A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 9:05 p.m. by Chairman Mark Muehlnickel, with a quorum present.

Upon roll call, the following were present: Chairman Mark Muehlnickel, Commissioners Rob Moss, John Kuchler, Tony Orsini, Joan Byerley, and Annette Boyd.

The following was absent: Commissioner Gary Berner.

Also present were: Senior Planner Jeff Smith and Secretary Lorrie Sowko.

Chairman Muehlnickel entertained a motion to approve the minutes of the July 17, 2012, Zoning Board of Appeals meeting. Commissioner Kuchler made a motion, seconded by Commissioner Boyd. Voice vote was taken. Commissioner Orsini abstained. Motion carried.

Chairman Muehlnickel entertained a motion to open the public hearing at 9:05 p.m. Commissioner Orsini made a motion, seconded by Commissioner Moss. Voice vote was taken. Motion carried.

Frank Gonzalez, the Facilities and Construction Director for Provena St. Joseph Medical Center, and Amy Stevens, the Chief Operating Officer for Provena St. Joseph Medical Center, were present to request a variance for an electronic message center sign.
Amy Stevens read the various technical compliance requirements in the Village Code, including the message being fixed for 15 seconds. Also, lights are to be turned down at 10:00 p.m. in order to be sensitive to the surrounding residents.

The electronic message center sign would be affixed on the existing monument sign above the existing Healing Arts Pavilion sign area.

Senior Planner Jeff Smith explained that electronic message center signs are only allowed if it is a public use, such as a village hall, park district, school, etc, or a religious use, which is defined as land, building or facility that is operated by an organization providing religious services and/or education such as a church, mosque, or temple.

Provena is a medical office building providing medical office uses which is designated commercial, and therefore does not satisfy the definition of a religious use noted in the Sign Code.

The three variance criteria were not satisfied.

1. A reasonable return can be achieved without the electronic message center sign. For instance, a manual/changeable sign is allowed as an alternative, which can display services, events, and screenings offered at the medical office building.

2. Unique circumstances are not present to warrant the variance request. This religious use definition has not been satisfied, and precedence can be set for other medical office uses that have religious affiliations that wish to have an electronic message center signs, or for other commercial businesses with the same request.

If this sign was to be allowed, a text amendment to the Zoning Ordinance would be required and a public hearing would be necessary.

Staff questions how a text amendment can be crafted to allow for an electronic message center sign for a commercial medical use without other commercial uses having the same request.

It is Staff’s opinion that it does not satisfy the second criteria.

3. If granted, the variance cannot alter the character of the locality. The Village Board had ample discussion regarding electronic message center signs for commercial uses and decided not to allow them. This would not satisfy the third criteria.

Looking at the strict interpretation of the three criteria, it is Staff’s opinion that the request is not in compliance, and therefore, Staff recommends denial of the variance request. Staff recommends a manual changeable sign that is allowed by the Sign Code, which would give the ability to display events and screenings at the facility.
Commissioner Boyd questioned the allowance of electronic message center signs in the H (Hospital) District.

Jeff Smith explained that the Village created a special zoning district, the H District, for Silver Cross Hospital which is a large campus located near U.S. Route 6 and the I-355 interchange. The Board felt that for a large hospital campus, an electronic sign would be suitable.

This electronic message center sign petition is for a medical office building. There are many sites in the Village that are zoned commercial that have medical office uses, and if this sign was to be permitted, it could set precedent for similar variance requests. The Sign Code is very clear for the definition of a religious use and the other electronic message center sign requirements.

Amy Stevens questioned what the zoning was at the time Provena purchased the land for this building and if the zoning has been changed since.

Jeff Smith responded that the zoning has remained the same. When the property was annexed it was zoned C-2 and has not changed. The site plan that was approved for Provena included a permissible monument sign.

Electronic message signs were reviewed in 2006 and only allowed for public uses such as the Village Hall, schools and parks. The Zoning Ordinance was later amended to allow this type of sign for a defined religious use. The H District is a separate zoning district that permits an electronic message center sign.

Amy Stevens felt that because Provena is a medical use and has a religious affiliation, while also taking into account how Silver Cross Hospital was previous allowed an electronic message center sign, it validated this variance request.

Chairman Muehlnickel expressed that there have been a few requests for this type of sign in the commercial districts, which have been denied.

Jeff Smith reminded the ZBA that the VFW requested the same type of the sign, which was recommended for denial since it did not meet the public use definition and other requirements for an electronic message center sign. The request was later withdrawn.

Chairman Muehlnickel reminded the petitioner that the Zoning Board of Appeals is solely a recommending body.

Chairman Muehlnickel entertained a motion to close the public hearing at 9:13 p.m. Commissioner Boyd made a motion, seconded by Commissioner Byerley. Voice vote was taken. Motion carried.

Chairman Muehlnickel commented that this variance does not satisfy the three criteria.
Chairman Muehlnickel entertained a motion to deny the variance request to permit an electronic message center sign for the commercial business Provena Medical Arts Pavilion located at 410 East Lincoln Highway. Motion was made by Commissioner Kuchler, seconded by Commissioner Byerley. Roll call vote was taken. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

Chairman Muehlnickel wanted to know if the Village Board is reviewing options for the electronic message center signs.

Jeff Smith explained the criteria and situations related to these signs being located near residential areas. Other commercial businesses along Route 30 have requested these signs and have been denied.

The commissioners discussed the disadvantages of electronic message center signs in commercial districts including distraction issues for drivers and the aesthetic factors of these signs.

Chairman Muehlnickel asked if a professional speaker can address changes to the housing market, as was done in the past.

ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 9:21 p.m. Motion was made by Commissioner Byerley, seconded by Commissioner Orsini. Voice vote was taken. Motion carried.

Lorrie M. Sowko – Secretary