

**CITY OF WOODSTOCK
PLAN COMMISSION MINUTES**

August 28, 2014 - City Council Chambers

The regular meeting of the Woodstock Plan Commission was called to order at 7:00 PM by Chairwoman Katherine Parkhurst on Thursday, August 28, 2014 in Council Chambers at City Hall. A roll call was taken.

PLAN COMMISSION MEMBERS PRESENT: Don Fortin, Robert Horrell, Darrell Moore, Chairwoman Katherine Parkhurst, William Clow, Steve Gavers, Doreen Paluch, Erich Thurow

PLAN COMMISSION MEMBERS ABSENT: Jack Porter

STAFF PRESENT: City Planner Nancy Baker

OTHERS PRESENT: City Clerk Dianne Mitchell

APPROVAL OF AGENDA AND MINUTES

Motion by W. Clow second by D. Paluch approve the Agenda of the August 28, 2014 Plan Commission Meeting as presented. Ayes: W. Clow, S. Gavers, R. Horrell, D. Paluch, D. Fortin, D. Moore, K. Parkhurst, E. Thurow. Nays: None. Absentees: J. Porter. Abstentions: None.

Motion by W. Clow second by D. Paluch, to approve the Minutes of the July 24, 2014 Plan Commission Meeting as presented. Ayes: W. Clow, S. Gavers, R. Horrell, D. Paluch, D. Fortin, D. Moore, K. Parkhurst, E. Thurow. Nays: None. Absentees: J. Porter. Abstentions: None.

1. PUBLIC COMMENTS

No comments from the public.

2. OLD BUSINESS

No old business was discussed.

3. NEW BUSINESS

- Public Hearing on wall sign variation for 361 South Eastwood Drive (Jimmy John's)

CALL ROLL: Chairwoman Parkhurst opened the Public Hearing at 7:01 PM. A roll call was taken and it was determined that a quorum was present.

Chairwoman Parkhurst swore in petitioner Bill Holly, 310 Telser Rd., Lake Zurich. B. Holly reported that they are proposing a new sign at the Jimmy John's location at 361 South Eastwood Drive. He stated that they want to remove the existing sign and install a new sign reading "Jimmy John's" with the logo but without "gourmet sandwiches". He advised that the Jimmy John's letters are a little larger than the current sign although it is a stacked copy as opposed to being side by side. He stated that the overall square footage of the existing sign versus the new sign is very similar with the new sign exceeding the old sign by about 2 sq. ft. He reported that it is wireway mounted and standard 5" depth aluminum channel letters with LED illumination.

D. Fortin stated that the new sign is only 2 sq. ft larger than the other one and questioned if it is a corporate franchise change or something that the franchisee wants to do. B. Holly stated that it is a corporate change, but it is a franchisee that is changing their sign to eliminate the "gourmet sandwiches" portion. D. Fortin questioned if it is a requirement by the franchise. B. Holly stated that he doesn't know if it is a requirement and believes it is based on the franchisee who wants to enlarge the "Jimmy John's" footprint and eliminate the "gourmet sandwiches" part.

D. Moore questioned if he knew the dimensions of the other signs in the strip. B. Holly stated that he does not and noted that some of the older tenants in this shopping center have larger signs, basically equivalent to the square footage of what Jimmy John's is looking to do. He stated that he is aware that the sign criteria has changed since some of the older tenants moved in. He advised that Jimmy John's would like to update their sign to LED so they are taking this opportunity to remove the "gourmet sandwiches" portion. He stated that they are requesting a variance because Jimmy John's would like the Commission to consider them an existing tenant in the shopping center. He advised that they feel if they go down to the current signage that is allowed they would be at a disadvantage to some of the other tenants which still have much larger footprint signs.

D. Moore questioned with the process for producing the sign if there are any number of sizes to choose from. He questioned if Jimmy John's chose to go smaller, would such a sign be available to them. B. Holly affirmed and advised that a sign could be custom made to fit any particular size noting that they have to stay with the same letter font, logo and style of sign.

D. Moore questioned if part of the reason for the new sign is that the lettering becomes easier to read since it isn't competing with the words "gourmet sandwiches" and B. Holly affirmed. He stated that Jimmy John's has been around for a while and they are more established. He stated that they feel that they can be without "gourmet sandwiches" and not exceed the square footage of the old sign but enlarge their footprint on what they feel is necessary to get their message out.

D. Moore questioned if the sign would be more easily read once "gourmet sandwiches" is removed even with no increase in size. B. Holly stated that if you scale down the new Jimmy John's sign to the Jimmy John's letter size you will find that the sign will scale to almost half of its drawn up size - based on the overall frontage, the height and width of the signable area, it would look quite small based not only on the other signs but also on the signable area they have. D. Moore questioned if he thinks it would have trouble competing for attention amongst larger signs. B. Holly believes it would be at a disadvantage.

B. Clow questioned if the sign they are proposing is 41.55 sq. ft. and B. Holly affirmed. B. Clow stated that according to the Staff report a sign that would be in compliance with the current UDO would be about 30 sq. ft. so the variance they are looking for is 11.5 sq. ft.

Chairwoman Parkhurst advised that she doesn't have an issue with the new sign design and she believes the size fits in with the other signs out there; however, she does have concerns because the City adopted the new UDO and wants to start enforcing the new regulations. She is generally opposed to variances because if they grant this one every other tenant is going to ask for the same thing or when new tenants move in it is harder to justify starting to use the sign code.

R. Horrell stated he read that the existing sign is 41.55 sq. ft. and the proposed sign is 41.55 sq. ft. B. Holly advised that there is approximately a 2 sq. ft. difference between the existing and the proposed with the proposed being bigger. R. Horrell stated that some of the newer tenants look like they are smaller than Jimmy John's. He questioned if anyone in the center has complied with 30 sq. ft and N. Baker stated that if they went in after 2007 they should be in compliance.

R. Horrell shares Chairwoman Parkhurst concerns that there is an ordinance which clearly spells out what the Commission needs to consider and one of them is hardship. He stated that he was hoping that somewhere in the petition there would be a stated hardship but he hasn't found it yet. He sees this just as a redesign; the franchisee is desirous of having a little bit of a different look.

B. Holly stated that it's not just the look and noted that the sign is being updated to a LED type sign for longevity and energy conservation. He advised that they are taking this opportunity to design a sign which is close to the existing sign but in removing the "gourmet sandwiches" portion their attempt is to maximize the footprint for the "Jimmy John's". He stated that they are asking the Commission to look at them as an older tenant that was in this location prior to the current sign criteria. He understood that with any new tenant it is expected they will abide by the new criteria.

B. Holly stated that Jimmy John's feels that in this particular case they would feel penalized if they had to get a smaller sign which would no longer compete with other businesses in the same shopping center who kept their old sign.

S. Gavers questioned if it is just this Jimmy John's changing the sign or is it all Jimmy John's and noted that he is okay with streamlining things because in reality when you drive by two words is all you can remember. B. Holly stated that he can't speak to all of the franchisees and stated that it is his assumption that Jimmy John's is not requiring all of their locations to update their signage. He advised that it is this particular franchisee's idea to replace their older sign with an updated sign and they feel that going without "gourmet sandwiches" suits their needs better.

In response to S. Gavers, B. Holly stated that there are standard sizes for the Jimmy John's locations that are fabricated in one location. He advised that there are various installers that install them throughout the country. S. Gavers questioned if telling them that you want a sign a little different would be a big deal. B. Holly stated that it would be a much bigger deal and advised that the sign would have to be fabricated and engineered according to that particular size.

E. Thurow questioned if they can reduce the sign to the 30 sq. ft. B. Holly advised that any sign can be custom made to fit any particular size. He stated that Jimmy John's as well as a number of franchisees have standard signs that they use throughout the country that they try to accommodate different criteria in different towns and cities.

E. Thurow questioned if they feel if they reduce the size of the sign that it will cut down on traffic noting that it is established and you have the other sign out front. B. Holly stated that the next standard size down that fits within the criteria reduces the size of the sign considerably. In response to E. Thurow, N. Baker advised that they have been there since 2005.

Public Comments of Public Hearing

No comments from the public. Chairman Parkhurst closed public comment at 7:19 P.M.

Chairman Parkhurst appreciates Jimmy John's being in town and noted they do a good business. She pointed out that the franchisee is the one asking for a change and it is nothing that the City is asking for. She stated that since Jimmy John's is asking for the change, she believes the Commission has every right to have it comply with City requirements. She appreciates the change to LED as it is more efficient but it is possible to do the sign in compliance with the sign code which is not unusual.

D. Fortin stated that he was looking for a hardship but he couldn't see it noting that Jimmy John's isn't required to change the sign. He advised that it would be cheaper than putting up a smaller sign that is less effective. He believes it isn't a destination place and requires signage to be seen from the road but he doesn't see it as being a hardship. He stated that they could leave it the same

and nothing would change. He agrees that in the future he would like the signs to comply with the current ordinance. He noted that in this case, they don't have to change the sign and questioned if the Commission wants to cooperate and be business friendly.

D. Paluch stated that her initial thought was if it's the same size what difference does it make but when looking at the specific requirements that the Commission is to apply when determining if a variation is appropriate, she doesn't think that this petition meets those requirements. She stated that if the Commission does allow for the variance they are undermining the value of the ordinance - in other words why did the Commission bother to alter the ordinance if they are going to allow for petitioners to get variations from it without meeting the criteria. She stated that the issue she is hung up on is the hardship issue and stated that the Commission hasn't seen any plight of the owner that is due to unique circumstances.

Motion by R. Horrell, second by W. Clow, to deny the request for a variation of the Unified Development Ordinance, Section 13.8.1, Wall Signs, to allow a 41.55 sq. ft. wall sign above the storefront at 361 S. Eastwood Drive on the basis of reviewing the factors in Section 11 of the UDO, specifically there are no existing visibility problems, the ordinance is not too limiting to the size of the sign, illumination allowed by the ordinance doesn't invoke practical difficulties, the ordinance is not too limiting in allowing the logo value of nationwide promotion or advertising, there is no evidence presented that the franchisee has to make this alteration according to the franchise agreement and there is no evidence of hardship that warrants a variation. A roll call vote was taken. Ayes: W. Clow, S. Gavers, R. Horrell, D. Paluch, D. Fortin, D. Moore, K. Parkhurst, E. Thurow. Nays: None. Absentees: J. Porter. Abstentions: None. Motion carried.

The public hearing was closed at 7:26 PM

4. DISCUSSION ITEMS:

N. Baker reported that the Commission may meet in September regarding a special use permit application for another medical marijuana dispensary.

R. Horrell questioned some of the signs around the community such as pennant flags and a changeable copy sign flashing in front of a church. N. Baker advised that hopefully a lot of the signs on Rt. 47 will be coming down noting that they did a major campaign to get some of it cleaned up. She advised that a business is allowed a temporary extraordinary promotional sign permit once a year that is good for up to 60 days. She reported that the church sign was not supposed to be flashing and advised that they had problems with installation; she noted that it shouldn't be flashing anymore. She advised that the City sent out about fifty violation notices so it should look better soon.

5. ADJOURNMENT

Motion by W. Clow, second by D. Paluch to adjourn the regular meeting of the Woodstock Plan Commission. Ayes: William Clow, S. Gavers, R. Horrell, D. Paluch, D. Fortin, D. Moore, K. Parkhurst. Nays: None. Absentees: J. Porter, E. Thurow. Abstentions: None.

Meeting adjourned at 7:30 PM.

Respectfully submitted,

Dianne Mitchell - City Clerk