



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, DECEMBER 7, 2011
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Acting Chairman Greenman at 7:30 p.m. On roll call, members Esposito, Gavle, Goss, Lembke, Skluzacek, and Greenman were present. Members Batastini, Jouron, and Hayden were absent.

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, were present from Staff.

Mr. Greenman said tonight's meeting has a very full agenda and asked that if anyone wished to speak on a petition to please sign in on the sheets in the rear of the Council Chambers. He added that the petitioners did not need to sign in. Mr. Greenman stated that this meeting is being televised now as well as being recorded for future playback on the City's cable station.

APPROVE MINUTES OF THE NOVEMBER 2, 2011 PLANNING AND ZONING COMMISSION MEETING

Mr. Esposito moved to approve the minutes from the November 2, 2011 Planning and Zoning Commission meeting as presented. Mr. Goss seconded the motion. On roll call, members Esposito, Gavle, Goss, and Greenman voted aye. Members Lembke and Skluzacek abstained. Motion passed.

APPROVE MINUTES OF THE NOVEMBER 16, 2011 PLANNING AND ZONING COMMISSION WORKSHOP

Mr. Goss moved to approve the minutes from the November 16, 2011 Planning and Zoning Commission workshop as presented. Mr. Gavle seconded the motion. On roll call, all members present voted aye. Motion passed.

2010-06 2030 COMPREHENSIVE LAND USE PLAN AND MAP – PUBLIC HEARING

This petition is being continued to the January 18, 2012 PZC meeting.

Mr. Esposito moved to continue 2010-06 Comprehensive Land Use Plan and Map public hearing to the January 18, 2012 PZC meeting. Mr. Goss seconded the motion. On roll call, all members voted aye. Motion passed.

2011-56 CHASE BANK – 1185 S Route 31 – PUBLIC HEARING

Final PUD Amendment, Variations to allow additional exterior signage and uplighting.

Mr. Greenman stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Greenman waived the reading of the legal notice without objection.

John Streetz and Shanda Jones both with Doyle Signs, and Paul Nix with Chase Bank were present to represent the petition. Mr. Streetz said they are requesting additional signage, uplighting on the building, and Chase Bank toppers for the ATM machines. The proposed changes are the new design for Chase Banks. He said that in the staff report it is noted that this request is for an additional 346 square feet of signage. Mr. Streetz said the two logo signs on the towers will be illuminated and allow for additional visual identification. The toppers on the ATMs were installed in error and this request is to allow them to remain. He added that the architectural lighting was previously installed and has been turned off pending approval.

Mr. Streetz showed photos of the building during the day and showed the locations of the proposed signs and wall illumination. He also showed photos of an existing building in Texas that were taken at night to show the illumination of the building. They believe the upgrade will be beneficial to the surrounding area and will allow for better visibility of the site. Mr. Streetz said the traffic circulation will also improve. This is an entry point to the City and will benefit the community.

Mr. Greenman asked if the petitioners had any comments on the recommended conditions in the staff report. Mr. Streetz said no.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Goss said he has no problem with the two additional emblems on the towers. He said by the time a customer gets to the drive-through ATM they know they are at a Chase Bank so the toppers are not needed. He also believes the blue lights detract from the architecture of the building.

Mrs. Lembke agreed and said she does not care for the lighting either.

Mr. Gavle is concerned with the amount of additional signage being requested. This request is double what was previously approved which he believes was more than what was allowed by the City's ordinances. Mr. Gavle said this is a slippery slope and can't approve the additional signage.

Mr. Esposito agreed. He said the blue lighting detracts from the architecture and agrees that the toppers for the ATMs are not needed. The blue lights were requested in the past and not approved. Mr. Esposito said he does like the two logos for the towers.

Mr. Skluzacek said he is ok with the two logos but not with the blue lights or ATM toppers.

Mr. Greenman said he agrees with the consensus of the Commissioners. When he reviewed the Findings of Fact he believes that the lights do make the building unsightly as it detracts from the architecture. He does understand the petitioners' vantage point but he feels the opposite. Mr. Greenman feels that the UDO standards need to be met and the adjacent properties will be adversely impacted by the lighting, etc. that is being requested. He understands that Chase wants their bank to stand out but the City tries to be consistent. This is an entrance to the City and the lighting proposed does not blend in with the area.

Mr. Goss said the Findings of Fact are difficult to apply.

Mr. Streetz said he appreciates the comments that have been made. They don't agree that the lights will detract from the architecture. He asked if the Commission would be agreeable to dimming the lights 25 to 50%. The lights are very soft now but asked if this could be considered. Mr. Goss said it is still considered signage and it is not acceptable. Mr. Streetz said the toppers can be removed but they feel that the lighting is not signage.

Mr. Goss asked why this was not included in the original petition. The City dealt with the signs then and the lighting and extra toppers were installed without approval. Mr. Streetz said he didn't have an answer for that. Mr. Nix said he was involved with the original petition. He doesn't know why the lighting was not included. Mr. Goss asked if it was included in the plans given to the Building Division for review. Mr. Nix said he did not know. He said this has been done in over 80 branches around the country. The lights can be dimmed. Mr. Goss said Citi Bank on Virginia and Keith wanted lighting similar to this around their building and the City said no. He works for a Fortune 500 company and understands about sign packages. The businesses need to adapt for each individual municipality.

Mr. Greenman said the lighting is part of the signage no matter how dim or what color it is. Mr. Nix said that makes the bank unique. Mr. Greenman said it is considered signage per our ordinance and we try very hard to keep the same approach with each request and can't support it. Mr. Nix said he hasn't looked at the City Code but doesn't understand why the Holiday Inn has lighting similar to what they are requesting. Mr. Goss stated that the Holiday Inn was approved many generations of the ordinance ago. The City has tightened up the ordinance since then.

Mr. Streetz said he understands that the proposed lighting is a problem and would be agreeable to withdrawing the lighting and toppers for the ATM leaving only the two logo signs. The members were in agreement with the withdrawal of a portion of the request. Mr. Greenman asked what the square footage of the two logos is. Mr. Streetz said they are 16 square feet each. Mr. Greenman asked what the total square footage of signage would be if the two logos were approved. Ms. Maxwell said the original petition was less than the 150 total square feet allowed. It was close to 144 square feet. Mr. Greenman said the additional 32 square feet would put them over the 150 square feet that is allowed.

Mr. Goss moved to approve the Final Planned Unit Development Amendment to allow ~~changes to the approved exterior elevations for lighting and the addition of wall signage to exceed the maximum of 150 square feet to allow the addition of approximately 346 square feet of wall signage as up-lighting and two~~

new illuminated logo signs for the north and south towers that are 16 square feet each ~~as well as PUD variations to the lighting requirements and Removal of Condition #4 from Ordinance 6611 to allow signage on the drive-up ATM for Chase Bank at 1185 S. Route 31 with the following conditions:~~

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Doyle Signs, Inc., received 10/14/11)
 - B. Sign and Elevation Plan (NW Signs, dated 10/10/11, received 10/14/11)
 - C. ~~Signage Exhibit (photos and lighting spec) (NW Signs, received 10/28/11)~~
 - D. ~~Electrical Plan (The Design Professional, dated 06/28/10, received 11/4/11)~~
2. Previous conditions of Ordinance #6611 remain in effect, except as modified by this request.
3. As a condition of the Final PUD Amendment, variations are granted to allow the proposed development plans that meet the final requirements of the Planning & Zoning Commission and the City Council.
4. The petitioner shall address all of the review comments and requirements of the Engineering and Building, and Planning and Economic Development Departments.

Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

2011-58 KYOTO RESTAURANT – 5690 Northwest Hwy. – PUBLIC HEARING

Final PUD Amendment to allow three backlit architectural pieces on the exterior elevations.

Mr. Greenman stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Greenman waived the reading of the legal notice without objection.

Chris Wichman, architect, was present to represent the petition. Mr. Wichman said they are requesting to add blue backlit murals to the existing building. He handed out a photo of the potential mural. The building was the former Applebee's and they want to change the look of the building so it has their character. Mr. Wichman said there was discussion with staff if this is signage or not. There will not be any reference to Kyoto on the murals and would like them on three sides of the building. The design represents coral and would be most likely made out of MDF (Medium Density Fiberboard) board.

Mr. Greenman asked if the petitioner had any comments or concerns with the staff report. Mr. Wichman said they may need to add a white LED light so the white portion of the design can be seen.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Greenman asked for an explanation of how this request is categorized. Ms. Rentzsch said this was difficult to categorize. There are a few ways to look at this and the options are reviewed in the staff report. Ultimately, staff felt this should be considered a Final PUD Amendment to allow the three architectural pieces on the exterior elevations.

Mr. Goss said he doesn't feel that this is a sign. It is art. It does not have any identifying markings or say Kyoto on it. He would prefer that all of the design be backlit and he would like the white portions of the design be made of translucent materials so the light shines through. Mr. Goss said this is completely different from a sign.

Ms. Lembke agreed and added that she is happy that they did not take the building down.

Mr. Gavle is concerned with the design being put on the west side of the building since most of the traffic will be coming from the east and south. He added that the west side is very large. Mr. Wichman said there are a lot of trees on the west side of the building and would consider reducing that side. Mr. Gavle said he would prefer the west side design be eliminated.

Mr. Esposito said the side facing Route 14 is the most important and would get them the biggest bang for the buck. He added that having it all backlit would be great.

Mr. Skluzacek said he doesn't consider this signage and feels this will look good.

Mr. Greenman said this is an architectural element and not signage. It does enhance the building and there is nothing on it with the business' name. He agrees with Mr. Goss about the lighting.

Mr. Goss suggested that if they want a sign on the west side that it should be the same size as the sign on the east so that it will be symmetrical.

Mr. Goss moved to approve the Final PUD Amendment to permit three backlit architectural pieces on the exterior elevations for Kyoto Restaurant at 5690 Northwest Highway with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, (Wichman for Kyoto, received 10-21-11)
 - B. Site Plan, (Meyer, received 10-21-11)
2. The LED lighting shall remain a constant blue "water-like" color.
3. As a condition of the Final PUD Amendment, variations are granted to allow the proposed architectural pieces that meet the final requirements of the Planning & Zoning Commission and the City Council.

4. The petitioner shall address all of the review comments and requirements of the City's Departments.

5. The size of the feature/design on the front elevation is approved. The size of the feature shall be the same on the east and west elevations of the building. The feature/design shall be all backlit and use translucent materials for the “coral” element.

Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion passed.

2011-60 SHELL GAS STATIONS - 220 E. Virginia St.; 681 W. Terra Cotta Ave.; 280 N. Route 31
– PUBLIC HEARING

SUP Amendment for canopy lighting.

Mr. Greenman stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Greenman waived the reading of the legal notice without objection.

Auna Foote with Corporate Identification Solutions was present to represent the petition. Ms. Foote said previously when they came forward with sign revisions the lighting was not considered signage.

Mr. Greenman asked if there were any concerns or questions with the staff report. Ms. Foote said the lighting has been on the canopies for several years and when it was installed it was not considered signage.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Ms. Maxwell stated that this is more a housekeeping petition. She said depending on when it was originally presented some were considered signage and some not.

Mr. Esposito said when they looked at a recent petition he thought that if it were like the Shell's lighting it would not be a problem. Mr. Gavle stated that Shell does a nice job with the lighting. Ms. Lembke said she is ok with the request.

Mr. Goss said he has no problem with the stripes but does have a problem with the lighting. There was no approval for it. He said they have not allowed others to do it.

Mr. Greenman agreed with Mr. Goss. There were several that were denied the lighting and approved the stripes. He is not convinced that if this were a new request that it would be approved. The lights do make the stripe signage. Mr. Goss said the Shell at COG Circle and Route 14 does not have the lighting. Mr. Greenman added that recently there was another gas station requesting the lighting and they showed

the Commission photos of the Shell stations having lighting. Ms. Bhide said that was Mobil and the Council approved the EMC sign and not the lighting. Mr. Goss said the down lighting at gas stations is very bright and this only adds to it. Mr. Esposito said gas stations have always been lit up at night. Mr. Gavle said when he goes by the one on Route 31 and Route 176 he doesn't find it offensive.

Mr. Esposito moved to approve the Special Use Permit Amendments to allow illuminated canopy signage for the Shell/Circle K stations at 220 E. Virginia St., 681 W. Terra Cotta Ave., and 280 N. Route 31 with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Corporate ID Solutions, received 11/16/11).
 - B. Signage Exhibit for 681 Terra Cotta Avenue (Corporate ID Solutions, dated 11/14/11, received 11/16/11)
 - C. Signage Exhibit for 280 N. Route 31 (Corporate ID Solutions, dated 11/14/11, received 11/16/11)
 - D. Signage Exhibit for 220 W. Virginia Street (Corporate ID Solutions, dated 11/14/11, received 11/16/11)
2. Special Use Permit Amendments are hereby granted for each location to allow the illuminated canopy striping.
3. Future changes to the signage, which meet all requirements of the Unified Development Ordinance and are not increasing the amount of signage, shall not be required to amend the Special Use Permit.
4. The petitioner shall comply with all of the requirements of the Planning and Economic Development and Engineering and Building Departments.

Mr. Gavle seconded the motion. On roll call, members Esposito, Gavle, Lembke, and Skluzacek voted aye. Members Goss and Greenman voted no. Motion passed.

2011-61 DAVIS SPEED CENTER – 975 Nimco Rd Unit M – PUBLIC HEARING

Use Variation for a physical fitness use in the manufacturing district.

Mr. Greenman stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Greenman waived the reading of the legal notice without objection.

David Davis was present to represent his petition. Mr. Davis said his business has been in Crystal Lake for almost 8 years. The building they are currently in is being sold and they want to remain in Crystal Lake.

Mr. Greenman asked if the petitioner had any questions or comments about the staff report. Mr. Davis said no.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Ms. Maxwell said many of the spaces in the Manufacturing district work well for this type of business. There are large open spaces and have high ceilings.

Mr. Gavle asked if there have been any complaints on the existing businesses in the "M" district. Ms. Maxwell said parking could be a possible issue. Ms. Rentzsch said there are a few isolated cases but it's due mostly to tournaments. Mr. Goss said this use is currently in the "M" district and doesn't see a problem with it.

Mr. Skluzacek asked if the parking is ok. Ms. Maxwell said there are more than 160 spaces and there are usually only a few employees. When a new business comes into the City the parking in that complex is checked. Mr. Skluzacek asked how many tournaments will be possibly hosted. Mr. Davis said they usually host two strong man competitions a year and there are not more than 30 cars at each. Normally they use only 8 to 10 parking spaces. Mr. Skluzacek said he doesn't have a problem with the request.

Mr. Greenman said this makes perfect sense.

Mr. Goss moved to approve the Use Variation to allow a physical fitness facility use within the M Manufacturing zoning district for Davis Speed Center at 975 Nimco Unit M with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Dave Davis, received 11/16/11).
 - B. Floor Plan (Davis undated, received 11/16/11).
2. The Use Variation applies only to Davis Speed Center in Unit M; any expansion of the use will require modification of this variation.
3. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

Mr. Greenman stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Greenman waived the reading of the legal notice without objection.

Alexandra Esposito with Professional Permits was present to represent the petition. Ms. Esposito said Harris Banks have been purchased by BMO (Bank of Montreal) and they are changing the signs to the blue which is their corporate band. They will be moving away from the gray and red that is currently used by Harris Bank.

Mr. Greenman asked if the petitioner had any questions or comments on the staff report. Ms. Esposito said she is okay with the staff report and said if there are any issues with the signage proposed she has some alternate plans available tonight.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Skluzacek said he is ok with the blue sign. Mr. Esposito said the Harris Bank logo is a Chicago icon.

Mr. Gavle asked if the sign would remain in the same location as the current sign. Ms. Esposito said yes that they will be using the same electrical, etc.

Mrs. Lembke said she doesn't have a problem with the request. Mr. Goss asked what is illuminated and what is flat on the sign. Ms. Esposito explained.

Mr. Greenman asked if Harris Bank will go away now that they have been acquired by another bank. Ms. Esposito said no because BMO understands that this is a Chicago icon. Mr. Greenman asked if the lion will go away. Ms. Esposito said yes.

Mr. Skluzacek moved to approve the Final PUD Amendment to allow changes to the existing monument sign for BMO Harris Bank at 5545 Northwest Highway with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, received 11-17-11
 - B. Sign Details, icon, dated 8-18-11, received 11-17-11
2. The changes to the monument sign are approved as proposed.
3. The petitioner shall address all of the review comments and requirements of the Engineering & Building, Fire Rescue, Police, Public Works, and Planning & Economic Development Departments.

Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

2011-63 BEBE'S DAY SPA – 15 Morgan St. – PUBLIC HEARING
Special Use Permit, Use Variation for a dog day care spa.

Mr. Greenman stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Greenman waived the reading of the legal notice without objection.

Kristin Bourey was present to represent the petition. Ms. Bourey said she is requesting to open a dog day care and grooming business. She has worked with dogs for 11 years in various capacities from vet assistant to dog day care worker and is certified. Ms. Bourey said there will be two play areas inside the building as well as a separate area for grooming. She said they will have a limit of 12 dogs and they must enter and leave on a leash. Their hours of operation will be Monday through Friday 9 to 4 and Saturday will be 10 to 4. The hours are limited to stay away from the high traffic hours. Ms. Bourey said the dogs will be taken outside one at a time on a leash and will be picked up after immediately. The building will be sanitized nightly to reduce any infections, germs, etc.

Mr. Greenman asked if the petitioner had any questions or comments on the staff report. Ms. Bourey said there is a parking plan in the works for their clients and staff. She said regarding the Findings of Fact that they are limited their hours to accommodate the traffic congestion in the area. Mr. Greenman asked if the petitioner had received the memo from staff dated today. Ms. Bourey said yes. There is currently a fence on the property and they will add slats for privacy.

Mr. Greenman said there was an e-mail that was received by staff from Simon Gibson objecting to the use at this location. He asked if the petitioner had received a copy of the e-mail. Ms. Bourey said she had.

Judy Gibson, 330 E. Crystal Lake Avenue, said her husband sent the e-mail and that he was out of town and unable to attend the meeting. Mrs. Gibson said they are concerned with the noise levels from the business. She said the site is near Crystal Lake Avenue which is a very busy road and if a dog gets away from the owner, she is sure the dog won't make it. She added that this site is not appropriate for a dog day care and it is on septic – not City sewer. Ms. Bhide confirmed that the site is on septic and the petitioner will need to contact McHenry County regarding the restrictions and/or regulations for septic. Mrs. Gibson said that will put a strain on the septic field.

There was no one else in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Greenman reviewed the concerns raised by both Mr. and Mrs. Gibson. Ms. Bourey said the hours

were designed to be outside of the peak traffic times and the dogs will be brought in and leave on a leash. She said that is similar to someone entering or leaving a vet. The dogs will be inside and will be taken out only to relieve themselves and one at a time. Ms. Bourey said she will be contacting the County for their septic requirements. Ms. Bhide said the City's well is close to this location but the Public Works Director had indicated that the well is approximately 1100 to 1200 feet deep and is not concerned about it affecting the aquifer.

Mr. Skluzacek said the property is zoned Manufacturing which would allow other more intense uses. He asked if the petitioner was taking the entire building. Ms. Bourey said no, only one unit. There are other businesses in the building currently. Mr. Skluzacek asked if they would also be boarding dogs. Ms. Bourey said no.

Mr. Esposito asked why such a small number of dogs. Ms. Bourey said that would allow them to pay more attention to the dogs. Mr. Esposito said he is a dog owner and his vet is located on Route 14 which is far busier than Crystal Lake Avenue.

Mr. Gavle is concerned with the surrounding neighborhood and the size of the area for the dogs. He can't support the request.

Mrs. Lembke asked if only one dog would be taken out at a time. Ms. Bourey said yes.

Mr. Goss doesn't believe there is a dog day care within a residential area in the City and he is not sure he can support the request.

Ms. Bourey said the building has been used for manufacturing in the past. Mr. Greenman said an allowed use for this district may have a high decibel level with longer hours than this use. He asked if there will be a service to collect the waste or will it be in the normal disposal. Ms. Bourey said it will be normal disposal and in the summer they will remove the waste daily. Mr. Greenman asked about staffing. Ms. Bourey said there will be two there at all times. One in the day care and the other in the grooming area.

Mr. Esposito moved to approve the Use Variation and Special Use Permit in accordance with Article 2, Land Use, of the Unified Development Ordinance, to allow a Pet Care Service as a Permitted Use in the M Manufacturing zoning district for BeBe's Day Spa at 15 Morgan Street with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Kristin Bourey, received 11/22/11)
 - B. Plat of Survey (Luco, received 11/22/11)
 - C. Floor Plan (Schoeneck, received 6/7/10)

2. The Use Variation and Special Use Permit is granted to allow BeBe's Dog Day Care and Spa, as described in the application information. The use shall not be significantly increased, i.e., the addition of additional space or outdoor kennels without amending this request. A change in ownership will require a new use variation and special use permit.
3. This petition must meet the UDO criteria for Pet Care Services (listed in the report above).
4. The petitioner must provide information on the number and type of vehicles stored on this property. A parking plan, to be approved by the Engineering Division, must be provided to accommodate the stored vehicles and the customer traffic.
5. Striped parking areas, in compliance with the UDO must be provided within 3 years from the date of this approval. This will included paving the gravel drive and parking areas.
6. The petitioner shall address any comments and requirements from the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.
7. Slats or other suitable material must be added to the existing fence, per staff approval, to meet the requirements of the Ordinance.
8. The dogs must be supervised at all times they are in the fenced outdoor area.

Mr. Skluzacek seconded the motion. On roll call, members Esposito, Lembke, Skluzacek, and Greenman voted aye. Members Gavle and Goss voted no. Motion passed.

2011-59 UDO AMENDMENT – PUBLIC HEARING

Gasoline Service Stations electronic pricing signs.

Mr. Greenman stated that the Certificate of Publication is in the file and he waived the reading of the legal notice without objection.

Ms. Bhide said the issue of gasoline service station electronic pricing signs has come up several times recently. These signs have been treated as other EMC and cannot meet the standards. The PZC recommended to the City Council that an amendment to the UDO should be considered. The City Council referred the amendment back to the PZC for review.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Goss said he would reverse "c" and "d". He feels "c" reads better after "d". He added that green is ok but he would prefer no red. He also would like it stipulated that the price sign is for one grade of

gasoline and not to be changed for each grade. If there are other grades to be displayed other displays must be used but the total square footage of the complete sign is to be within the Ordinance.

Mr. Esposito said they will still see petitioners wanting different colors, but they need to draw the line somewhere. Mr. Goss said that's what the variation process is for.

Mr. Skluzacek said this is a good idea and it keeps things moving forward for businesses.

Mr. Greenman asked if there are any existing signs that don't meet the criteria presented in this amendment. Ms. Bhide said there are several that don't meet these criteria such as the Shell stations, the Marathon on Virginia and Berkshire, and Gas Depot on Virginia and Dole. Mr. Greenman said this hasn't even been enacted and already there are a few signs that don't comply. Mr. Goss said if they change their sign they would need to comply or request a variation.

Mr. Greenman said he would prefer the signs to be called gasoline electronic pricing (GEP). He asked if this was only for the gas stations and not car washes. Ms. Bhide said yes. He said this amendment was very well done by staff.

Mr. Goss moved to approve the UDO Text Amendment for Gasoline Station Electronic Pricing Signs as follows:

Section 2-300 Permitted Uses Table

TABLE 2-300 PERMITTED USES TABLE																	
		F	E	RE	R-1	R-2	R-3A	R-3B	O	B-1	B-2	B-4	M-L	M	W	USE CRITERIA	NAICS
Service Uses Continued																	
Signs	Electronic Message Center (EMC) Signs <u>except Gasoline Station Electronic Pricing Signs</u>										S					2-400C-61	
	<u>Gasoline Station</u>										<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>		<u>2-400C-62</u>	

<u>Electronic pricing signs</u>																			
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Section 2-400 Limited and Special Use Criteria

61. Electronic Message Center (EMC) Signs **except Gasoline Station Electronic Pricing Signs**

All Electronic Message Center (EMC) Signs **except Gasoline Station Electronic Pricing Signs** must comply with the following criteria:

62. Gasoline Station Electronic Pricing Signs

All Gasoline Station Electronic Pricing Signs must comply with the following criteria:

- a. **Gasoline Electronic pricing (GEP) signs are permitted only on properties where a Special Use Permit for a gasoline station has been previously granted by the City.**
- b. **The GEP sign may be incorporated into one (1) freestanding business sign on the property. A new freestanding sign incorporating a GEP portion must meet all the Ordinance requirements for that sign.**
- c. **The GEP portion of the sign shall meet all the following design conditions:**
 - A. **The GEP unit must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day. Such programming and mechanical equipment shall be set so that the electronic pr, at night or in overcast conditions, will be no more than 40% of the daytime brightness level;**
 - B. **The GEP unit must be illuminated by white, amber, or green incandescent lamps, LED (light-emitting diode) or magnetic discs;**
 - C. **The pricing displayed on the GEP unit may only transition from one message (price) to another by either fading or dissolving to black with another message appearing immediately thereafter, without movement or other transition effects in between;**
 - D. **Except as otherwise provided herein, all messages displayed on the GEP unit must be static and may not reflect movement, flashing, scrolling or changes in shape or size of messages or portions of messages. Streaming and/or live-time video is not permitted and this function of the EMC must be disabled; and**
 - E. **The EMC sign must be set in a manner that the display will turn dark in case of a malfunction.**
- d. **The maximum gross surface area of the GEP portion of the sign shall not exceed 20 square feet.**
- e. **Prices cannot switch between multiple grades on one GEP. The GEP must display only one grade or have separate GEP for each grade.**

Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

REPORT FROM PLANNING

- Crystal Ice House – TUP – outdoor rinks
- Sage YMCA 701 Manor St. – PUD Amendment

Ms. Rentzsch wished every a very happy holiday season and the next meeting will be January 4, 2012.

COMMENTS FROM THE COMMISSION

There were no comments from the Commission.

The meeting was adjourned at 9:30 p.m.