

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, May 1, 2014

I. CALL TO ORDER

Chairman Strelau called the May 1, 2014 Liquor Commission meeting to order at 6:33 p.m.

II. ROLL CALL

PRESENT: Mr. Austin, Mr. Clary, Mr. Jacobson, Ms. Fregeau, Chairman Strelau

ABSENT: Mr. Austin, Ms. King

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Assistant Village Attorney Dawn Didier

OTHERS: Joann Sladek, John Sladek, Joel Funk, Al Prete, Dan O'Neill, Frank Chairmonte, Ron Cull, David Lahti, Dawn Rhodes, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the April 3, 2014 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the April 3, 2014 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

IV APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

"The next order of business is to conduct a public hearing for liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

Cork Wine & Spirits, Ltd. d/b/a Cork Wine & Spirits

Chairman Strelau stated that the next order of business was an application hearing for Cork Wine & Spirits, Ltd. d/b/a Cork Wine & Spirits located at 2223 Ogden Avenue. She stated that the applicant was seeking a Class "P-1", full alcohol, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Ms. Joann Sladek was sworn in by the court reporter. Ms. Sladek introduced herself as the president of Cork Wine & Spirits. Joel Funk introduced himself as the attorney representing Cork Wine & Spirits.

Chairman Strelau asked the applicant to present its case.

Mr. Funk stated that they have procured a lease for 2223 Ogden Avenue and were seeking a full liquor license for a liquor store. He stated that they have crafted a liquor training manual for employees. He stated that Ms. Sladek had provided a revised detailed floor plan that was presented to the Commission.

Mr. Robert Sladek was sworn in by the court reporter. He introduced himself as the interior designer for Cork Wine & Spirits. He stated that the liquor store will have a Tuscan look and they will have custom shelving. He stated that the decor will be tile and hardwood with walls painted in a stucco/brick design.

Mr. Funk stated that they meet the 3,600 square foot retail sales area requirement. He stated that the store totals 3,942. He stated that 300 square feet will be office space.

Mr. Funk stated that they have created a thorough manual. He stated that they hope to avoid problems by establishing a strict employee handbook and training manual.

Ms. Sladek stated that all employees will be BASSET certified. She stated that she will not hire anyone under the age of 21. She stated that they will have a POS cash register system which will require the entry of the date of birth on the driver's license. Mr. Funk stated that the clerk will check the identification and enter in the date of birth for liquor sales.

Chairman Strelau asked if they will have a 50 state identification checking guide for out of state licenses. Mr. Funk replied yes.

Mr. Funk stated that they will incorporate the FEAR method in training. He stated that is a method for determining if a license is fraudulent. He stated that FEAR is an acronym for F (feel); E (examine) A (ask); R (return). He stated that there is a step-by-step guide in determining signs of intoxication.

Ms. Sladek stated that she will go over the manual with the employees to be certain they understand the policies.

Mr. Funk stated that Ms. Sladek is BASSETT certified and has liquor handling experience. Ms. Sladek stated that she bartended for a little while. She stated that she currently sells liquor at Berkot's as a clerk. She stated that they also have an extensive training program.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied the license is contingent upon receipt of satisfactory background checks, the annual fee, finalized lease, certificate of occupancy, dram shop insurance and employee certifications upon hire.

Chairman Strelau asked for comments from the Commission.

Mr. Clary asked Ms. Sladek to expand on her liquor handling experience. She stated that besides Berkot's she had bartended for a week. She stated that she has been in retail sales for many years.

Mr. Clary asked Ms. Sladek if she ever held a liquor license. Ms. Sladek replied no.

Mr. Clary asked if they will have visual signage at the checkout area. Ms. Sladek replied yes.

Mr. Clary asked Ms. Sladek how regularly she will be in the store. Ms. Sladek replied that she plans to hire a current co-worker at Berkot's. She stated that she also plans to hire a friend who has 45 years of bartending experience, who is also BASSETT certified. She stated that they will be trading off hours.

Mr. Krusenoski stated that the handbook was incredible. He stated that it was the first handbook he had ever seen with a social media policy.

Mr. Krusenoski asked if the total number of employees would be three. Ms. Sladek replied that would be the minimum. She stated that she did not want any employee there by themselves and wants it mandatory that two people are in the store at all times. She stated the three would be the management.

Mr. Krusenoski asked if they would be selling accessories in addition to alcohol. Ms. Sladek replied yes.

Mr. Krusenoski advised that even if they have the POS system, employees may inexplicably sell alcohol to minors. He stated that the management sets the tone and tenor of the establishment. He stated that they should be certain to use the POS system and not bypass the entry of the date of birth. He asked that they be diligent.

Mr. Krusenoski asked about the location and if it was the former Sara Lee building. Mr. Funk replied yes. He stated that they expanded the strip mall area and they will be next to Cedar Grill.

Mr. Krusenoski asked if they will sell red and white wine along with craft or domestic beer. Ms. Sladek replied yes and noted that mostly domestic will be sold along with some crafts.

Mr. Krusenoski asked if they will be a wine club or strictly retail sales. Ms. Sladek replied retail sales.

Ms. Fregeau stated that they produced one of the best manuals she has seen in term of its thoroughness and specific emphasis on recognizing over serving and addressing the vertical license. She stated that it was excellent.

Ms. Fregeau stated that there was some concern with the lack of her liquor sales experience. She asked Ms. Sladek how long she had been employed at Berkot's. Ms. Sladek replied one year. Ms. Fregeau noted that her responsibility will be twofold now, with herself and her employees.

Ms. Fregeau asked Ms. Sladek about the training program. Ms. Sladek stated that she will reiterate the points of BASSETT, will stress the penalties and fines that she has in the policy. She stated that she will also cover the points of the driver's license.

Ms. Fregeau asked how often she will meet with employees concerning liquor sales. Ms. Sladek replied at minimum once a week.

Ms. Fregeau asked how many employees she plans to hire. Ms. Sladek stated there will be three managers and 2-3 line employees so that managers will have someone in the store with them.

Ms. Fregeau asked about the sight line and visibility. Ms. Sladek replied that there will be mirrors along with security cameras placed both inside and outside of the store.

Ms. Fregeau liked the fact that employees will be given a driver's license guidebook.

Mr. Jacobson referenced an error in their manual and stated that Section 7.3(3a) needs to be amended to state the "Illinois Secretary of State" rather than "Illinois Department of Transportation" as the issuing entity for Illinois drivers licenses.

Mr. Jacobson stated that the manual was good and noted that they might want to touch more on the vertical identification.

Mr. Jacobson stated that he hopes that they institute the process of checking identification when they do tasting.

Chairman Strelau stated that the manual references a keg tag program and asked if they plan to sell kegs. Ms. Sladek stated that they will not stock them, but will order on an as requested basis. Mr. Funk stated that they included the policy of Downers Grove and it is in compliance with Village requirements.

Chairman Strelau stated that she was concerned about the lack of liquor handling experience of Ms. Sladek. She cautioned them about the vertical licenses and noted that they are problematic. She stated that signage at the register is important. She stated that management sets the tone and tenor for the establishment. She encourage them to be diligent in the sale of liquor.

Ms. Sladek stated she had reason to have experienced people help to manage the store.

Chairman Strelau stated that as good as the manual is, it is no good if it is not read. She stated that employees should be very familiar with it. Mr. Funk noted that employees are required to sign an acknowledgment that they read and understand it.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their liquor license application.

MR. JACOBSON MOVED TO FIND CORK WINE & SPIRITS, LTD. D/B/A CORK WINE & SPIRITS LOCATED AT 2223 OGDEN AVENUE, QUALIFIED FOR A CLASS "P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE: **Aye:** Mr. Jacobson, Mr. Clary, Ms. Fregeau, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Motion carried.

Caputo's New Farm Produce, Downers Grove, Inc. d/b/a Caputo's Fresh Markets

Chairman Strelau stated that the next order of business was an application hearing for Caputo's New Farm Produce, Downers Grove, Inc. d/b/a Caputo's Fresh Markets located at 42 Ogden Avenue. She stated that

the applicant was seeking a Class “P-O”, full alcohol, on-premise and off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Al Prete, Dan O’Neill, Frank Chairmonte and Ron Cull were sworn in by the court reporter. Mr. Prete introduced himself as the store director of Caputo’s. Mr. O’Neill introduced himself as the category manager. Mr. Cull introduced himself as the store manager who will overseeing the café. Frank Chairmonte introduced himself as the corporate chef.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied the license is contingent upon receipt of the annual fee, certificate of occupancy, dram shop insurance, satisfactory background checks and employee certifications upon hire.

Chairman Strelau asked the applicant to present its case.

Mr. O’Neill read a letter briefly outlining Caputo’s Fresh Market restaurant with liquor sales which was written by their Vice President of Operations.

Mr. O’Neill stated that the site plan boasts a state of the art casual dining environment within the market with amenities and offerings that rival most upscale dining locations, both esthetically and in the quality of food. He stated that they hope to provide a soothing and inviting casual dining experience with a diverse assortment of fresh homemade food creations and to serve refreshments as well as beer, wine and spirits. He added it is their goal to be a consumer’s destination for not only a unique snack or lunch with friends, but a family destination for delicious affordable meals where customers can have a glass of beer or wine and the ability to shop for grocery afterwards.

Mr. O’Neill stated that they brought along a larger layout which will be easier to see. He stated that the plan shows a dining area adjacent to the food court with a seating area for approximately 27 tables accommodating 100 to 120 people including bar area stool seating. The restaurant area will have a bar area serving beer, wine and spirits along with accommodating meals.

Mr. O’Neill stated the restaurant would be the designated area for any liquor dispensing or consumption. He stated signs would be posted in this area that would state “**NO OPEN ALCOHOL BEYOND THIS POINT**” and the area will be strictly enforced by management and attendants will maintain conditions inside and out.

Mr. O’Neill stated that customers would be served by BASSET trained staff. He stated that the café will be open during business hours and close at 10 p.m. daily.

Mr. O’Neill stated that the bar and café area will not have waiter/waitress service. He stated that consumers would make their food selections at different meal stations, make payment and proceed to seat of their choice.

Mr. O’Neill stated that Bar Angelo will serve a variety of micro brews, traditional beers, Imported and Domestic wines and spirits. He stated that a variety of appetizers such as cheese trays, prosciutto, salami, olives, and spreads will be accompanied by crusty breads and focaccias.

Mr. O’Neill stated that there will be a Gelato/Dessert Station adjacent to the Coffee Bar where traditional roasted coffee blends, cappuccinos, espressos and lattes will be served.

Mr. O'Neill stated the Breakfast Station will have freshly made crepes, waffles and omelets made to order with an array of fresh ingredients. He stated this station will double as a Pasta Station in early afternoons/evenings. He stated customers can choose from a variety of pastas and sauces to accompany them.

Mr. O'Neill stated that custom specialty sandwiches, meals and sides will be available. He stated they will also have sautéed clams or mussels, grilled or fried fresh fish selections, gourmet burgers and marinated meats on a spit.

Mr. O'Neill stated a premium Deli Station will allow customers to choose their own Artisan fresh bread, premium lunch meats, cheeses and large assortment of condiments and toppings. He added they will also have a Pizza Station, with authentic pizzas and calzones.

Mr. O'Neill stated that they will have a Sushi Station. He added there will be a Carving Station that will offer rotisserie favorites such as slow roasted chicken, ribs, whole turkey breasts, hams and signature porchettas and various marinated meats.

Mr. O'Neill stated that there will be a Hot Foods/Prepared Station where customers can choose from a variety of sides to accompany meat entrees. He stated customers will have the option to choose from other hot signature items such as Homemade Lasagna, Eggplant Parmesan, Vesuvio Potatoes, Jumbo Meatballs or the daily special.

Mr. O'Neill stated the food court will have a Cold Salad Bar and Hot Self-Service Bar with multiple fresh homemade soups.

Mr. O'Neill hoped he provided an adequate glimpse of what they wish to accomplish. He stated they were excited about the Downers Grove project.

Mr. O'Neill stated that Caputo's is a family owned business with over 56 years of service and heritage.

Mr. Prete stated that they hold employee meetings on a daily basis. He stated that they have an extensive training program for cashiers. He stated that they are trained one-on-one with an instructor on the cash register and are not allowed to scan liquor for 4 weeks. He stated that the importance of alcohol sales are stressed, managers work with the cashiers daily. He noted that they do in-house testing.

Mr. Prete stated that the bar service area will be new for them. He added that Mr. Gill has experience in this new phase of their business with on-site consumption.

Mr. Prete stated that the storage area containing excess liquor will be locked. He stated that one store manager will oversee the liquor department and be responsible for filling orders and putting storage on the floor.

Mr. Gill stated that he has 25 years of liquor handling experience. He stated that he will be working with employees on the importance of liquor service and will clearly educate them.

Mr. O'Neill stated that he has been involved in the purchase and sale of alcohol since 1981. He stated that most Caputo's managers have been involved in the retail sale of alcohol for 20+ years.

Mr. O'Neill stated that their chef has 20 years of food serving experience.

Mr. O'Neill stated that training is a daily battle and constant reminders to employees of what needs to be done. He stated that they have 100 employees training at their other stores for the Downers Grove location.

Ms. Kuchynka informed the Commission that the Caputo's application needs to be amended concerning a violation which occurred in South Elgin in 2007. Mr. Prete advised that they received a \$1,000 fine in December of 2007 for selling a six pack of beer to a minor. He added that they also paid the cashier's fine.

Chairman Strelau asked for comments from the Commission.

Ms. Fregeau stated that the concept was unique and exciting. She noted their many years of experience.

Ms. Fregeau stated that they have five other licenses and noticed that three expired in April. Mr. Prete replied that the licenses have all be renewed and the stores are operational.

Ms. Fregeau stated that their manual was good and really liked the emphasis they placed on the vertical license. She noted that they do not plan to accept them.

Ms. Fregeau asked Mr. Prete about his experience. She noted that he did not include his 25 years of liquor handling experience on the liquor manager form. Mr. Prete was unsure why that was excluded. Mr. Prete stated that he is also the acting store director. Ms. Kuchynka noted that corporate completed the form which could be why information was missing about Mr. Prete's experience.

Ms. Kuchynka stated that both liquor manager and store manager can be one in the same of persons. Mr. O'Neill noted that the store manager who will be responsible for the liquor department. Mr. Prete stated that he will be the acting store director. Ms. Kuchynka asked if Ron Gill would be operations manager for the café. Mr. Prete replied yes.

Ms. Fregeau asked about the café area and if it was enclosed. She stated that there will be signs posted no alcohol beyond this point, but without a wait staff, it may be counter productive. She asked what they plan to do to monitor the area. Mr. Gill stated that the area is enclosed with a six foot etched glass, wood panel partitions.

Ms. Fregeau was concerned that there was no wait staff. She asked how they plan to address adults sharing drinks with minors. She asked how many people they plan to have in the area to monitor. Mr. Gill replied that the bar staff and other food prep staff will be in the area. He stated that all employees will be trained. Ms. Fregeau stated that they are stationary employees. Mr. Gill stated that they will have bussers cleaning tables who will be of age. He added that management staff will be making rounds as well. Mr. O'Neill stated that the area is adjacent to the service desk. Mr. Prete noted that their surveillance technology is very good. Mr. Prete stated that they can program the cameras to record specific areas of the store and trip once someone walks into a specific area.

Ms. Fregeau encouraged them to use their bussing staff as their eyes and ears to the service area and ask them to keep an eye out for adults sharing drinks once the alcohol leaves the service area.

Ms. Fregeau liked that they will card anyone who appears under the age of 40 and that they will not accept the vertical identification.

Mr. Jacobson was pleased that they will be opening in Downers Grove.

Mr. Jacobson stated that someone may inevitably get out of the café area with a drink. He suggested that they train all the staff on how to marshal customers back into the area if they leave the café with a drink in order to shop.

Mr. Jacobson stated that he was pleased that they will be having daily huddles with employees.

Mr. Jacobson stated that he was concerned that they paid the fine for the employee that sold alcohol to a minor in the South Elgin case. He stated that employees must have consequences to such violations.

Mr. Jacobson stated that one manager will have access to the liquor storage. Mr. Prete replied yes. Mr. Jacobson asked if they will have a back up manager. Mr. Prete replied the store manager will be the backup. He noted that they will not have a lot of liquor stock and noted there will be no backup of sprints. He stated that they do not promote liquor sales.

Mr. Jacobson referred to the policies and procedures. He asked them to add "Village" in addition to State and Federal penalties.

Mr. Krusenoski asked when they plan to open. Mr. O'Neill replied their projected opening is May 28th.

Mr. Krusenoski asked how many stores they operate. Mr. Prete stated Downers Grove will be their seventh location. He stated that one store, Bloomingdale, does not hold a license as there is a liquor store right next to them.

Mr. Krusenoski asked if this will be the first Caputo's with on-site consumption. Mr. O'Neill replied yes. He stated that they are building another location in Carol Stream which will open 4-6 weeks after the Downers Grove location which will also have consumption on the premises.

Mr. Krusenoski stated that there was a regional grocery store that failed the Village's control buy within three days of opening. Mr. Prete noted that they will be utilizing existing staff and will be training in the store. Mr. Krusenoski stated that management will set the tone and tenor as well as culture of the store.

Mr. Clary stated that he liked the concept. He noted their many years of experience. He wished them luck.

Chairman Strelau asked about the layout of the café. Mr. O'Neill stated that there are hot serving stations, areas with pre-packaged meals, pasta bar, pizza bar, sandwich bar and salad bar. He stated that there will be a variety of hot and cold selections.

Chairman Strelau asked how a customer makes purchases. Mr. Chiaramate stated that there is a POS station in the front of the café and at the bar area. She asked how they would channel customers and keep liquor in the café area once a customer purchases a meal. Mr. Chiaramate replied the area is enclosed. He stated that customers will be able to special order their meal and pay for drinks at the bar area.

Chairman Strelau stated that she liked the concept. She stated that not having wait staff may prove to be problematic. She noted that it may be hard for them to keep track of their customers and cautioned them not to allow customers to leave the area with a drink.

Mr. Prete stated that there will be a lot of focus on the café area, as it is their first venture into this type of on-site sales.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their liquor license application.

MS. FREGEAU MOVED TO FIND CAPUTO'S NEW FARM PRODUCE, DOWNERS GROVE, INC. D/B/A CAPUTO'S FRESH MARKETS LOCATED AT 42 OGDEN AVENUE, QUALIFIED FOR A CLASS "P-O", FULL ALCOHOL, ON-PREMISE AND OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE: **Aye:** Ms. Fregeau, Mr. Clary, Mr. Jacobson, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Motion carried.

Ms. Petrarca asked for clarification as to who the store manager will be for Downers Grove. Mr. Prete replied that he will be the store director for Downers Grove. He stated that he will be there daily and in his absence, store manager Ron Gill will be at the location.

V. OLD BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka stated that the liquor license was issued for Kyoto Japanese Restaurant today.

VI. NEW BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated that staff has a conflict with the June/July meeting schedules. She previously asked the Commission for their availability on June 19th. She stated that the Council Chambers is booked for that evening. She stated that she will have a number of items on the June agenda.

The Commission discussed alternative dates for the meeting. Ms. Petrarca asked the Commission if another day of the week would be better. The group agreed that Wednesday, June 18th would be the next meeting date. Ms. Kuchynka stated that she will check room availability for that evening.

Mr. Krusenoski asked about the status of Mad Ape. Ms. Kuchynka stated there was an issue with the site and they are seeking an alternative location.

Ms. Kuchynka stated that she will forward the group an upcoming agenda item concerning charitable gaming that will be presented to the Village Council on Tuesday, May 6th.

Ms. Kuchynka stated that the Village was going to hold a disciplinary hearing for Cheeseburger in Paradise concerning a failed control buy attempt. She advised that they voluntarily shut down the business on April 26th. She stated that the Village required them to sign the stipulation of facts concerning the incident and included that information in the forfeiture order in the event they wish to apply for a license in the future. Ms. Petrarca noted that their other location in the northern suburbs closed a few months earlier.

Ms. Kuchynka informed the Commission that license renewal applications were mailed today. She stated that renewals are due back by Friday, June 13th. Ms. Fregeau asked if the Commission would be considering any renewals. Ms. Kuchynka replied that the Mayor is provided the list of licensees and oversees the renewal approvals. She stated that staff will address issues directly with him. Mr. Krusenoski asked if the pending disciplinary actions are considered at renewal. Ms. Kuchynka replied yes.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Mr. Jacobson moved to adjourn the May 1, 2014 meeting. The meeting was adjourned by acclamation at 7:50 p.m.

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
JUNE 25, 2014 MINUTES**

Call to Order

Chairman White called the meeting to order at 7:00 PM.

Roll Call

Present: Mr. Domijan, Ms. Earl, Ms. Majauskas, Ms. Souter, Mr. Zaba,
Ch. White

Absent: Mr. McCann

A quorum was established.

Staff: Kelley Chrissie, Planner
Patrick Ainsworth, Planner

Also Present: Tom LeCren, 545 Chicago Avenue, Downers Grove, IL
Rick Wood & Bob Nakichiny, Independent Outdoor, Downers Grove, IL
Brent Eads, Site Enhancement Services, South Bend, IN
Scott Hanbebranck, Best Buy Co., Richfield, MN
Charley Schalliol, Site Enhancement Services, South Bend, IN
Tracy Kasson, Rathje, Woodward, LLC, 300 E. Roosevelt Rd., Wheaton, IL
Kuman, FL Cedar 2, LLC, 1213 Butterfield Rd Downers Grove, IL
Graham Grady, Taft, Stettinius & Hollister, 111 E. Wacker Dr., Chicago, IL

Approval of the Minutes of the May 28, 2014 Zoning Board of Appeals meeting

AYE: Ms. Earl, Mr. Domijan, Ms. Majauskas, Ms. Souter, Mr. Zaba, Ch. White

NAY: None

The Motion passed unanimously.

Meeting Procedures

Chairman White noted that there are four items on the Agenda; however, one of those will be continued at the request of the petitioner. He explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with Staff that all proper notices have been published with regard to the cases on the Agenda. He called upon anyone intending to speak before the Board on the Agenda items to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing. Chairman White explained that members of the Zoning Board of Appeals all have had the opportunity to review the documents for the petition prior to the meeting. In order for a requested variation to be approved there must be a majority of four votes in favor of approval. Chairman White added that the Zoning Board of Appeals has authority to grant petitions without further recommendations being made to the Village Council. He noted that Staff would make its presentation first, followed by comments by the Petitioner. He said that if anyone in the audience wishes to speak either in favor of or in opposition to a petition, they will be able to do

so following the Petitioner's presentation. When the public participation portion of the meeting is closed, the Board will deliberate on the information provided and vote to either approve or deny the petition.

ZBA-03-14 (Continued from April 23, 2014): A petition seeking multiple sign variations to maintain the existing wall and monument signs. The property is currently zoned B-3, General Services and Highway Business. The property is located at the northeast corner of Butterfield Road and Downers Drive. This property is commonly known as 1432 Butterfield Road, Downers Grove, IL (PIN 06-30-404-010); Brent Eads, Site Enhancement Services, Petitioner; Inland Continental Property Management Corp., Owner.

Staff Presentation:

Kelley Chrise, Planner for the Village, reviewed the purpose of the Sign Ordinance, which was modified in 2005. The Sign Ordinance was established to create a comprehensive but balanced system of sign regulations to promote effective communication, and to prevent placement of signs that are potentially harmful to motorized and non-motorized traffic safety, property values, business opportunities and community appearance.

The first petition is for 1432 Butterfield Road, Best Buy, which is seeking three variations. They are requesting to maintain their existing signage at 641 square feet where 300 square feet is permitted; maintaining the monument sign that is 250 square feet where 60 square feet is permitted; and keeping a monument sign height that is 21 feet, 8 inches tall where a 15 foot tall monument sign is permitted. Their property is between Finley Road and Highland Avenue on Butterfield Road.

Ms. Chrise said that the subject property's and most adjacent zoning is B-3, with manufacturing behind the property. She showed views of the existing signage including the wall sign and the monument sign adjacent to Butterfield Road. The wall sign is set back about 370' from the roadway, which is consistent with the adjacent properties. The maximum amount of signage allowed is 300 square feet, which includes both the wall and monument sign. The wall sign alone is 390 square feet, which exceeds the maximum allowable square footage.

Ms. Chrise said that Toys R Us and Best Buy are each allowed to have a monument sign since the lot is considered a corner lot. The Toys R Us monument sign received a height variation in 2010 due to the difference in grade elevation of the roadway and parking lot, where the road is at a higher grade than the parking lot. The same situation exists for the Best Buy parking lot and adjacent roadway. The Toys R Us sign is 19.5 feet tall. The height of the monument sign permitted by code is 15 feet.

Staff has found no practical hardships that would prevent code compliant signage in terms of size. This is similar to other properties, particularly with respect to the wall signs for adjacent properties along Butterfield Road. Some of the properties with code compliant signs are greater than 370' from the roadway.

Staff recommends approval for the monument sign height, as stated in its report dated June 25, 2014, ZBA 03-14, 1432 Butterfield Road, page 3, for the following reasons: 1) the sign base is approximately eight to ten feet below the grade along Butterfield Road; 2) the property's topography creates a hardship for the petitioner to install a code-compliant monument sign that provides adequate visibility; 3) a sign height variation has already been approved for the Toys R Us sign located on the same site; and 4) the variation would only be applicable to three additional properties on the north side of Butterfield Road where the grade of the property is approximately eight to ten feet lower than the grade of the adjacent roadway.

Staff's analysis, as stated in Staff's report dated June 25, 2014, ZBA-03-14, 1432 Butterfield Road, page 3, finds that this property is no more unique than adjacent properties along the Butterfield corridor to warrant granting the first and second sign size variations for the following reasons: 1) there is no physical hardship associated with the property which prevents the installation of code-compliant sign sizes; 2) there is no unique circumstance associated with the property which necessitates installation of larger-than permitted monument and wall signs; and 3) the property is similar to other properties in shopping centers where the principal retail buildings are set back greater than 300 feet from the roadway that comply with the sign size restrictions. Based on that analysis Staff recommends denial of the requests to increase the total sign surface area and monument sign size allowed.

Ms. Majauskas asked for clarification of the Best Buy signage size versus Toys R Us. Ms. Chrisse said they are allowed two signs because the property has two frontages. Because they share a lot and have elected to each have a single tenant sign, each monument sign is allowed to be up to 60 square feet in area and 15 feet in height. Ms. Majauskas expressed confusion over the separate signs, asking if they could pool their size up to 120 square feet, and Ms. Chrisse said that they could not do that because the maximum size monument sign is 60 square feet.

Mr. Ainsworth said that if there were to be two tenant panels they would still count toward the 300 square feet toward each store. Ms. Majauskas asked whether they can share a sign, and Ms. Chrisse said that is an option.

Mr. Domijan asked about the variation for height and whether it was a ZBA variation. Ms. Chrisse said it was, and that the variation stands even with the revision to the Sign Ordinance.

Ms. Majauskas asked whether the other companies such as PetsMart and Bed, Bath and Beyond are compliant. Ms. Chrisse said that generally the large anchor stores are in compliance along Butterfield Road.

Petitioner's Comments:

Mr. Brent Eads of Site Enhancement Services located in South Bend, Indiana, spoke on behalf of Best Buy for this request. Best Buy is requesting the ability to keep its signage as exists. He distributed information showing photos to the Board members. He explained the existing signage including the wall and monument signage. The devices were legally installed to provide notification to passing traffic. Best Buy occupies 200 feet, 10 inches of frontage, which should allow them to have 411 square feet according if there were no cap for size. Regarding the grade issue, the site has a negative grade issue that effects the height of the sign. He commented on the visibility saying the site has two entrances from Downers Drive, and Butterflied Road. Mr. Eads said that a driver must be allowed 542 feet to safely navigate their vehicle to a given location.

He gave a statistical explanation of how traffic can safely access the site based on the location of the sign and the amount of distance between the driver and the signage. He referred to the Petitioner's report presented to the Board members during his presentation.

Ms. Majauskas said that everyone else is code compliant in that shopping center, and asked why the Board should give Best Buy a variance. Mr. Eads replied that everyone's position is unique. With Best Buy, they feel their setback limits the visibility of the sign, so they are requesting the variation. Ms. Majauskas asked what would stop everyone else from saying they need the variance also. Mr. Eads said he hoped by showing the information that he has to the Board, and discussing the hardships, the Board would consider their request positively.

Mr. Charley Schalliol of Site Enhancement Services, also representing Best Buy, said they understand why the Code was written, and Staff did a good job in making the presentation. They agree with Staff as to the monument height with the topography surrounding the monument sign is a physical hardship. Best Buy has been in Downers Grove for twenty years and has been compliant over those years. The hardship is based on the fact that they have been here for twenty years and then the code changed after having installed code compliant signs originally. They would be willing to reduce the size of the freestanding sign if they are allowed to maintain the existing height. The façade is their primary feature, where the Best Buy logo is unique with the yellow tag. If they measure just the "Best Buy" they are in compliance. Best Buy would be willing to reduce the size of the monument sign and maintain the height, and respectfully ask to maintain the existing wall sign. It is a huge part of their company, their aesthetic, and they want to maintain it.

There being no further discussion and no one to speak in favor of or in opposition to the request, Chairman White closed the public portion of the meeting,

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Board's Deliberation

Ms. Earl said she agrees with Staff, and the Board discussed this with Toys R Us in 2010. They were happy to be code compliant except for the height change on the monument sign. Toys R Us has also been in the Village for many years. She approves of the monument sign height variance request, but as far as the other requests, she sees nothing unique in the petition.

Mr. Zaba said he agrees with what she said as it would open up many questions for other anchor stores in the center. He thinks that there is nothing unique to necessitate granting that variance.

Ms. Majauskas asked, since they granted the Toys R Us sign height change, is the Board locked into granting the height variance. Ms. Chrisse said it is up to the Board as to the height they are willing to grant, though the request was 21 feet, 8 inches and ultimately, with the grade difference of ten feet, the sign is still only 11 feet, 8 inches. They are at less than 15 feet tall, which is permitted by code. Ms. Majauskas asked if they were to keep both signs at the same height of 19.5 feet would the signs be equal. Ms. Chrisse said they would be approximately the same height as viewed from Butterfield Road. Ms. Majauskas said she feels all the signage should be kept equal. Ms. Chrisse said the difference is that Toys R Us only requested 19.5 feet, but they may have been granted more if they requested.

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Chairman White said as far as the two previous comments made by Board members he would agree. He was on the Board when they passed the Toys R Us requested height increase. He supports the request for a height increase.

Mr. Domijan said their Best Buy tag is tilted at an angle on the building and they haven't shown a hardship. So if you took a median line it would be the same height as the Toys R Us sign. With what's on the building, they haven't shown a hardship.

Ms. Earl moved to deny the first two requests on the sign surface area and monument sign square footage, and approve the height of 21 feet, 8 inch tall on the monument sign as requested and with proposed Staff conditions as stated in their report. Mr. Zaba seconded the Motion.

AYES: Ms. Earl, Mr. Zaba, Mr. Domijan, Ms. Majauskas, Ms. Souter, Ch. White

NAYS: None

Motion carried unanimously.

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ZBA-04-14 (Continued from April 23, 2014): A petition seeking a sign variation to maintain the existing wall signs. The property is currently zoned B-2, General Retail Business. The property is located at the northeast corner of Lemont Road and 75th Street. This property is commonly known as 7401 Lemont Road, Downers Grove, IL (PIN 09-29-110-003); Brent Eads, Site Enhancement Services, Petitioner; Inland Kimco Realty Corp., Owner.

Staff's Presentation:

Mr. Patrick Ainsworth, Planner for the Village, said that this request is for another Best Buy store located at 7401 Lemont Road. They are requesting to maintain the 580 square feet of wall signs, which exceeds the 300 square foot maximum allowance per Section 28.1502 of the Zoning Ordinance. He said that the Village of Darien is to the south with B-3 zoning, and to the west is Downers Grove with a B-2 zoning. He used an overhead presentation to show the exact location of the Best Buy in relationship to the Downers Park Plaza shopping center. He explained that the petitioner presently has two existing wall signs totaling 580 square feet, and these are the signs that are being calculated toward the maximum 300 square foot allowance. The shopping center monument signs, which contain Best Buy tenant panels, do not count toward the maximum square footage for an individual tenant. Best Buy has 218 linear feet of frontage along Lemont Road, and 115 linear feet along 75th Street. This particular property went through a Master Sign Plan Amendment in 2010 as part of Planned Development #18, where the property owner successfully petitioned for four shopping center monument signs, as well as five internal directional signs. Best Buy's name is located on three of those internal directional signs and two of the shopping center monument signs, one on Lemont Road and the other on 75th Street.

Mr. Ainsworth explained the design and layout of the shopping center. This is a typical design for a shopping center of a large scale and is of a similar layout as compared to other shopping

centers found in the Village. He showed the locations of all the shopping center signs in relationship to the Best Buy store. Specifically, he pointed out that the shopping center monument signs are in front of the outlot buildings immediately adjacent to Lemont Road and 75th Street.

Staff finds that there are no unique circumstances or physical hardships associated with this property that would warrant the requested variation to be granted for the following reasons as stated in the Staff Report dated June 25, 2014, ZBA 04-14, 7401 Lemont Road, page 2: 1) there are no physical hardships or unique circumstances associated with the property which prevents the installation of code-compliant signage; 2) the property is similar to other shopping centers with anchor buildings located farther from the street and outlot buildings located adjacent to the public right-of-way; and 3) if the variation were granted where no physical hardships or unique circumstances exist then the variation would be applicable to other similar properties. Staff finds that none of the Standards for Granting Variations have been met and recommends denial of the requested wall sign size variation. Staff requested that if the ZBA finds reason to grant the requested variations, the variations should be subject to the condition that the wall signs shall comply with the drawings attached to the Staff Report.

Petitioner's Presentation:

Mr. Brent Eads of Site Enhancement Services, of South Bend, Indiana spoke on behalf of Best Buy to maintain their wall signage on the building at 75th and Lemont Road. He noted that much emphasis has been placed on the multi-tenant monument signs; however those are placed to identify the entrance to the center for motorists, and not to give attention to those seeking the site. He then distributed an information packet to the Board on the petitioner's request, which he referenced during his presentation. He noted that the building is set back more than 500 feet from Lemont Road. The signage was installed legally at the time that Best Buy occupied that property. Best Buy occupies 218 feet along Lemont Road and 118 feet of frontage along 75th Street, which should allow for more identification than the 300 square foot cap. He then addressed the question of visibility for traffic along both 75th Street and Lemont Road, showing photographs of the site as seen from traffic. He indicated that there are many trees along the property, which block the view of the building. Mr. Eads stated that the building is barely identifiable as is, and if they were to come into compliance would be even more difficult to see from the roadway and may look more like a warehouse than a commercial retailer.

Mr. Domijan commented that since they are trying to avoid the look of a warehouse, he thinks the Best Buy entrance design is the most distinctive element in the shopping center. Mr. Eads responded that the façade is not easily identifiable unless you are in a specific area. Mr. Domijan said he could see it in photo 8, and photo 3 on page 6, and photo 10 on page 5. He doesn't see it as a warehouse location. Mr. Eads said the wall signage on 75th Street, if made smaller, would not be identifiable as holding a Best Buy store located in that particular corridor. Drivers would not see it until they saw the actual monument sign. Branding is important for this site, to assure that people can easily identify and safely drive with proper identification to the premise. They maintain what they already have is crucial to this business.

Chairman White called for anyone who wished to speak either in favor of or in opposition to the petition.

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Tom LeCren of 545 Chicago Avenue asked the petitioner whether the sign can be seen if he is in the eastbound lane on Lemont Road turning east. He sees no need to have a huge sign since most people know where the Best Buy is, or will use their GPS to get them to the store. Mr. Eads replied that those unfamiliar with the area make signage more crucial, because Mr. LeCren said that someone would have to use MapQuest or GPS. The sign is there to generate information. Maintaining what they currently have is important. Going smaller creates the potential for not being able to access the store.

There being no further comments Chairman White closed the opportunity for further public comment.

Board's Deliberation:

Ms. Majauskas said the petitioner did as good a job as he could to convince them. The biggest argument she heard from him was that without the big sign they'd tend to look like a warehouse, and she did not buy that argument. She feels the same as she did for the last petition.

Ms. Earl said she didn't see any hardship.

Chairman White said that the Village Council established the parameters for a hardship when they approved the Ordinance. With no contrary opinions, he called for a Motion.

Ms. Earl moved, seconded by Mr. Domijan, to deny the petition in case ZBA-05-14.

AYES: Ms. Earl, Mr. Domijan, Ms. Majauskas, Ms. Souter, Mr. Zaba, Ch. White

NAYS: None

Motion to deny carried unanimously.

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ZBA-05-14 (Continued from May 28, 2014): A petition seeking multiple monument sign variations. The property is currently zoned B-3, General Services and Highway Business. The property is located on the south side of Butterfield Road, approximately 500 feet east of Downers Drive, commonly known as 1201-1213 Butterfield Road, Downers Grove, Illinois (PIN 06-30-401-012); FL Cedar 2, LLC, Petitioner/Owner.

Ms. Chrise said this petition is for a sign variation for property located in the shopping center at 1201-1213 Butterfield Road. The petitioner is requesting three variations: 1) a monument sign setback that is 6.5 feet where 10 feet is required; 2) a monument sign that is 210 square feet in area where 60 square feet is allowed; and 3) a monument sign that is 20 feet tall where a 15-foot tall monument sign is permitted. She explained that the property known as University Plaza is located on the south side of Butterfield Road. The property is zoned B-3, General Services and Highway Business consistent with the majority of the surrounding property. The only access to the property is located via Frontage Road, with a monument sign located 6.8 feet from the lot line where a 10-foot minimum setback is required. The property is allowed two 60 square-foot signs; however, the request is to maintain the existing 210 square foot monument sign. They propose adding the street address on the monument sign as well as curbed landscaping around the base of the Tollway sign. This is the only monument sign on site.

With respect to the setback, Ms. Chrissy said the average shopping center sign along Butterfield Road is about 50 feet from the edge of the pavement, whereas the existing University Plaza monument sign is 65 feet. The layout of the building and the orientation of the property are unique and prevent the petitioner from having adequate visibility for its building signage. She indicated that the building is very deep for a shopping center, which restricts the visibility from Butterfield Road for tenants along the sides. Therefore, complying with the size and height restrictions would restrict adequate visibility of the various tenants on the monument sign creating difficulty in locating these businesses without street frontage. Ms. Chrissy noted the challenge that exists to this site, as it is a unique situation in relation to its proximity to the major intersection.

Staff finds that there are unique conditions and physical hardships associated with this property due to the configuration of the roadway that restricts access to the site from Frontage Road, the separation of the site from Butterfield Road by Frontage Road and the location of this site at a key decision point on Butterfield Road that reduces visibility from the roadway. Additionally the lack of tenant frontage for some tenants due to the layout of the building creates visibility issues for those tenants. The configuration of the roadway and site creates a physical hardship for the petitioner to install a code-compliant monument sign with adequate visibility. Based on the analysis stated in the staff report dated June 25, 2014, ZBA-05-14, 1201-1213 Butterfield Road, pages 3-5, all standards for granting the variation are met and Staff recommends approval of the requested sign variation. The Village's Standards for Granting Variations is shown on said Staff report, pages 3-5. Should the ZBA decide to approve the requested variations, Staff requests that they are made subject to the following conditions:

- 1) The proposed shopping center monument sign shall comply with all other aspects of the Sign Ordinance.
- 2) No additional monument sign is permitted along Butterfield Road.
- 3) The variation is no longer valid if the use of the site changes from a shopping center.
- 4) Any other signage shall comply with all aspects of the Sign Ordinance.

Ms. Majauskas asked that since this is one lot, are the stores facing west considered to have no frontage? Ms. Chrissy said that is correct. They technically have no street frontage, and the decision to be on a monument sign is with the owner of the property. She said they have four entrances to the site.

Ms. Majauskas then asked about the west facing stores, and whether they could have signage on their door or wall, but not monument signs. Ms. Chrissy said that was correct. The wall sign is based on the tenant frontage.

Mr. Domijan asked what would happen to this variation if this lot changes use. Ms. Chrissy said that is one of the conditions that Staff has included in its recommendation, that the variation would no longer be valid if the use of the site changes from a shopping center. As to the restriction of the second monument sign, she said it is the size of the sign that would prohibit the second monument sign. Staff determined it would be appropriate to maintain the existing sign.

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Chairman White asked if Staff has talked with the Village Attorney as to prohibiting them from a second sign. Ms. Chrisse said the variation would restrict them to a multi-tenant shopping center. Chairman White expressed concern about the ability for the Board to apply conditions.

Mr. Ainsworth said they do keep files on all of the properties covered over the years. Chairman White said he is not concerned that they would lose track of this, but that there would be a question as to whether they have the authority to restrict them to one versus two monument signs. He is concerned with the way this is worded. Basically he has no problem with the substance of the recommendation.

Mr. Domijan asked about a Tollway sign, and Ms. Chrisse said they already have a Tollway sign that is nonconforming, which will be brought into conformance based on the decision on this petition. The 210 square feet is in compliance with the maximum of 225 square feet for the Tollway Sign. Mr. Domijan noted that this discussion could be lost in the files 10-20 years from now.

Petitioner's Presentation:

Mr. Tracy Kasson of Rathje, Woodward, LLC in Wheaton, IL spoke on behalf of the petitioner. He said Staff did an excellent job in summarizing the circumstances of this particular site. There are problems with the Frontage Road setback, and decision points have to be made to identify the center and the tenants. He noted that the request does meet the Standards for a Variation as specified by the Village and reviewed those Standards for a Variation again. The unique U-shape of the center also makes visibility to Butterfield Road difficult. He noted that the sign in question has been in place for many years and has unique characteristics because of the physical surroundings of Butterfield Road separated by the Frontage Road that make adequately identifying tenants with a smaller sign impossible. The owner did not create the difficulty, and the proposed variation will not impair the health, safety and welfare of surrounding properties and property owners. He said the petitioner is willing to give up the second allowable monument sign in order to keep the existing sign.

In reply to the Chairman, Mr. Kasson said there are twelve tenants, with two vacancies on the site. All are not shown on the sign at this time but will be reconfigured as the sign is updated.

Ms. Chrisse said in reply to the Chairman that all tenants within the shopping center are afforded signage based on their frontage, although their signage might not face Butterfield Road.

The Chairman called for anyone who wished to speak either in favor of or in opposition to the petition, or anyone who had any further comments. There being none he closed the opportunity for further public comment.

Board Deliberations:

Ms. Earl said this shopping center has historically been in poor condition. She does not agree with Staff and she could go with the setback request, but does not believe that one giant monument sign is needed and should not be 20 feet tall when 15 feet is permitted. She does not buy the argument that the reason this center is performing poorly has to do with the signs, but rather the condition of the center. The request strikes her as just another attempt to spend the least amount possible in this center. She drove around the center for half an hour and it continues to deteriorate and nothing has been done to keep it up. She has a difficult time buying

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the argument that this is a horrible and tough site. The Olive Garden has been there for at least 25 years and continues to do well. Slightly down the street is the PGA Golf Super Store, which is a multi-tenant building, and is the best performing store in their whole chain. Why are they performing so well in a more difficult location?

Ms. Souter said she doesn't think the economic condition or physical condition of the property is material to this case. They are deciding signage and not other ancillary issues. She agrees with Staff and would agree to grant the requested variances.

Mr. Zaba said he would also agree because of the amount of the setback, and the limited ways to access Frontage Road. He thinks the larger sign is justified.

Ms. Majauskas said she is in the middle. If the concern is missing the sign, they should have two smaller signs. The other problem she has is that the sign says University Plaza sign panel, which could be taken out and would make the sign much more code compliant in relationship to the size and height. She has some sympathy for the west-facing tenants that can't be seen, but again in that situation she's thinking two signs would be acceptable.

Mr. Domijan said if the University Plaza portion of the sign were removed it would be closer to compliance. He thinks they have to look at it as two separate pieces.

Ms. Majauskas asked how this is different, with the exception of the west-facing tenants. She would say yes to the setback, but thinks the sign could be managed much better.

Chairman White said the issue is they are not using their sign space effectively with the University Plaza on the monument sign. He sees the poor design of the center as part of the hardship.

Ms. Majauskas asked whether the landlord could write the leases so Olive Garden would shrink its sign with another sign for whatever company is on the side, in order to fit all the signs on the front. Ms. Chrise replied that it has to do with what has already been written into lease agreements and the time period of those lease agreements. It is a lease issue and not a Code issue. The distribution of the tenant panels is up to the landlord. Ms. Majauskas said that this means that the west-facing tenants knew what they were signing.

Chairman White asked for comments on the setback. Mr. Domijan said it is only a two-lane Frontage Road, so having that sign where it is, is an advantage. Moving it further in would place it in the parking lot and be more of a safety issue.

Ms. Majauskas said she is for the 6.5 feet because it would eliminate a lot of traffic problems.

Ms. Earl moved to approve the request in case ZBA-05-14 for a setback of 6.5 feet with the conditions that apply. Ms. Souter seconded the Motion.

AYES: Ms. Earl, Ms. Souter, Ms. Majauskas, Mr. Zaba, Ch. White

NAYS: Mr. Domijan

Motion to approve setback variance approved 5:1.

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Chairman White then moved the discussion to the height issue. The petitioner is requesting keeping the height at 20 feet.

Ms. Majauskas said they told Best Buy “yes” because they were sitting low on their site. This petitioner’s sign is sitting high on the site.

Mr. Zaba stated that if the Zoning Board is to ask the petitioner to come into compliance, then they may have to eliminate tenants from the sign or eliminate University Plaza. With that being stated, he would be in favor of approving the height request.

Ms. Majauskas said she doesn’t see what the difference is in putting the tenants on the eastern part of the building on a different monument sign, and the most westerly tenants on a westerly sign. If you are trying to look for the tenants on the east side, there is no sign for some of those. She doesn’t understand the one giant sign concept.

Ms. Souter said she sees keeping the height because of the uniqueness of the situation.

Chairman White said if all opinions have been expressed, he would request a Motion.

Ms. Majauskas moved to deny request #3, regarding monument sign height, in case ZBA-05-14. Ms. Earl seconded.

AYES: Ms. Majauskas, Ms. Earl, Mr. Domijan, Ch. White

NAYS: Ms. Souter, Mr. Zaba

The Motion to deny the request carried 4:2.

Chairman White called for comments regarding the request for the monument sign square footage.

Ms. Majauskas said since they voted to deny the sign height request, there is no reason to grant this request.

Mr. Zaba said the argument of the two signs plays more into this request than the height request.

Ms. Majauskas asked why this is unique, whereas if someone else is on a corner, why can’t they all come in and say that want one sign at 120 square feet, rather than a smaller sign.

Ms. Earl said there is no curb cut on Butterfield for the Bed, Bath and Beyond shopping center along Butterfield. There are stores in the back there that are more difficult to locate than this shopping center.

Chairman White then called for a Motion regarding the request to keep the monument sign with an area of 210 square feet.

Ms. Earl moved that in case ZBA-05-14, the Board deny the second request to maintain the monument sign with an area of 210 square feet. Mr. Domijan seconded the Motion.

AYES: Ms. Earl, Mr. Domijan, Ms. Majauskas, Ch. White

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NAYS Ms. Souter, Mr. Zaba

The Motion to deny the request was approved 4:2.

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ZBA-07-14: A petition seeking a sign variation to maintain the existing wall and monument signs. The property is currently zoned B-3, General Services and Highway Business. The property is located at the southwest corner of Opus Place and Finley Road. This property is commonly known as 3300 Finley Road, Downers Grove, IL (PIN 06-31-107-017); Fry's Electronics Inc., Petitioner; Urbs in Horto, LP., Owner.

Ms. Earl moved to continue case ZBA-07-14, as requested by the petitioner. Mr. Domijan seconded the Motion.

All in favor. The Motion to continue carried.

1. Other Business

Mr. Ainsworth said there are petitions expected for next month, including the case continued tonight.

2. Adjournment

Ms. Earl moved, seconded by Ms. Souter to adjourn the meeting. All in favor. The Motion carried.

Chairman White adjourned the meeting at 8:59 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary