
21 policy that would allow us the ability to regulate
22 the illumes based on the safety. So it's a safety

1 policy as opposed to an actual ordinance
2 amendment. I think we are trying to find our way
3 to get that so we can get a quick fix.

4 So the point I'm making is --

5 MS. TERRILL: Would that include existing
6 signs?

7 MR. CROSS: That would include not only
8 signs that come to you before -- before you for a
9 conditional use permit, but that includes a
10 freestanding sign that's on an existing business
11 that's allowed to go up by right.

12 Because the ordinances -- the way
13 they are written, they talk about
14 attention-getting devices. Those are prohibited;
15 this is prohibited. That's what -- it's still
16 vague. I mean, it's just vague.

17 So the goal is safety. So we want
18 to put that policy in there and work on a way to
19 be able to say, okay. This is the safety policy.
20 So at night if any sign's over this, then we can
21 try to address the issue and maybe educate.
22 Because it's nothing for the sign owners to do it.

1 They just program it in the computer. And if you
2 look at it, they are going to like it much more
3 because you can read their sign better at night.
4 So I mean, those are some of the ways where I'm
5 going with this. I don't know if you can put a
6 number on this because how do I regulate that
7 number?

8 MS. TERRILL: We can't specify lumens.

9 MR. CROSS: Right.

10 MS. FRANKE: That would be something for
11 that committee to look at, though, because of
12 safety.

13 MR. CROSS: Absolutely.

14 And the applicant's aware of that.
15 He has made it vary clear that that's a priority
16 to him. And his sign that he has at the
17 barbershop, it's -- I don't -- I don't notice
18 issues with it, but, you know, it seems to be
19 working there.

20 CHAIRPERSON COWHIG: Is there anyone in
21 the audience who wanted to speak either for or
22 against this petition or just simply to ask a

1 question?

2 When a sign is for businesses other
3 than at that location, it's not an accessory to
4 the principal use which is the motel?

5 MR. CROSS: It's a separate lot.

6 CHAIRPERSON COWHIG: It is? Okay.

7 MR. CROSS: Yeah. And one thing I do
8 think we need to know is if you notice one
9 difference in this request from the other one,
10 this request is a conditional use for the outdoor
11 advertising and a variance in the noticing
12 requirement. Because this lot is only 3750 square
13 feet. So there's never going to be any primary
14 building on it because it's a nonbuildable lot.

15 So staff made a recommendation that
16 we need to add a variance to this to make this a
17 buildable -- or to allow for the construction of
18 this on this site.

19 Because we don't -- we just make
20 sure that this lot is a -- since it's not a
21 buildable lot, to make sure that this actually
22 could be --

1 MS. TERRILL: So we need two separate
2 motions.

3 MR. CROSS: I would say, yes. We make a
4 motion for a variance --

5 MS. TERRILL: Now, a variance brings in a
6 hardship. How is that going to affect?

7 MR. CROSS: The lot that's been -- I
8 mean, it's an unbuildable lot.

9 CHAIRPERSON COWHIG: The hardship is that
10 the lot probably never --

11 MS. TERRILL: How is that an established
12 hardship?

13 MR. CROSS: Should have never -- there
14 was always an unbuildable lot there.

15 MS. TERRILL: Okay.

16 MR. CROSS: Okay? There was ingress,
17 egresses to cut the whole complex up. He was --
18 that lot has -- was always in a situation where it
19 would never be buildable, never.

20 MS. TERRILL: I'm not connecting the
21 dots, but I guess that's okay.

22 MS. FRANKE: Could we act first on the

1 application?

2 MR. CROSS: Sure.

3 MS. FRANKE: Okay.

4 MR. CROSS: And I think you can -- I
5 mean, Mr. Power could tell you.

6 I mean, do you think we need to do a
7 second action or can we incorporate the variance
8 into the conditional use permit?

9 MR. POWER: You can do whatever you want.

10 MS. TERRILL: Aren't they two different
11 sets of findings?

12 MR. POWER: Well, you have to make
13 separate findings too. Probably be easier if you
14 do it in two.

15 The question was can you do it in
16 one, yeah.

17 MS. FRANKE: We will do it in two.

18 In the matter of PB16-11, an
19 application by Sign's of the Times requesting a
20 conditional use permit to allow for the erection
21 of an outdoor off-premises advertising sign at the
22 property commonly known as 2131 South Schuyler

1 Avenue, I make a motion that we recommend the city
2 council approval.

3 This use would be consistent with
4 the surrounding neighborhood. It is suitable for
5 that use. There would be no interference with the
6 public health, safety or general welfare hopefully
7 if the lighting's less, and no difficulty of
8 enjoyment of the property by neighbors for its
9 intended use.

10 CHAIRPERSON COWHIG: Is there a second?

11 MR. AMES: I'll second.

12 CHAIRPERSON COWHIG: Motion by
13 Miss Franke. Seconded by Mr. Ames to recommend
14 approval of the requested conditional use permit
15 and also to grant the variance requested.

16 MR. CROSS: No, she --

17 CHAIRPERSON COWHIG: No, I take that
18 back. Just to recommend the approval of the
19 conditional use permit.

20 Is there any further discussion?

21 Would you call the roll, please.

22 MR. CROSS: Sure.

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Edwin Eckhardt?

MR. ECKHARDT: Yes.

MR. CROSS: Carol Franke?

MS. FRANKE: Yes.

MR. CROSS: Marsha Lloyd?

MS. LLOYD: Yes.

MR. CROSS: Berry McCracken?

MR. McCRACKEN: Yes.

MR. CROSS: Debra Terrill?

MS. TERRILL: Yes.

MR. CROSS: Chip Rorem?

MR. ROREM: No.

MR. CROSS: Willie Ames?

MR. AMES: Yes.

MR. CROSS: Loretto Cowhig?

CHAIRPERSON COWHIG: No.

MR. CROSS: Motion to recommend approval
carries.

CHAIRPERSON COWHIG: So the question with
the variance is still outstanding.

MS. FRANKE: All right. In the matter of
PB16-11 I make a -- I move that we approve the

1 variance for the property 2131 South Schuyler
2 Avenue to allow for construction on an unbuildable
3 lot. It does relate to a specific parcel of land.
4 It can be granted without any substantial
5 detriment to the public good. The benefits of the
6 variance would outweigh any detriment, and it
7 would not impair the intent and purposes of the
8 zoning ordinance and our comprehensive plan.

9 CHAIRPERSON COWHIG: Is there a second?

10 MS. LLOYD: Second.

11 CHAIRPERSON COWHIG: Motion by
12 Miss Franke. Seconded by Miss Lloyd to grant the
13 variance. We don't send that to the city council.
14 We can do that ourselves.

15 MR. CROSS: Correct.

16 CHAIRPERSON COWHIG: Could we call it a
17 nonconforming lot size rather than unbuildable
18 lot?

19 MS. FRANKE: I was just using the -- yes,
20 nonconforming lot size.

21 CHAIRPERSON COWHIG: Thank you.

22 MS. FRANKE: Which would result in an

1 unbuildable lot.

2 CHAIRPERSON COWHIG: By definition.

3 MS. FRANKE: Yes.

4 CHAIRPERSON COWHIG: Any further
5 discussion?

6 MR. ROREM: I had a question. Clarify
7 for me. Does this variance go with the property
8 or go with the applicant?

9 MR. CROSS: It will go with the
10 property -- with the variance specific item, and
11 it goes with the construction. Well, it's
12 generally variances are attached to accessory
13 structures. I -- you probably need to clarify the
14 extent of the variance. Is it to this particular
15 use only to allow for the construction of this use
16 only or are you going to attach the variance
17 permanently to the property? Which I would say
18 no. Because after 12 months, you know, on any
19 variance -- I would say you need to -- you need to
20 make it variance specific in stating that it
21 allows for the building of this sign because
22 only-only.

1 MS. FRANKE: So I amend that to state
2 that this is only in reference to the building of
3 the requested advertising sign.

4 MR. CROSS: And another thing you need --
5 might want to consider adding to that because you
6 are attaching it to the sign itself is that it
7 maybe you allow -- and maybe you don't want to --
8 100 percent rebuild provision if for some reason
9 it's taken down by a tornado or something so he
10 can get it insured and rebuild it without coming
11 back before this board.

12 Because the 60 percent provision
13 theoretically if it's a non-single family
14 residential use apply. You see what I am saying
15 with that? I mean, do you just say it's got
16 100 percent rebuild provision as part of this
17 variance. You might need to make that condition
18 to that in addition after -- and that's a very
19 good point when you brought that up.

20 MS. FRANKE: Then with the addition of
21 100 percent rebuild --

22 MR. CROSS: For the sign --

1 MS. FRANKE: -- for the sign --

2 MR. CROSS: -- only.

3 MS. FRANKE: -- for the sign only due to
4 weather --

5 MR. CROSS: Due to natural -- just
6 natural causes.

7 MS. FRANKE: Natural causes. Due to
8 natural causes.

9 CHAIRPERSON COWHIG: Miss Lloyd, is that
10 amendment acceptable to you?

11 MS. LLOYD: Yes.

12 CHAIRPERSON COWHIG: Any further
13 discussion?

14 Would you call the roll, please.

15 A yes vote is to grant the variance.

16 MR. CROSS: Edwin Eckhardt?

17 MR. ECKHARDT: Yes.

18 MR. CROSS: Carol Franke?

19 MS. FRANKE: Yes.

20 MR. CROSS: Marsha Lloyd?

21 MS. LLOYD: Yes.

22 MR. CROSS: Berry McCracken?

1 MR. McCRACKEN: Yes.

2 MR. CROSS: Debra Terrill?

3 MS. TERRILL: Yes.

4 MR. CROSS: Chip Rorem?

5 MR. ROREM: No.

6 MR. CROSS: Willie Ames?

7 MR. AMES: Yes.

8 MR. CROSS: Loretto Cowhig?

9 CHAIRPERSON COWHIG: No.

10 MR. CROSS: The variance carries with
11 those conditions.

12 CHAIRPERSON COWHIG: Thank you.

13 I don't think we have any other
14 business.

15 MR. CROSS: Now, the applicant will
16 receive a letter with that variance provision.

17 CHAIRPERSON COWHIG: Since there's no
18 further business, we are adjourned. Thank you
19 all.

20 (Those were all the proceedings
21 had ending at 8:16 o'clock p.m.)

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1 STATE OF ILLINOIS)
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I, DIANA DEBRA SABO, CSR, do hereby
certify that I am a court reporter doing business
in the State of Illinois, County of Will; that I
reported in shorthand the proceedings at the given
hearing held on September 20 of 2016 and that the
foregoing is a true and correct transcript of my
shorthand notes so taken as aforesaid.

Diana Debra Sabo
Certified Shorthand Reporter
Notary Public
Will County, Illinois



My notary commission expires:
April 21, 2017.