

**VILLAGE OF SHOREWOOD**  
**PLANNING & ZONING COMMISSION MEETING (Amended)**  
01 July 2009

Chairman Fitzgerald called the meeting to order at 7:10 p.m.

Pledge of Allegiance

**Roll Call**

**Present:** Chairman Gary Fitzgerald, Vice Chair Dan Gron, Steve Brockman, Pete Cerve, Duane Gronwold, Debbie Olson, Jim Schlunz, Melissa Bradford and James Relyea.

**Absent:** Jeff Nagel

Also present was Nancy Roman, Economic Development Director.

**ORDER OF BUSINESS**

**MINUTES**

Duane Gronwold made a motion to approve the minutes from the 03 June 2009 meeting, seconded by Steve Brockman. All in favor, none opposed, minutes approved.

**PLANNING & ZONING**

1. Midwest Martial Arts – Gene Rife
  - a) **Public Hearing**
  - b) **Petition #09-291**Consideration of a Conditional Use Permit for the operation of a recreational facility in an industrial district as provided by Shorewood Village Code 10-7B-3 at 403 Earl Road.

Duane Gronwold made a motion to close the Public Hearing, seconded by Jim Relyea. All in favor, none opposed, motion carried.

2. 703 Turnberry Court – Steven & Melissa Formenti
  - a) **Public Hearing**
  - b) **Petition #09-293**Consideration of a variance as provided by the Shorewood Village Code Section 10-5D-5C to permit a Garage Addition in the Side Yard Setback.

Gary Fitzgerald opened the public hearing.

Nancy Roman explained the Variance and described the pictures taken of the petitioner's home as well as a rough rendering of how the garage addition will look. She reminded the commission it is within their authority to approve the petition.

Pete Cerve wondered if there was any response from neighbors. Ms. Roman answered there was none.

Duane Gronwold asked if the driveway would also be an additional 10 feet. The homeowner said it would be.

Duane Gronwold made a motion to close the Public Hearing, seconded by Jim Schlunz. All in favor, none opposed, motion passed.

Duane Gronwold made a motion to enter the findings of fact that the standards set forth in Section 10-5D-5C of the Village Code have been met and to grant approval of Petition #09-293, seconded by Melissa Bradford. Roll call vote, all in favor, none opposed, Petition approved.

3. 1116 Ranchwood Drive – Christopher K. Tracy

**a) Public Hearing**

**b) Petition #09-294**

Consideration of a variance as provided by the Shorewood Village Code Section 10-5D-5C to permit a Front Porch Addition in the Front Yard Setback.

Gary Fitzgerald declared the public hearing opened. Mr. Fitzgerald explained the letter objecting to the variance. He then noted that there was a rendering in the packet of what the porch will look like.

Nancy Roman discussed the letter regarding the addition. She described the picture of the proposed porch as well as the picture of the existing porch. She explained these photos were for use as a reference and comparison for what the petitioner wants.

This variance will allow 3.5 feet encroachment into the front yard setback. Ms. Roman noted the petitioners would not need approval for the porch if not for the request of the additional 3.5 feet that triggers the variance in setback.

Pete Cerve verified that if the house were a few feet further back, this would not be an issue.

Jim Relyea commented that the petitioner's design is totally different from that of the other neighbor.

Dan Gron noted that he likes the design and thinks the commission should encourage this type of addition.

Debbie Olson mentioned that as a realtor she knows this would increase the value of the home.

Jim Relyea wondered if the sidewalk from the porch to the driveway will have to be moved. The Petitioner answered that it would have to be reconfigured a bit.

Duane Gronwold made a motion to close the Public Hearing, seconded by Debbie Olson. All in favor, none opposed, motion passed.

Duane Gronwold made a motion to enter the findings of fact that the standards set forth in Section 10-5D-5C of the Village Code have been met and to grant approval of Petition #09-294, seconded by Jim Schlunz. Roll call vote, all in favor, none opposed, Petition approved.

4. **a) Public Hearing**

To consider amendments to the text of the Village of Shorewood Zoning Ordinance, Title 10 of the Village Codes of Ordinances. Specifically to consider text amendments to Chapter 10 with regard to Non-Residential Freestanding Sign Material.

Gary Fitzgerald introduced the public hearing. He mentioned this amendment is something that the Commission has enforced for a while although it was not in the code.

Gary Fitzgerald opened the public hearing.

Nancy Roman explained the routed out lettering requirement for freestanding signs. As the Commission has gone through site plan approvals it has required routed out signage. Ms. Roman explained the various ways this can be done.

Ms. Roman closed by saying that Staff has run into some problems with businesses coming in to change out signs and because this is not in the ordinance it is difficult to make them comply.

Jim Schlunz made a motion to close the Public Hearing, seconded by Debbie Olson. All in favor, none opposed, motion passed.

Duane Gronwold made a motion to recommend the Text Amendment to Title 10 of the Village Code to the Village Board, seconded by Jim Schlunz. Roll call vote, all in favor, none opposed, Petition approved.

5. Discussion of Adult Use Ordinance.

Gary Fitzgerald commented that a only small part of this ordinance deals with zoning. He noted to help understand how the ordinance works as a whole, the commission should go through the whole ordinance. It is commonly misunderstood what municipalities can do to regulate these types of businesses. The goal is to have as strong a regulatory oversight as possible with these types of establishments. Mr. Fitzgerald continued by mentioning that it is the secondary effects of these types of

establishments that allow these businesses to be regulated. He closed by noting that this ordinance is meant to be preventative of such secondary affects.

Mr. Fitzgerald then introduced Sheri Freeman with Mahoney Silverman & Cross. Ms. Freeman explained that regulations cannot prohibit people from this type of information. She continued by noting the correlation between Adult Use businesses and secondary effects such as crime and lower property values.

This proposed ordinance would restrict Adult Businesses to certain zoning areas and have a different licensing process. The purpose of the ordinance is not to prevent this type of expression but to regulate it.

Duane Gronwold had some questions as to zoning. Nancy Roman said the code is currently silent as to this type of business.

Ms. Freeman noted that she put together a large binder with statistics and data regarding Adult Use businesses. That binder will be given to the clerks office, so that it can be looked over before voting on this ordinance.

She also noted that the statistics do not have to be from Shorewood. They can come from other communities and still be valid.

Debbie Olson inquired if she can research these case studies on the internet rather than having to peruse the huge binder.

Duane Gronwold asked if this is a new ordinance or is it modeled after an existing ordinance that has already cleared through the courts.

Ms. Freeman answered that it is modeled after other ordinances.

Dan Gron commented on the number of banks and gas stations in the Village. He noted that in the Village of Shorewood the goal is to designate zoning not control businesses. Sheri Freeman responded that this ordinance would regulate based on the negative impact of Adult Use Businesses in a community.

Nancy Roman mentioned that this ordinance also establishes the licensing process. There will be more stringent background checks than just the basic business license.

Pete Cerve wondered how this ordinance would affect the lingerie store on Route 59. Nancy Roman answered the lingerie store would be grandfathered.

Gary Fitzgerald noted that half of this ordinance is definitions.

Nancy Roman commented how difficult it is to set up the definition so that it captures the business that you do have a concern about but does not pull in the businesses like Dominick's or CVS that may sell some products that might be considered for adult use.

Sherri Freeman commented that written material cannot contain more than 15% adult content, that percentage came from a case involving Family Video regarding the percentage of adult videos available for rent.

There was further discussion on definitions, in particular the definition of nudity and if it will hold up in court.

Nancy Roman noted that Channahon recently adopted an ordinance similar to this and Joliet has had one like this for sometime.

Gary Fitzgerald complimented Ms. Freeman on all the hard work that went into this ordinance.

There was discussion on Section 3-15-38 which states if you are going to hold a manager liable for the acts of employees you have to establish that the manager knew the employee behavior was negligent. An example would be, an adult entertainer must be 10 feet away from a patron. If the entertainer gets closer, we cannot automatically blame the owner for that violation. Also, managers must maintain a clear view of the establishment. Discussion continued on a manager's liability.

Nancy Roman initiated conversation on the fee section of the ordinance and what the differences would be between an Adult Use business license and a typical business license. The initial fee for a Adult Use business license would be \$250.00

Duane Gronwold wondered why the Village couldn't charge a steeper fee based on the added police enforcement.

Nancy Roman noted the fees for liquor and tobacco licenses, also because a liquor license is prohibited in these types of businesses they would not be double charged.

Gary Fitzgerald commented that the PZC was only to vote on the zoning section of this ordinance, Section 3, Page 40.

The whole ordinance was presented just for context.

The ordinance proposes that Adult Use Businesses will be a permitted use in the I-2 district. Sheri Freeman would not recommend making it a conditional use or a special use because this is such a heavily litigated issue.

There was discussion on separation distance, specifically, Page 31 which sets the separation distance as 350 feet from other Adult Use Businesses, churches, schools, parks or daycares.

Gary Fitzgerald stated that over the next month if there are any additional questions, or suggestions call Nancy Roman and she'll discuss it with Sheri.

There was discussion on whether this ordinance should be available online because the language can be viewed as objectionable. Ms. Freeman suggested we say the ordinance is available at the Village Hall for viewing.

## **OTHER**

Nancy Roman stated that Cutting Edge Catering is having an issue with their sign. They had not been contacted by the state to move their sign because their sign was in the State right of way. Cutting Edge is considering getting a temporary sign permit.

Everyone else was compensated by the State for moving their signs, but Cutting Edge will not be compensated.

Next meeting there will another variance request for a garage addition in River Oaks South and amended plans for Alden Group.

## **ADJOURNMENT**

Duane Gronwold made a motion to adjourn at 8:15 p.m., seconded by Jim Schlunz. All in favor, none opposed, meeting adjourned.

Next meeting August 5, 2009.

Respectfully Submitted,

*Kimberly Sharp*  
Recording Secretary