VILLAGE of SUGAR GROVE
REGULAR MEETING of the
PLAN COMMISSION / ZONING BOARD of APPEALS
MINUTES of APRIL 17, 2013

1. CALL TO ORDER

The meeting of the Sugar Grove Plan Commission / Zoning Board of Appeals (ZBA) was called to order at 7:00 p.m. by Chairman Irv Ochsenschlager in the Village Hall Board meeting room.

2. ROLL CALL

Plan commission/ZBA members present:

Irv Ochsenschlager, Jim Eckert, Don Meisinger, Rebecca Sabo and Mary Heineman
Absent: Ryan Reuland and John Guddendorf

Also present: Mike Ferencak, Village Planner; Richard Young, Community Development Director; and Jim Olguin, Attorney for McDonalds USA, LLC

3. APPROVAL OF MINUTES of the March 20, 2013 MEETING

Motion was made by **Commissioner Eckert** and seconded by **Commissioner Meisinger** to approve the minutes of the March 20, 2013 Plan Commission meeting as presented.

The motion carried by unanimous voice vote.

4. PUBLIC HEARINGS

a. Petition 13-001: Sign Ordinance – Text Amendment (Village of Sugar Grove)

Chairman Ochsenschlager opened the continued public hearing. No public were in attendance. Staff stated that the Commission had a copy of the ordinance delivered last Friday with yellow highlighted text and that now there is another copy that has been distributed with green highlighted text noting additional changes made by staff within the last few days and the one being reviewed tonight. Staff is requesting the Commission to make a positive recommendation to the Village Board for adoption at the May 21st Board meeting.

Petitioners' Request: None

Petitioner Presentation: None

Public Comments/Questions: None

Chairman Ochsenschlager closed the public hearing with no comment from the public.

5. **OLD BUSINESS**
None

6. **NEW BUSINESS**

a. Petition 13-001: Sign Ordinance – Text Amendment (Village of Sugar Grove)

Commissioner Eckert asked that the maximum size for temporary political signs be clarified better, 16 square feet for residential and 32 square feet for non-residential.

The ordinance should allow for a menu board sign for each drive thru lane. The square footage is calculated of the actual sign face only.

The Non-Residential Flag dimensions need to be reversed; the building-mounted can be 8 feet over the top of the building; ground-mounted can be 25 feet from the ground.

11-14-11 – clarified that this section is for external hanging banners for up to 45 days per calendar year of businesses already occupied.

11-14-8, Page 21, Residential Informational flags the dimensions should again be reversed; 6 feet for the building-mounted flags and 20 feet for the ground-mounted flags.

Commissioner Sabo asked that 11-14-5 Prohibited Signs letter C, should say except flags.

Non-Profit or Governmental Event Signs examples would include the fire district blood drives, pork chop dinner, community center, etc. The size of the signs will need to be adjusted to comply with what the non-profit organizations are using in town.

The light blue print in the draft indicates changes in the codes' codification to make it consistent with the sign ordinance.

A motion was made by **Commissioner Eckert** and seconded by **Commissioner Sabo** to recommend approval of the request with the above changes.
The motion carried by unanimous voice vote.

b. **Petition 13-003: Sugar Grove Center – Minor PUD Amendment (McDonald's USA, LLC)**

Mr. Ferencak explained that the request was for the south subdivision sign on Galena Blvd. It has a McDonald's sign panel on the sign that does not comply with the PUD Ordinance. The applicant has applied to amend the PUD to allow the sign. Staff recommends denial since it does not comply with the PUD. **Mr. Young**

explained that the Sugar Grove Center PUD was very specific in the design for the pylon signs by only allowing for opaque background paneled signs with the light showing through the letters of each sign being the color difference. It's a matter of changing the overall PUD design and allowing one that's different. The McDonalds red matches the letters of the Jewel sign making it appear more aesthetically pleasing but if there were added blue, orange and purple background panels, the aesthetic feel would be much bolder.

The owner of the pylon signs is now MB Bank. MB Bank has requested that the sign panel on the west subdivision sign along Route 47 be removed. MB Bank would allow the McDonald's sign panel on the south sign to remain due to the PUD allowing for a Jewel Express sign (originally planned for the same lot that McDonald's is on).

Jim Olguin represents McDonald's. The bank would like to leave the Route 47 sign open for potential future tenants as leverage for negotiation, plus McDonalds already has a freestanding sign on the Route 47 frontage. The owner has not had any objection to the color of the sign. They have reviewed the PUD and don't feel that it restricts the background color for the tenant panels on the pylon sign. There is quoted text from the PUD on page 3 of the staff report as texture and colored aluminum cabinets, plural, but the PUD actually says only a single cabinet, not plural. The arrow extends only to the Jewel portion of that sign. Further down in the PUD it states that the tenant sign can vary in color. The aluminum cabinet is the surrounding frame that houses the sign panels not the panels themselves. Based on the exhibit that staff is referring to, McDonald's disagrees with the staff interpretation. On paragraph 6 of the PUD Ordinance which discusses the sign criteria and references the exhibits, it indicates that there is a specific line which states that there shall be no color restrictions on any wall or ground signs. In that particular section there is no ambiguity or discussion of the cabinet whatsoever. McDonalds sees this line as a clear authorization for no restriction on the tenant panels. They feel what they installed is allowed per the PUD Ordinance.

The Route 47 sign is a matter of negotiation with the bank but the color needs to be decided either way for Galena Boulevard sign with the Village.

Commissioner Heineman stated that she feels from a practical standpoint it doesn't make sense to her that the Village should prohibit an entity from using their national logo with its colors. Many times from a distance the logos are recognizable from the shape and colors. Multi-national companies should be able to utilize what they spent money developing.

Staff is recommending that McDonalds replace their panel with one that has a beige/tan background with red letters that are their font and only the letters are illuminated. Several examples were discussed including others in the Village and some located in other communities like Oak Brook. Lettering can vary but the panel

backgrounds were intended to be the same color. **Mr. Ferencak** asked for the time to review the PUD again due to the new information presented by Mr. Olguin.

Staff stated that the building permit process should have been followed before installing a tenant panel. These are the types of issues that are checked and researched when a building permit is applied for. The owner permission is part of this process. These types of permits are usually issued within a business day.

Mr. Olguin agreed that McDonald's didn't handle the installation or permit correctly, but this is their trademark sign. He stated that if there was anything in the Ordinance that indicated to them that there was ambiguity, the original sign package would have included something addressing this situation.

Mr. Young requested that the Commission make a recommendation to the Village Board as to whether or not the sign that McDonald's put up meets with the overall design of the center or not; and then the Village Attorney can also review the agreement and provide his legal opinion to the Board as well.

Commissioner Sabo stated an incident in Naperville where the City required Red Roof Inn to change their red roof to a beige roof to preserve the overall look they wanted for that situation. Maintaining the balance between upholding Sugar Grove's Ordinances and being flexible and encouraging to new business is a fine line.

The village attorney needs to advise the intention of the PUD regarding these types of signs.

This situation has been going on for months. Ownership needed to be determined and McDonalds took a while to respond to the request for Minor PUD Amendment application.

The Village Sign Ordinance is not what is being discussed for this situation, it's the individual PUD for this Center and its specific requirements.

A motion was made by **Commissioner Heineman** and seconded by **Commissioner Meisinger** to recommend approval of the Minor PUD amendment request as presented.

The motion was denied by a vote of 3-2.

Staff will report back to the Commission at the next meeting and review with the Village Attorney. It will go before the Board for action on 5/21/13.

7. **PLAN COMMISSIONER COMMENTS, PROJECTS UPDATES and MISCELLANEOUS INFORMATION**

Capitol Professional Center Minor PUD Amendment – This amendment to the signage on site has been held up going before the Board to give Doctor Aggarwal the opportunity to confer with his contractor on the flat sign and time limit of three years without conditions.

Age restricted Apartment Complex is currently waiting for State funding approval in July.

The Landings may have a new user and may make a big announcement by the end of summer.

The stop light at Park Avenue and State Route 47 hasn't met the State's qualifications for necessity, which unfortunately means more accidents. The Village has applied for a grant with the County for funds. The engineering is moving forward with LAPP funds from the Federal Government for improvements to the intersection of Bliss and Route 47.

American Heartland Bank still needs to submit architectural plans for review and approval from the architectural review committee and Village Board.

8. **ADJOURNMENT**

A motion was made by Commissioner Eckert and seconded by Commissioner Meisinger that the meeting be adjourned at 7:58 p.m.

The motion carried unanimously by voice vote.

Respectfully submitted,
Holly Baker
Substitute Recording Secretary