

Village of Hanover Park

Municipal Building
2121 West Lake Street
Hanover Park, Illinois
60133-4398

Rodney S. Craig
Village President

Eira L. Corral
Village Clerk

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Juliana Maller
Village Manager



VILLAGE OF HANOVER PARK
VILLAGE BOARD
REGULAR WORKSHOP MEETING
Municipal Building: 2121 W. Lake Street
Hanover Park, IL 60133

Thursday, September 20, 2012
6:00 p.m.

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. AGENDA ITEM REVIEW**
- 4. BOARD MEMBER DISCUSSION TOPICS**
 - a. Video Gaming Ordinance
 - b. Special Use for a Motor Vehicle Service Shop and Variances for setback and lot coverage at Lot 5 of the Menard's Subdivision
- 5. STAFF UPDATES**
 - a. Discussion of the regulation of automatic changeable copy signs
 - b. Development Commission Update
 - c. Ten Point Transparency Checklist
- 6. ADJOURNMENT**



TO: Village President and Board of Trustees

FROM: Juliana Maller, Village Manager

SUBJECT: An Ordinance Allowing Video Gaming Pursuant to 240ILCS 40/1 and Establishing Permits and Permit Fees for Video Gaming Terminals

ACTION

REQUESTED: Approval Concurrence Discussion Information

MEETING DATE: September 20, 2012 – Board Workshop

Executive Summary

On July 13, 2009, the Video Gaming Act was signed into law by Governor Quinn. The Act legalizes video gaming and establishes a tax on the proceeds, a portion of which goes to the municipality where the video gaming takes place. At present, the ordinance of the Village of Hanover Park does not allow video gaming. In 2009, the Village Board, by Ordinance, specially prohibited video gaming in the Village.

The Village has the option of either adopting a new ordinance that would allow for video gaming, or to choose to allow the ordinances prohibiting video gaming to remain in effect. This memo and the attached materials are intended to provide information to assist the Board in making that determination.

Discussion**Video Gaming Act Summary**

There are four categories of establishments where video gaming is allowed under the Act:

- (1) "Licensed establishments": A licensed establishment is any licensed retail establishment where alcoholic liquor is served for consumption on the premises.
- (2) "Licensed fraternal establishment": A licensed fraternal establishment is a location where a fraternal organization that derives its charter from its national parent organization regularly meets.
- (3) "Licensed veterans establishment": A licensed veterans establishment is a location where a qualified veterans organization that holds a charter from its national parent organization regularly meets.
- (4) "Licensed truck stop establishment": A licensed truck stop establishment is a facility of at least three acres with a convenient store, separate diesel islands for fueling commercial motors vehicles and parking spaces for commercial vehicles.

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Executed By: _____

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Video gaming is restricted within 100 feet of either a school or a place of worship under the Religious Corporation Act.

No more than five video gaming terminals (VGT's) are allowed in any single establishment. Income generated via VGT's and related processes will be collected by the State of Illinois and distributed as follows:

- A tax of 30% is imposed on net terminal income and shall be collected by the Board.
- Of the tax collected under this Section, five-sixths shall be deposited into the Capital Projects Fund and one-sixth shall be deposited into the Local Government Video Gaming Distributive Fund.
- Twenty-five percent of fees collected shall be paid, subject to appropriation by the General Assembly, to the Department of Human Services for administration of programs for the treatment of compulsive gambling.

Survey of Other Municipalities

As of July, 2012, a review of the Illinois Gaming Board's website and the ordinances of various municipalities throughout the state indicates:

- 344 municipalities in the State of Illinois do **not** allow video gaming
- 342 municipalities in the State of Illinois do allow video gaming
- 778 municipalities in the State of Illinois are not yet classified as allowing or not allowing video gaming

FINANCIAL IMPACT: Given the lack of historical data, it is difficult to accurately assess the financial impact of video gaming. Village video gaming revenues will be derived from 5% of total video gaming revenue collected within Village limits. The funds will be collected by the State and deposited in a separate Local Government and Video Gaming Fund and will not be deposited into the State's General Fund. The Illinois Municipal League advises using an estimate of between \$1,500 and \$2,000 per machine annually in local tax revenue.

Additionally, the proposed ordinance before the Board would require a Village permit for each machine. The fee from the permit fees would generate \$500 annually per machine.

Recommended Action

The Village Board is asked to review the attached ordinance and provide direction to staff.

Attachments

- Draft Ordinance
- Minutes – May 17, 2012, Village Board Workshop
- Minutes – June 21, 2012, Village Board Public Hearing
- Attached are questions and answer documents taken from the Illinois Gaming Board’s website at <http://www.igb.illinois.gov/VideoGaming/default.aspx> and the Illinois Municipal League’s website at <http://www.iml.org>.
 - Illinois Municipal League - Video Gaming Frequently Asked Questions (Updated April 2012)
 - Illinois Gaming Board – Frequently Asked Questions regarding Video Gaming (Updated July 2012)

Budgeted Item:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Budgeted Amount:	\$ N/A	
Actual Cost:	\$ N/A	
Account Number:	N/A	

ORDINANCE NO. O-12-

AN ORDINANCE ALLOWING VIDEO GAMING PURSUANT TO 240 ILCS 40/1 AND ESTABLISHING PERMITS AND PERMIT FEES FOR VIDEO GAMING TERMINALS

WHEREAS, the Video Gaming Act (230 ILCS 40/1) became law on July 13, 2009, by virtue of P.A. 96-0034; and

WHEREAS, the Illinois Gaming Board is authorized by the Act to license video game terminals and to promulgate regulations related to their operation;

WHEREAS, the Illinois Gaming Board had announced that it would not promulgate regulations with respect to video gaming for twelve to eighteen months following the approval of the Act; and

WHEREAS, pursuant to Section 27 of the Video Gaming Act, the Village, by its Ordinance No. O-09-34, prohibited video gaming within its corporate boundaries because the Illinois Gaming Board had not and would not for some time issue regulations with respect to video gaming; and

WHEREAS, the Gaming Board has now adopted rules with respect to the licensing and regulation of video gaming; and

WHEREAS, the Village President and Board of Trustees now find it to be in the best interests of the Village to allow video gaming within the Village in accordance with the provisions of this ordinance; and

WHEREAS, the Village of Hanover Park is a home rule unit by virtue of the provisions of the 1970 Constitution of the State of Illinois and may exercise and perform any function pertaining to its government and affairs including adoption of this Ordinance; now, therefore,

BE IT ORDAINED by the President and Board of Trustees of the Village of Hanover Park, Cook and DuPage Counties, Illinois, as follows:

SECTION 1: The foregoing recitals are hereby incorporated in this Section 1 as if said recitals were fully set forth herein.

SECTION 2: That Section 10-42 in Chapter 10, Alcoholic beverages, of the Municipal Code of Hanover Park, as amended, be and is hereby amended to read as follows:

Sec. 10-42. - Prohibited activities.

- (a) It shall be unlawful to peddle alcoholic liquor in the

- village.
- (b) It shall be unlawful for any person under the age of twenty-one years to play or operate a video gaming terminal.
- (c) It shall be unlawful for any licensee, its employees or agents, to allow any person under the age of twenty-one years to play or operate a video gaming terminal.

SECTION 3: That Chapter 10, Alcoholic beverages, of the Municipal Code of Hanover Park, as amended, be and is hereby amended by adding thereto as a new Section 10-42.5 of Chapter 10, the following:

Sec. 10-42.5 - Gambling and video gaming.

- (a) It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor, except as otherwise provided herein.
- (b) Premises licensed to sell alcoholic liquor are authorized to operate video gaming terminals only when licensed by the Illinois Gaming Board pursuant to the provisions of the Illinois Gaming Act, 230 ILCS 40/1 et seq. and in accordance with this Section.
- (c) Every establishment licensed to sell alcoholic liquor by the liquor control commissioner of the village and licensed to operate a video gaming terminal by the Illinois Gaming Board pursuant to the provisions of the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall be required to receive an annual permit from the Village and pay an annual permit fee for each video gaming terminal within the Village.
- (d) The annual permit fee for each video gaming terminal shall be \$500.00.
- (e) Annual permits shall expire on December 31 of each year. A full yearly fee shall be paid for each terminal permit issued between the period of January 1 through June 30. In the event that any new permit is sought between the period of July 1 through December 31, the fee for such new permit shall be 50% of the annual fee.
- (f) Upon payment of the video gaming fee the village clerk shall issue a video gaming sticker which shall be affixed to each video gaming terminal in a conspicuous place, readily identifiable upon public inspection. Video gaming stickers shall not be transferable.
- (g) It is unlawful to operate a video gaming terminal in the village without a valid video gaming sticker affixed thereon.
- (h) No more than five (5) video gaming terminals shall be located on any premises licensed to sell alcoholic liquor.
- (i) Video gaming shall be located in an area that is restricted to persons over twenty-one (21) years of age.

- (j) Video gaming terminals may not be operated or played during the hours alcoholic liquor sales are prohibited as provided in Section 10-18 of this Chapter.
- (k) Every establishment licensed to sell alcoholic liquor shall comply with all provisions of the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

SECTION 4: That Ordinance No. O-09-34, adopted by the President and Board of Trustees on November 5, 2009, is hereby repealed, and that Section 66-47 - Video gaming prohibited, of Chapter 66 of the Municipal Code of Hanover Park, as amended, be amended by deleting it in its entirety.

SECTION 5: That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

SECTION 6: That except as to the amendments heretofore mentioned, all chapters and sections of the Municipal Code of Hanover Park shall remain in full force and effect.

SECTION 7: That this Ordinance shall, by authority of the Village Board of the Village of Hanover Park, be published in pamphlet form. From and after ten days after said publication, this Ordinance shall be in full force and effect.

ADOPTED this day of , 2012, pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

ABSTENTION:

Approved: _____
Rodney S. Craig
Village President

ATTESTED, filed in my office, and published in pamphlet form this day of , 2012.

Eira Corral, Village Clerk

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discussed. If a grant is received it would still be about another year and a half before construction would begin.

4. BOARD MEMBER CONCERNS

a. Gaming Ordinance Discussion

Mayor Craig explained that the State of Illinois legalized video gaming in 2009 to raise \$31 billion for capital improvements. It was noted that the State of Illinois will be issuing Video Gaming Licensing later this year. In 2009 the Village board opted out of allowing video gaming in the Village to allow for the State to provide clarity on the process. Mayor Craig asked if a public hearing should be held on the matter at a future Regular Board Meeting.

Mayor Craig informed the board that Village business owners are present to speak on the matter. The following spoke to the matter:

John Holderman, owner of Prairie Station Pub, noted the economic impact and the need to level the playing field with neighboring businesses, should a video gaming license be granted in adjacent municipalities.

John Cassidy, owner of Time Out West, presented his support for a Video Gaming Ordinance. Mr. Cassidy noted the economic impact to Hanover Park businesses should neighboring communities pass a gaming ordinance. Mr. Cassidy also noted his support of community programs through sponsorship.

Ron Bolger, with Gaming Entertainment Management in Schaumburg, noted the revenues for the Village because of the capital project bill. Mr. Bolger noted Bartlett's efforts in addressing the ordinance. For example, the Bartlett Economic Commission recommended approval. However, it was noted that at this point Bartlett has taken no action. Mr. Bolger highlighted points of his presentation on video gaming.

Angela Ligoeki, owner of Bungalow Joe's, noted that this would be a good business opportunity and thanked the board for taking the issue into consideration.

Frank Gumma from Ideal Gaming, spoke on the responsibility the Gaming Board has and that it will be heavily regulated. He noted that applications became available last month and that it was his understanding that the State is looking to take applications in June, set up test location in July and go live on August 1st.

Chris Hesh from Awesome Hand Gaming in Rolling Meadows, informed the board that A.H. Gaming is licensed with the state to install video gaming terminals in licensed establishments. Mr. Hesh noted the difficulty of the opt in/opt out process for municipalities. Mr. Hesh also noted businesses would be negatively impacted if neighboring communities passed a video gaming ordinance. Mr. Hesh is very familiar with the heavily regulated Gaming Board. Mr. Hesh presented the board with

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informational material and noted benefits of tax revenue directly and indirectly.

Claire Duran, owner of County Trail Liquors & Pub, had nothing further to add.

Mayor Craig thanked the business owners for their time. Mayor Craig noted that the next step would be to hold a public hearing if the Board desired.

Direction was given to publish a 10 day notice of Public Hearing before the next Board Meeting of June 21st, 2012.

b. Sanitary Sewer Recapture Fees Discussion

Discussion was held of the sanitary sewer recapture fees and the history of the program in Hanover Park.

Trustee Cannon arrived at 6:47 p.m.

c. Teen Center Survey Discussion

Questions were fielded and answered regarding the possible construction of a Teen Center. Discussion was held on how to distribute a survey to the public asking if residents would be interested in having a Teen Center in the Village. Direction was given to send out the survey thru the Cable Channel, ENews and the website.

d. Hanover Park Park Foundation

Trustee Konstanzer requested to be liaison to the 5K event with the Hanover Park Park Foundation and that the board re-evaluate amount approved for expenses at a future meeting.

5. DISCUSSION TOPICS

a. Discussion of Regulation of Commercial Vehicles

Questions were fielded and answered on the regulation of commercial vehicles. Consensus was given to have board members drive around the Village and make note of the different commercial vehicles parked in the Village.

b. Development Commission Update

Village Manager, Ron Moser, requested that this item be reviewed at a future meeting.

c. Village Commendation Coin

Discussion was held on the design of the Village Commendation Coin.

d. ERP Discussion

Village Manager, Ron Moser, requested that this item be reviewed at a future meeting.

6. STAFF UPDATES

7. ADJOURNMENT

Motion by Trustee Zimel, seconded by Trustee Cannon to adjourn.

7. Public Hearing On Whether The Village Of Hanover Park Should Permit Or Prohibit Video Gaming With The Village.

a. Motion to Open Public Hearing

Motion by Trustee Zimel, seconded by Trustee Roberts to Open Public Hearing.

Roll call:

AYES:	Trustees:	Kemper, Kunkel, Zimel, Konstanzer, Cannon, Roberts
NAYS:	Trustees:	None
ABSENT:	Trustees:	None

Motion carried: Open Public Hearing

b. Public Testimony/Questions

None

c. Board Questions and Input

Trustee Cannon noted that this issue has been discussed before and he is not a supporter of gambling. However, he has changed his opinion on video gaming because we want to be pro-business and considering that neighboring communities are allowing video gaming.

Trustee Roberts spoke on his support of video gaming as well.

Trustee Zimel spoke on this non-support of video gaming.

Information was provided by Clerk Corral on the neighboring communities that have voted for and against video gaming.

Trustee Konstanzer spoke on her support of video gaming.

Trustee Kemper spoke on his support of video gaming as well as having the fees not go into the General Fund so that the funds can be tracked as well as be used for something like a youth benefit.

Trustee Kunkel informed that he would have to wait until the state writes up clear laws regarding video gaming to make his decision.

d. Motion to Close Public Hearing

Motion by Trustee Zimel, seconded by Trustee Cannon to Close Public Hearing.

Roll call:

AYES:	Trustees:	Kemper, Kunkel, Zimel, Konstanzer, Cannon, Roberts
NAYS:	Trustees:	None
ABSENT:	Trustees:	None

Motion carried: Closed Final Public Hearing.

Video Gaming

On July 13, 2009 Governor Pat Quinn signed the Video Gaming Act (Public Acts 096-0034, 096-0037 and 096-0038) (the “Act”) making Licensed Video Gaming Terminals legal in Illinois. The Act allows for Licensed Video Gaming Terminals to be placed in certain liquor establishments, truck stops and fraternal/veterans clubs throughout the State. The Illinois Gaming Board (the “IGB” or “Board”) has the responsibility of implementing and regulating video gaming in Illinois.

Frequently Asked Questions regarding the Video Gaming Act and Video Gaming License Applications Updated April 2012

Answers to some common and frequently asked questions related to the Video Gaming Act and Video Gaming License Applications are provided below. The following list is non-exhaustive and may be supplemented or updated in the future.

Q1: What is a Video Gaming Terminal?

A1: A “Video Gaming Terminal” (“VGT”) is an electronic video gaming machine that plays or simulates the play of a video game authorized by the Board upon the insertion of cash. Authorized video games include, but are not limited to, video poker, line up, and blackjack. The VGT must utilize a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. VGT does *not* include a Terminal that directly dispenses coins, cash, or tokens or is for amusement purposes only.

Q2: Does the IGB have jurisdiction over “amusement only” devices in Illinois?

A2: The IGB does not license “amusement only” devices in Illinois. Questions about the licensure of such devices should be directed to the Illinois Department of Revenue at (312) 814-5232 (Chicago) or (217) 782-3336 (Springfield).

Questions or complaints about amusement only devices that illegally pay out should be directed to the police in the municipality where the Terminals are located.

Q3: When will the IGB adopt Rules for video gaming?

A3: The IGB has adopted Administrative Rules which will dictate how video gaming will operate and be regulated in Illinois. (11 Ill. Admin. Code 1800 *et seq.*) The Rules can be found on the IGB website, at www.igb.state.il.us/VideoGaming. The IGB continues to promulgate additional rules and the text of any pending rule along with information on how to submit comments on the rule is also posted on the IGB website.

Q4: Can local jurisdictions restrict the use of VGTs?

A4: Yes. A municipality may pass an ordinance prohibiting video gaming within the corporate limits of the municipality. A county board may pass an ordinance prohibiting video gaming within the unincorporated areas of the county. Video gaming is not allowed in these communities. The IGB is in

the process of developing a list of such communities and will post the list on its website in the near future.

In addition, a local government may hold a referendum proposing to prohibit video gaming in the municipality. This is otherwise known as an “opt-out” provision. A petition for referendum must be filed in the office of the clerk (municipal or county) at least 90 days before the date of an election. If a majority of the voters vote “YES,” video gaming shall be prohibited within the municipality or county. Petitions to prohibit video gaming shall be public documents. A list of the communities that have opted out of video gaming is posted on the IGB website.

If you have any questions about the status of your community, please contact your local municipal authority.

Q5: What types of licenses will the IGB issue, and when will applications for those licenses be made available?

A5: Applications for Manufacturer, Distributor, Supplier, Terminal Operator and Location licenses are currently available on the IGB website. Applications for Technician and Terminal Handler licenses will be available in the near future. Descriptions of the licenses are as follows:

“Manufacturer.” A manufacturer is an individual, partnership corporation or limited liability company licensed to manufacture or assemble video gaming terminals.

“Distributor.” A distributor is an individual, partnership corporation, or limited liability company licensed to buy, sell, lease, or distribute video gaming terminals, or major components or parts thereof, to or from terminal operators.

“Supplier.” A supplier is an individual, partnership corporation or limited liability company licensed to supply major components or parts of video gaming terminals to terminal operators.

“Terminal operator.” A terminal operator is an individual, partnership corporation or limited liability company licensed to own, service, and maintain video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

“Licensed video gaming location.” A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all defined in Question 6, below.

“Licensed Technician.” A licensed technician is an individual licensed to repair, service, and maintain video gaming terminals. A licensed technician is not licensed under the Act to possess or control a video gaming terminal or have access to the inner workings of a video gaming terminal (i.e., the logic area maintained in a separately locked cabinet of the video gaming terminal which houses electronic components that have the potential to significantly influence the operation of the video gaming terminal). As such, licensed technicians can repair, service and maintain VGTs only outside of the innermost locked area of a VGT housing the electronic logic components that have the potential to significantly influence the operation of the VGT. Such repairs and maintenance would include refilling printer paper, repairing bill validators, resetting tilted Terminals, repairing video displays, etc.

“Licensed Terminal Handler.” A licensed terminal handler is a person licensed to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal (i.e., the logic area maintained in a separately locked cabinet of the video gaming terminal which houses electronic components that have the potential to significantly influence the operation of the video gaming terminal.) The category of “licensed terminal handler” may include, but is not limited to, an employee or independent contractor working for a manufacturer, distributor, supplier, technician, or terminal operator.

Q6: What types of locations can be licensed to have VGTs?

A6: Video Gaming Terminals may only be placed in the following four categories of Licensed Locations:

“Licensed establishment.” A licensed establishment is any licensed retail establishment where alcoholic liquor is served for consumption on the premises.

“Licensed fraternal establishment.” A licensed fraternal establishment is a location where a fraternal organization that derives its charter from its national parent organization regularly meets.

“Licensed veterans establishment.” A licensed veterans establishment is a location where a qualified veterans organization that holds a charter from its national parent organization regularly meets.

“Licensed truck stop establishment.” A licensed truck stop establishment is a facility of at least three acres with a convenience store, separate diesel islands for fueling commercial motor vehicles, parking spaces for commercial vehicles, and that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month.

Q7: What type of documentation will be required to meet the definition of Licensed Truck Stop Establishment?

A7: An affidavit confirming that the facility is at least 3 acres and has average monthly sales of more than 10,000 gallons of diesel or biodiesel fuel per month (which may be met by showing estimated future sales or past sales). Supporting documentation for these factors must be attached to the affidavit.

Q8: What type of documentation will be required to meet the definition of Licensed Fraternal or Veterans Establishment?

A8: A copy of the most recent letter from the Internal Revenue Service stating that the Applicant organization is either a fraternal benefit society that is exempt from federal income tax under section 501(c)(8) of the Internal Revenue Code, a domestic fraternal society that is exempt from federal income tax under section 501(c)(10) of the Internal Revenue Code, or a veterans organization that is exempt from federal income tax under section 501(c)(19) of the Internal Revenue Code.

Q9: Who needs to obtain a Technician license under the Video Gaming Act?

A9: If an individual is a Licensed Terminal Operator, or is employed by a Licensed Terminal Operator, Licensed Distributor or Licensed Manufacturer, that individual may service, maintain or repair a VGT *without* obtaining a Technician license. Any other individual who services, maintains or repairs a VGT *must* obtain a Technician license under the Act.

Q10. Who needs to obtain a Terminal Handler license under the Video Gaming Act?

A10. Any individual needing access to the inner workings of a VGT. “Inner workings” comprises the logic area inside of a VGT. The logic area has a separate locked compartment inside the VGT which houses electronic components that have the potential to significantly influence the operation of the VGT. The specific electronic components contained in the logic area include: (1) the game’s central processing unit(s), (2) communication controller electronics and components housing the communication storage device, and (3) the memory back-up device.

Q11: Can an individual be licensed as a Licensed Technician and a Licensed Terminal Handler?

A11: Yes.

Q12: Does a company who provides ticket payout systems to Licensed Terminal Operators and Licensed Locations need to be licensed?

A12: Yes. Major Components or Parts is defined in the applications as “[c]omponents or parts that compromise the inner workings and peripherals of a Video Gaming Terminal, including but not limited to the device’s hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component which affects or could affect the result of a Game played on the device.” Buying, selling, leasing, or distributing Major Components or Parts requires a license.

Q13: Does a Licensed Distributor who is distributing VGTs also need a Supplier’s license to supply replacement parts for the VGTs it distributes?

A13: No. A Licensed Distributor is defined as “[a]n Individual, partnership corporation or limited liability company licensed under the Act to buy, sell, lease or distribute Video Gaming Terminals or major components or parts of Video Gaming Terminals to or from Terminal Operators.”

Q14: Can an individual who owns a bar also be licensed as a Terminal Operator?

A14: Yes, as long as the bar in question is NOT a Licensed Video Gaming Location. In other words, the bar in question may not participate in video gaming, regardless of who would serve as its Terminal Operator.

Q15: What are the requirements for licensure under the Act?

A15: Many requirements for licensure are listed in Rule 420 of the Video Gaming Rules. In addition, the following are also requirements for licensure:

(a) Burden is upon applicant. The burden is upon each applicant to demonstrate suitability for licensure. The Board may issue or deny a license under this Act to any person under the same criteria set forth in Section 9 of the Riverboat Gambling Act (230 ILCS 10/9 (West 2008)). In addition, no person may receive a license under the Act if found by the Board to:

(1) Have been convicted of any violation of Article 28 of the Criminal Code of 1961; and/or

- (2) Have a background (including a criminal record, reputation, habits, social or business associations, or prior activities) that poses a threat to the public interests of the State or to the security and integrity of video gaming; and/or
 - (3) Create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of video gaming; and/or
 - (4) Present questionable business practices and financial arrangements incidental to the conduct of video gaming activities.
- (b) Background investigations. Each person seeking and possessing a license shall submit to a background investigation conducted by the Board with the assistance of the State Police or other law enforcement. This investigation shall include an applicant’s direct and indirect owners, an applicant’s officers and directors, and the video gaming manager for a license application.
- (c) Disclosure of financial interests. Each person seeking and possessing a license under the Act shall disclose the identity of every person or entity having a direct ownership interest in the video gaming operation, and shall disclose each person or entity having an indirect interest of more than 1% in the video gaming operation for which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited; if a limited liability company, the names and addresses of all members.

(d) License application fees:

Manufacturer	\$5,000
Distributor	\$5,000
Terminal operator	\$5,000
Supplier	\$2,500
Technician	\$100
Terminal handler	\$50

(e) Term of License & Annual license fees. A license must be renewed every year, and the annual fees may not exceed these levels:

Manufacturer	\$10,000
Distributor	\$10,000
Terminal operator	\$5,000
Supplier	\$2,000
Technician	\$100
Licensed establishment (in any category)	\$100
Video Gaming Terminal	\$100
Terminal handler	\$50

Q16: How will the distance restrictions in Section 25(h) of the Act be measured?

A16: Video gaming is restricted from the following locations:

- 1) 1,000 feet of a facility operated by an organization licensee, inter-track wagering licensee, or inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 (230 ILCS 5/1 et seq. (West 2008)) (the Board may waive this restriction in certain circumstances);
- 2) 1,000 feet of the home dock of a riverboat licensed under the Riverboat Gambling Act (230 ILCS 10/1 et seq. (West 2008)) (the Board may waive this restriction in certain circumstances); or
- 3) 100 feet of either a school or a place of worship under the Religious Corporation Act (805 ILCS 110/0.01 et seq. (West 2008)).

These distances will be determined by measuring the distance from a proposed or existing Licensed Video Gaming Location to a preexisting facility, riverboat, school or place of worship by drawing a straight line between the closest part of any building used for the proposed or existing Licensed Video Gaming Location and the closest part of any building used for the facility, riverboat, school or place of worship. When located within a subsection of property by virtue of a lease, deed, or other arrangement (e.g., a tenant in a shopping center or commercial condominium), measurement shall be from the subsection of property (i.e., boundaries of the establishment's leased building premises).

For purposes of these restrictions, "home dock" is interpreted to mean the casino building or vessel (i.e., the building or vessel housing the casino floor).

Q17: Must Licensed Video Gaming Location applicants enter into a signed Use Agreement with a Terminal Operator before they can submit an application to the IGB?

A17: No, a signed Use Agreement is not required for a potential Licensed Video Gaming Location to submit an application. However, a Licensed Video Gaming Location must have a signed Use Agreement with a Licensed Terminal Operator prior to the placement of any VGTs in the Licensed Video Gaming Location's establishment.

Q18: Do the directors and officers of the parent company of a licensee need to file Personal Disclosure Forms?

A18: For license applications that require Personal Disclosure Forms (e.g., Manufacturer, Distributor, Supplier, and Terminal Operator), if the director or officer of the parent company owns more than 5% of the licensee, then that director or officer will need to file a Personal Disclosure Form.

Q19: If an entity that has been doing business in Illinois for 48 months prior to July 13, 2009 forms a subsidiary to conduct its video gaming business in Illinois (and would therefore be the Applicant for licensure), would that subsidiary meet the residency requirement (i.e., would the subsidiary meet the requirement that it has been doing business in Illinois for 48 months)?

A19: If an entity who meets the residency requirement forms a 100% wholly owned subsidiary to conduct its video gaming business in Illinois, that 100% wholly owned subsidiary meets the residency requirement. Please note that this answer is limited to a 100% wholly owned subsidiary.

Q20: Section 3(c) of the Manufacturer/Distributor/Supplier License Application requires 5% or greater shareholders of a publicly-traded parent company of an applicant to submit a Personal Disclosure Form or Business Entity Disclosure Form. How is this requirement being applied to institutional investors/investment advisors that hold the interest for investment purposes and certify in an SEC Schedule 13-G filing that the interest is not for the purpose of controlling the applicant?

A20: Pursuant to Rule 520(c), a business entity that qualifies as an institutional investor may submit a Video Gaming Institutional Investor Disclosure Form in lieu of a Video Gaming Business Entity Disclosure Form.

Q21: Section 5(A) of the Manufacturer/Distributor/Supplier License Application and Section 4(A) of the Business Entity Disclosure Form require financial statements for a period ending 1 month prior to the date of application. Will the most recently filed SEC reports for a publicly traded company satisfy this requirement?

A21: Yes. If reference is made to SEC reports, it will be sufficient if the applicant identifies where those reports can be found on the internet.

Q22: Convertible debt is included in the definition of ownership. Does each person who holds convertible debt have to file a Personal Disclosure Form?

A22: The Applicant/Licensee must identify each person who holds convertible debt and provide a copy of the applicable debt instrument(s) and associated agreement(s) with the application or upon issuance of the convertible debt. The Board will make a determination as to the debt holder's influence and/or control over the Applicant/Licensee consistent with section 430 of the Video Gaming Rules. The holder of convertible debt must submit a Video Gaming Personal Disclosure Form and any other required document and receive prior Board approval in order to convert the debt.

Q23: How long does it take a license to be investigated and approved?

A23: The investigation of any application under the Act is a thorough and time consuming process. The length of time it takes the IGB to complete an investigation depends on the type of license applied for, and the complexity of the applicant and any issues involved in the application.

Q24: How many VGTs will be allowed at each site?

A24: Up to five VGTs may be placed at each Licensed Video Gaming Location.

Q25: Are VGTs allowed anywhere inside a Licensed Video Gaming Location?

A25: VGTs must be located in an area restricted to persons 21 years of age and over, the entrance to which is within the view of at least one employee who is at least 21 years of age. The placement of VGTs in Licensed Video Gaming Locations shall be subject to section 810 of the Video Gaming Rules. For all Locations that restrict admittance to patrons 21 years of age or older, a separate restricted area is not required. For all Locations that admit individuals under the age of 21, a physical barrier to the gaming area, including but not limited to a short partition, gate or rope shall be required. No barrier shall visually obscure the entrance to the gaming area from an employee of the Location who is over the age of 21.

Q26: Are there limits on the hours of operation of a VGT?

A26: Yes. Pursuant to Sections 35(b)(2) and 55 of the Act, hours of operation of a VGT must coincide with the legal hours of operation for the consumption of alcoholic beverages on the premises. However, a Licensed Truck Stop Establishment that does not hold a liquor license may operate VGTs on a continuous basis.

Q27: Are multi-game VGTs permitted under the Video Gaming Act?

A27: Yes, provided that the games have been tested and approved.

Q28: Will Licensed Manufacturers need secondary approval for their VGTs?

A28: Yes. All VGTs will need to be (1) certified by Gaming Laboratories International pursuant to the IGB's current Technical Standards for Video Gaming Terminals in Illinois, and (2) approved in writing by the IGB for use in Illinois.

Q29: In what circumstances can VGTs be displayed in Illinois prior to the actual commencement of video gaming in Illinois?

A29: VGTs that are disabled for marketing purposes such that they do not accept money, do not dispense money or payout tickets, or only contain demonstration software that cannot be disabled may, until further notice, be displayed in the following circumstances:

- 1) Licensed Manufacturers, Licensed Distributors, Licensed Terminal Operators and Applicants for a Manufacturer's License under the Act may display VGTs at "trade shows" or similar events as long as the IGB is notified 10 days in advance of the following information, and prior approval by the IGB is obtained:
 - a. the date and location of the event;
 - b. the model and serial number of each VGT involved;
 - c. the manner of transport of each VGT involved;
 - d. a description of how the VGTs will at all times be possessed by and under the control of the applicant for a Manufacturer's License under the Video Gaming Act.

Q30: In what circumstances can VGTs be used in conjunction with focus groups in Illinois prior to the actual commencement of video gaming in Illinois?

A30: VGTs that are disabled for marketing purposes such that they do not accept money, do not dispense money or payout tickets, or only contain demonstration software that cannot be disabled may, until further notice, be used in conjunction with a focus group in the following circumstances:

- 1) Licensed Manufacturers, Licensed Distributors, Licensed Terminal Operators and Applicants for a Manufacturer's License under the Act may use VGTs at "focus groups" as long as the IGB is notified 10 days in advance of the following information, and prior approval by the IGB is obtained:
 - a. the date, time and location of the event;
 - b. the model and serial number of each VGT involved;
 - c. the manner of transport of each VGT involved;
 - d. a description of the purpose of the focus group;
 - e. a description of how the applicant for a Manufacturer's License will be inviting participants;
 - f. a description of the method and amount of compensation of participants, if applicable; and
 - g. any other relevant details regarding the focus group (including but not limited to whether food and beverage will be provided).
- 2) Alcohol must not be provided to participants of focus groups.

Q31: Is compensating or paying a third party a percentage of revenue from a VGT(s) permitted?

A31: Compensating any third party based on a percentage of revenue from a VGT is permitted, however, any third party compensated in such a manner will be required to complete a Video Gaming Personal Disclosure Form or a Business Entity Disclosure Form.

Financing the purchase of VGTs based on a percentage of revenue will not be permitted.

Q32: Has the IGB developed standards to identify an illegal inducement by a Licensed Terminal Operator?

A32: Yes. The IGB's Inducement Policy is posted on its website.

Q33: Are licensees allowed to use player tracking systems or establish "Players' Clubs" or similar programs that provide rewards to customers for repeated play?

A33: Tracking systems and Players Clubs may be authorized by the IGB in the future but are prohibited at this time.

Q34: What types of payout systems will be allowed by the IGB?

A34: A vault-type or kiosk system provided by a Licensed Supplier or Licensed Distributor, that interfaces with the Central Communications System through a site controller, and that dispenses cash. Specifications for payout systems will be posted on the IGB website in the near future.

Pursuant to Section 20 of the Act, a patron must hand a ticket to an appropriate person at a Licensed Location. A patron will not be able to insert a ticket into a payout system by himself or herself. The cash, however, may be dispensed directly to a patron.

Q35: Will a Licensed Manufacturer, Licensed Terminal Operator or Licensed Location be permitted to attach an online monitoring system to the second port of a VGT?

A35: Yes.

Q36: Are Licensed Terminal Operators required to maintain a separate bank account for each Licensed Location, as provided in Rule 250(i)?

A36: The IGB is taking steps to eliminate the Rule that requires Licensed Terminal Operators to maintain separate bank accounts for each Licensed Location it contracts with. However, it is still a requirement that revenues generated from the play of VGTs shall be deposited by the Licensed Terminal Operator in one specially created, separate bank account maintained by the Licensed Terminal Operator to allow for electronic fund transfers of moneys for tax payment.

Frequently Asked Questions regarding Video Gaming
Updated July 2012

Please note that some FAQs have been renumbered and reorganized since the last version of this document was posted in April 2012.

Q1: Does the IGB have jurisdiction over “amusement only” devices in Illinois?

A1: The IGB does not license “amusement only” devices in Illinois. Questions about the licensure of such devices should be directed to the Illinois Department of Revenue at (312) 814-5232 (Chicago) or (217) 782-3336 (Springfield).

Beginning August 18, 2012, it will be a felony to possess simulated video gaming devices equipped with a credit reset mechanism or meter. Licensed Video Gaming Locations may continue to possess crane games, vending machines, coin-in-the-slot games and redemption machines as defined in Section 28 of the Illinois Criminal Code.

Q2: Can local jurisdictions restrict the use of VGTs?

A2: Yes. Pursuant to Section 27 of the Video Gaming Act (the “Act”), a municipality may pass an ordinance prohibiting video gaming within the corporate limits of the municipality. A county board may pass an ordinance prohibiting video gaming within the unincorporated areas of the county. In addition, pursuant to Section 70 of the Act, a local government may hold a referendum proposing to prohibit video gaming in the municipality.

A list of all Illinois municipalities and an indication of whether or not video gaming is allowed in each municipality is posted on the IGB website and is updated on a daily basis. If you have any questions about the status of your community, please contact your local municipal authority.

Q3: What type of documentation is required to meet the definition of a Licensed Truck Stop Establishment?

A3: An affidavit confirming that the facility is at least 3 acres (owned or leased land) and has average monthly sales of more than 10,000 gallons of diesel or biodiesel fuel per month (which may be met by showing estimated future sales or past sales). Supporting documentation for these factors must be attached to the affidavit. The affidavit will be provided to you by the IGB Agent investigating your location application.

Q4: What type of documentation is required to meet the definition of Licensed Fraternal or Veterans Establishment?

A4: A copy of the most recent letter from the Internal Revenue Service stating that the Applicant organization is either a fraternal benefit society that is exempt from federal income tax under section 501(c)(8) of the Internal Revenue Code, a domestic fraternal society that is exempt from federal income tax under section 501(c)(10) of the Internal Revenue Code, or a veterans organization that is exempt from federal income tax under section 501(c)(19) of the Internal Revenue Code.

Q5: Does a Licensed Distributor who is distributing VGTs also need a Supplier's license to supply replacement parts for the VGTs it distributes?

A5: No. A Licensed Distributor is defined as “[a]n Individual, partnership corporation or limited liability company licensed under the Act to buy, sell, lease or distribute Video Gaming Terminals or major components or parts of Video Gaming Terminals to or from Terminal Operators.”

Q6: Can an individual who owns a bar also be licensed as a Terminal Operator?

A6: Yes, as long as the bar in question is NOT a Licensed Video Gaming Location. In other words, the bar in question may not participate in video gaming, regardless of who would serve as its Terminal Operator.

An employee of a Terminal Operator who is NOT an owner, nor shares in the revenue of the Terminal Operator in any manner, may own a bar and that bar may participate in video gaming.

Q7: How will the distance restrictions in Section 25(h) of the Act be measured?

A7: Video gaming is restricted from the following locations:

- 1) 1,000 feet of a facility operated by an organization licensee, inter-track wagering licensee, or inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 (the Board may waive this restriction in certain circumstances);
- 2) 1,000 feet of the home dock of a riverboat licensed under the Riverboat Gambling Act (the Board may waive this restriction in certain circumstances); or
- 3) 100 feet of either a school or a place of worship under the Religious Corporation Act.

These distances will be determined by measuring the distance from a proposed or existing Licensed Video Gaming Location to a preexisting facility, riverboat, school or place of worship by drawing a straight line between the closest part of any building used for the proposed or existing Licensed Video Gaming Location and the closest part of any building used for the facility, riverboat, school or place of worship. When located within a subsection of property by virtue of a lease, deed, or other arrangement (e.g., a tenant in a shopping center or commercial condominium), measurement shall be from the subsection of property (i.e., boundaries of the establishment's leased building premises).

For purposes of these restrictions, “home dock” is interpreted to mean the casino building or vessel (i.e., the building or vessel housing the casino floor).

Waiver of Distance Restrictions: If your proposed Licensed Video Gaming Location is located within 1,000 feet of a facility operated by an organization licensee, inter-track wagering licensee, inter-track wagering location licensee, or the home dock of a riverboat and you would like to request a waiver of the distance restrictions in the Act, please request a waiver in writing, addressed to the Administrator of the Illinois Gaming Board. The factors that will be considered by the Board in determining whether to grant a waiver include the number and character of other Licensed Locations in the municipality or the subdivision of the municipality; whether the proposed Licensed Location has obtained all other necessary governmental licenses and permits; the history of liquor law violations and reported criminal activity at the proposed Licensed Location; and any other factor that would be relevant to deciding whether public interest, convenience and advantage would be served by approving the waiver.

Q8: Must Licensed Video Gaming Location applicants enter into a signed Use Agreement with a Terminal Operator before they can submit an application to the IGB?

A8: No, a signed Use Agreement is not required for a potential Licensed Video Gaming Location to submit an application. However, a Licensed Video Gaming Location must have a signed Use Agreement with a Licensed Terminal Operator prior to the placement of any VGTs in the Licensed Video Gaming Location's establishment.

Q9: If an entity that has been doing business in Illinois for 48 months prior to July 13, 2009 forms a subsidiary to conduct its video gaming business in Illinois (and would therefore be the Applicant for licensure), would that subsidiary meet the residency requirement (i.e., would the subsidiary meet the requirement that it has been doing business in Illinois for 48 months)?

A9: If an entity who meets the residency requirement forms a 100% wholly owned subsidiary to conduct its video gaming business in Illinois, that 100% wholly owned subsidiary meets the residency requirement. Please note that this answer is limited to a 100% wholly owned subsidiary.

Q10: Section 3(c) of the Manufacturer/Distributor/Supplier License Application requires 5% or greater shareholders of a publicly-traded parent company of an applicant to submit a Personal Disclosure Form or Business Entity Disclosure Form. How is this requirement being applied to institutional investors/investment advisors that hold the interest for investment purposes and certify in an SEC Schedule 13-G filing that the interest is not for the purpose of controlling the applicant?

A10: A form for Institutional Investors is currently available on the IGB website.

Q11: Section 5(A) of the Manufacturer/Distributor/Supplier License Application and Section 4(A) of the Business Entity Disclosure Form require financial statements for a period ending 1 month prior to the date of application. Will the most recently filed SEC reports for a publicly traded company satisfy this requirement?

A11: Yes. If reference is made to SEC reports, it is sufficient if the applicant identifies where those reports can be found on the internet.

Q12: Convertible debt is included in the definition of ownership. Does each person who holds convertible debt have to file a Personal Disclosure Form?

A12: The Applicant/Licensee must identify each person who holds convertible debt and provide a copy of the applicable debt instrument(s) and associated agreement(s) with the application or upon issuance of the convertible debt. The Board will make a determination as to the debt holder's influence and/or control over the Applicant/Licensee consistent with section 430 of the Video Gaming Rules. The holder of convertible debt must submit a Video Gaming Personal Disclosure Form and any other required document and receive prior Board approval in order to convert the debt.

Q13: Are VGTs allowed anywhere inside a Licensed Video Gaming Location?

A13: VGTs must be located in an area restricted to persons 21 years of age and over, the entrance to which is within the view of at least one employee who is over 21 years of age. The placement of VGTs in Licensed Video Gaming Locations is subject to section 810 of the Video Gaming Rules. For all Locations that restrict admittance to patrons 21 years of age or older, a separate restricted area is not required. For all Locations that admit individuals under the age of 21, a physical barrier to the gaming

area, including but not limited to a short partition, gate or rope is required. No barrier shall visually obscure the entrance to the gaming area from an employee of the Location who is over the age of 21.

Q14: May the entrance to the VGT area in a Licensed Video Gaming Location be monitored via closed circuit television?

A14: The entrance to the VGT area of a Location must be within the view of at least one employee who is over 21 years of age. While a Location may utilize closed circuit television to monitor the entrance to the area *in addition to* an employee, it may not utilize closed circuit television *in lieu of* an employee.

Q15: Are there limits on the hours of operation of a VGT?

A15: Yes. Pursuant to Sections 35(b)(2) and 55 of the Act, hours of operation of a VGT must coincide with the legal hours of operation for the consumption of alcoholic beverages on the premises. However, a Licensed Truck Stop Establishment that does not hold a liquor license may operate VGTs on a continuous basis.

Q16: Are multi-game VGTs permitted under the Video Gaming Act?

A16: Yes, provided that the games have been tested and approved.

Q17: Will Licensed Manufacturers need secondary approval for their VGTs?

A17: Yes. All VGTs must be (1) certified by Gaming Laboratories International pursuant to the IGB's current Technical Standards for Video Gaming Terminals in Illinois, and (2) approved in writing by the IGB for use in Illinois.

Q18: Is compensating or paying a third party a percentage of revenue from a VGT(s) permitted?

A18: Compensating any third party based on a percentage of revenue from a VGT is permitted, however, any third party compensated in such a manner is required to complete a Video Gaming Personal Disclosure Form or a Business Entity Disclosure Form. Financing the purchase of VGTs based on a percentage of revenue is not permitted.

Q19: Has the IGB developed standards to identify an illegal inducement by a Licensed Terminal Operator?

A19: Yes. The IGB's Inducement Policy is posted on the IGB website.

Q20: Are licensees allowed to use player tracking systems or establish "Players' Clubs" or similar programs that provide rewards to customers for repeated play?

A20: Tracking systems and Players Clubs may be authorized by the IGB in the future but are prohibited at this time.

Q21: Will a Licensed Manufacturer, Licensed Terminal Operator or Licensed Location be permitted to attach an online monitoring system to the second port of a VGT?

A21: Yes; however, the system will require approval by Gaming Laboratories International and the IGB.

Q22: Are Licensed Terminal Operators required to maintain a separate bank account for each Licensed Location, as provided in Rule 250(i)?

A22: The IGB is taking steps to eliminate the Rule that requires Licensed Terminal Operators to maintain separate bank accounts for each Licensed Location it contracts with. However, the Video Gaming Act still requires that revenues generated from the play of VGTs be deposited by the Licensed Terminal Operator in one specially created, separate bank account maintained by the Licensed Terminal Operator to allow for electronic fund transfers of moneys for tax payment.

Q23: May one Licensed Terminal Operator manage the Use Agreements (or other functions) of another Licensed Terminal Operator?

A23: While a Licensed Terminal Operator may be allowed to delegate certain functions to another Licensed Terminal Operator, it may not delegate its obligations under the Act. Before the IGB will approve this type of arrangement, it will need to review any proposed management agreement.

Questions Regarding Licensed Technicians and Licensed Terminal Handlers:

Q24. Who needs to obtain a Technician license under the Video Gaming Act?

A24. If an individual is a Licensed Terminal Operator, or is employed by a Licensed Terminal Operator, Licensed Distributor or Licensed Manufacturer, that individual may service, maintain or repair a VGT *without* obtaining a Technician license. Any other individual who services, maintains or repairs a VGT *must* obtain a Technician license under the Act. Licensed technicians can repair, service and maintain only *outside* the innermost locked area of a VGT which houses the electronic logic components that have the potential to significantly influence the operation of the VGT. Thus, a licensed Technician can handle repairs and maintenance such as refilling printer paper, repairing bill validators, resetting tilted Terminals, repairing video displays, etc.

Third party individuals under contract with a Licensed Terminal Operator, Licensed Manufacturer or Licensed Distributor will not be considered “employees” of the Licensee. Therefore, those individuals will need to apply for a Technician license in order to service, maintain or repair a VGT.

Q25. Who needs to obtain a Terminal Handler license under the Video Gaming Act?

A25. Any individual needing access to the inner workings of a VGT and/or needing to possess or control a VGT. “Inner workings” comprises the separately-locked logic area inside of a VGT which houses electronic components that have the potential to significantly influence the operation of the VGT, including: (1) the game’s central processing unit(s), (2) communication controller electronics and components housing the communication storage device, and (3) the memory back-up device.

Q26: Can an individual be licensed as a Licensed Technician and a Licensed Terminal Handler?

A26: Yes. An individual can obtain both licenses. Additionally, a Licensed Terminal Handler may perform all the duties of a Licensed Technician without having to separately obtain a Technician license. A Licensed Technician may not perform the duties of a Licensed Terminal Handler without obtaining a Terminal Handler license.

Q27: Must employees of a Licensed Manufacturer be licensed as Terminal Handlers to access the inner workings of a VGT during the manufacturing process at the Licensed Manufacturer’s location?

A27: No. Employees of a Licensed Manufacturer who manufacture VGTs at a Licensed Manufacturer's location are not required to obtain a Terminal Handler license. However, if the individual needs to go into the field (to a Licensed Location, for example) at any time to service the VGT, he or she will need to obtain a Terminal Handler license.

Q28: Does an employee of a Licensed Manufacturer, Licensed Distributor or Licensed Terminal Operator need to obtain a Terminal Handler license in order to install machines at a Licensed Location?

A28: Individuals who are employed by a Licensed Manufacturer, Licensed Distributor and/or Licensed Terminal Operator do not need to obtain a Terminal Handler license in order to have possession or control of a VGT for the purpose of installation (i.e., assist in moving the VGTs to the Licensed Location and installing the VGTs). However, the individual still needs a Terminal Handler license if that individual is accessing the inner workings of the VGT.

At any time other than installation at a Licensed Location, if an individual (regardless of whether they are employed by a Licensee) possesses or controls a VGT, and/or has access to the inner workings of a VGT, he or she must be a Licensed Terminal Handler.

Q29: If a Licensed Terminal Operator hires third party collectors, must they obtain Terminal Handler licenses?

A29: A third party collector would likely only need to obtain a Technician license. However, if a third party collector will access the inner workings of a VGT, he or she must obtain a Terminal Handler license.

Questions Regarding Payout Systems/Devices:

Q30: What types of payout systems will be allowed by the IGB?

A30: Emergency Rule, Section 1410, addresses what types of payout devices will be allowed by the IGB, and was recently filed. The Rule is posted on the IGB website.

Q31: May a payout device also be an ATM?

A31: Yes. Rule 1410 contemplates a payout device having ATM capabilities.

Q32: When will the IGB release specifications for how payout systems must connect to the Central Communications System?

A32: The "Video Gaming Payout Device Requirements" are posted on the IGB website.

Q33: Does a company who manufactures a payout system need to be licensed?

A33: No.

Q34: Does a company who distributes or supplies a payout system need to be licensed?

A34: Yes. The company must be licensed as a Distributor or Supplier in order to sell, lease or distribute payout systems to Licensed Terminal Operators.

Q35: Does a lender for the purchase of payout systems need to register with the IGB?

A35: Pursuant to Rule 910, if a lender intends to enforce a security interest in a payout device, it must register with the IGB. However, pursuant to Rule 930, registration to provide financing, only, is not required.

Q36: Must an individual be licensed in order to service a payout device?

A36: Yes. The individual must obtain a Technician License to service a payout device.

Questions Regarding Shipment and Storage of VGTs and Other Gaming Equipment:

Q37: What type of notice does the IGB require in order to ship VGTs?

A37: A licensee may only ship approved VGTs to another licensee. A Licensed Manufacturer may ship unapproved VGTs to itself, as long as the licensee maintains control and possession of the unapproved VGTs until such time when they are approved.

The IGB requires 14 days notice of shipment of VGTs, software and payout devices. A form regarding shipment is posted on the IGB website and must be completed and sent to Angelica Aguilar at angelica.aguilar@igb.illinois.gov and Robert Burke at robert.burke@igb.illinois.gov.

Q38: Do the VGT shipment rules apply to payout devices and software?

A38: Yes. Please use the same VGT shipment form for payout devices and software.

Q39: Can approved VGTs be shipped directly to a Licensed Location?

A39: Approved VGTs may be shipped directly to a Licensed Location by a Distributor located in the State of Illinois.

Q40: Do licensees need to have secure storage for payout devices?

A40: No.

Q41: Does every Licensed Terminal Operator need to have an approved storage facility?

A41: If a Licensed Terminal Operator intends to take possession of VGTs at any time, it must have an approved storage facility.



TO: Village President and Board of Trustees

FROM: Juliana Maller, Village Manager
Katie Bowman, Village Planner

SUBJECT: Special Use for a Motor Vehicle Service Shop and Variances for setback and lot coverage at Lot 5 of the Menard's Subdivision

ACTION

REQUESTED: Approval Concurrence Discussion Information

MEETING DATE: September 20, 2012

Executive Summary

Discussion of request for a special use for a Discount Tire motor vehicle service shop and variances for setback and lot coverage at Lot 5 of the Menard's subdivision.

Background

Todd Mosher of Atwell LLC has applied for the following on behalf of Discount Tire (applicant) and Menard, Inc. (property owner):

- Special Use for a motor vehicle service shop
- Variance for a 15 foot reduction in the required 25 foot front yard setback
- Variance for a 3% increase in the maximum 75% impervious lot coverage

The applicant is proposing to construct a Discount Tire retail and service outlet in an approximately 6,947 square foot, one-story commercial building. The proposed building would include retail and office space, a service area and storage space. The service area consists of six (6) service bays that would be accessed by three overhead doors on the western building elevation. The site plan includes 40 parking stalls and three access points to existing internal access drives.

The building is to be constructed on Lot 5 of the Menard's Subdivision, which is located along Irving Park Road, northeast of the intersection with Barrington Road. The vacant subject property is approximately 1.02 acres in area and zoned B-2 Local Business District. The adjacent land uses to the north, south, east and west are zoned B-2 Local Business District. See Exhibits 1 and 2 for full area maps, site plan, and elevations.

Discussion

The applicant proposes to develop a Discount Tire retail and service outlet, which is defined by the Zoning Ordinance as a Motor Vehicle Service Shop and permitted in the a B-2 Local Business District by special use approval.

Agreement Name: _____
Executed By: _____

Workshop Meeting 9/20/12

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The proposed development would include retail and office use devoted to the sale of wheels and tires, six service bays, and storage space. Vehicle service on the premises would be limited strictly to installing and servicing wheels and tires, and would not include other vehicle services such as maintenance or body work. The applicant has indicated that there would be no outside storage of vehicles on the premises overnight, and that all used tires would be stored inside the building until disposed of. The hours of operation would be from Monday to Saturday, eight a.m. to six p.m, with no operations on Sunday.

The applicant requests a 15 foot setback variation in order to construct a one story, commercial building with a portion of the front yard setback at 10 feet, instead of the required 25 feet. This request is due to an unusual characteristic in the shape of the subject property that significantly reduces the front yard setback. At the southeast corner of the subject property, a portion of the front lot line, approximately 55 feet in length, is recessed by 23.5 feet. This is to allow the existing Menard's monument sign to remain on the adjacent property, which is occupied and owned by Menard's. This configuration of properties was platted in the Final Plat of Subdivision of Menards of Hanover Park, which was approved by the Board of Trustees in April of 2010. If the entire front yard setback were to be calculated from the portion of the front lot line that is not recessed, it would meet Zoning Ordinance requirements with a setback distance of 33.50 feet.

The applicant also requests a 3% variation from the permitted maximum lot coverage of 75% to allow for 78% lot coverage. The applicant has indicated that there is a need to increase the permitted maximum lot coverage because portions of the subject property are currently developed with shared internal access drives that serve Menard's and the surrounding outlot properties. The applicant has also indicated that it would be detrimental to the business to reduce the number of proposed parking spaces, of which there is a surplus of 15, to meet the required maximum lot coverage of 75%. The applicant is requesting to increase the lot coverage by approximately 1,409 square feet.

Staff Comment

Staff finds the proposed use to generally be consistent with the purpose of the B-2 district and the long-term land use plans for the property, which is to "provide for a wide range of retail stores and related commercial establishments providing for both day-to-day and occasional shopping needs." The use is expected to have limited physical impact on surrounding properties due to the scope of services performed on the premises being limited to the installation and repair of wheels and tires, and the interior storage of used tires. The improvements may have a positive impact on the value of this property, which is currently undeveloped. The subject property is well suited for commercial development due to its location in an existing shopping center that is well served by access drives.

However, Staff notes that a key Vision and Goal of the Comprehensive Plan is to "nurture a strong, diverse and self-sufficient economic base" and to "foster a diverse property and sales tax base that expands the Village's supply of goods and services and increases employment opportunities within Hanover Park" (Economic Development Plan, Vision 1, Goal 1.1). Additionally, a recommendation of the recent Urban Land Institute Technical Assistance Panel on the Irving Park Road Corridor was for the Village to not encourage additional auto-oriented uses where many already exist along the corridor. While the proposed use will bring additional property and sales taxes and employment, it will not

increase the diversity of businesses in the area and may have an impact upon surrounding businesses and their property values.

In regard to the variation request to reduce the minimum front yard setback, Staff finds that the irregular shape of the property, due to the location of the Menard’s sign, has caused a hardship that would limit the applicant’s ability to develop the subject property to its full potential if Zoning regulations were to be strictly enforced. Additionally, staff finds that the conditions that apply to the subject property are not generally applicable to other properties within the same B-2 Local Zoning District.

In regard to the variation request to increase the permitted maximum lot coverage, Staff does not recommend a variance, finding that the amount of pervious lot coverage could be reduced by eliminating surplus parking spaces proposed by the applicant. According to parking requirements established in the Zoning Ordinance, the proposed use requires only 25 parking spaces total instead of the 40 parking spaces indicated on the proposed Site Layout Plan. The permitted maximum lot coverage of 75% could be met with the reduction of nine (9) parking spaces.

Recommended Action

The Development Commission considered the request for special use and variances at their meeting of August 30, 2012. After discussion on the impact of the use on the Irving Park Corridor, the majority of the Development Commissioners recommended approval of the requests. See Exhibits 3 and for Draft Minutes and Findings of Fact.

The Development Commission recommends approval of the special use and variances with the following conditions:

1. Uses generally depicted on the site layout plan and landscape plan, dated July 6, 2012, by Atwell LLC.
2. Use shall be limited to the sale and installation of tires and wheels.
3. Any vehicles stored on the premises overnight will be stored inside the building.
4. No outdoor display, sales, or storage of materials is permitted on this site.
5. No auto repair work is to be performed outside of the enclosed repair bays.

Staff requests that the Village President and Board of Trustees discuss the application. If approval is recommended, Staff requests that the Village Board consider additional conditions that would help to improve the quality of the building and landscaping. This could include a higher quality façade and additional landscape elements, such as trees. Such conditions would help to mitigate the impact of the addition of an auto-oriented use, as well as to meet the Village’s goals of improving the Irving Park Road corridor.

Attachments

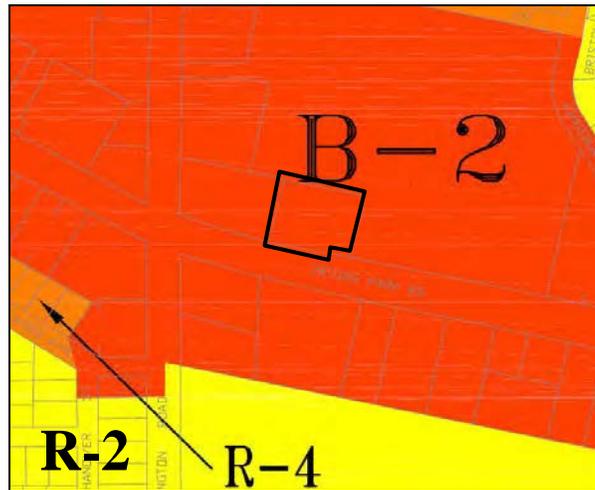
- Exhibit 1 – Area Maps
- Exhibit 2 – Site Plan and Elevations
- Exhibit 3 – Draft Development Commission Minutes, August 30, 2012
- Exhibit 4 – Development Commission Findings of Fact

Budgeted Item:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Budgeted Amount:	\$ N/A	
Actual Cost:	\$ N/A	
Actual Cost:	\$ N/A	

Exhibit 1 – Area Maps

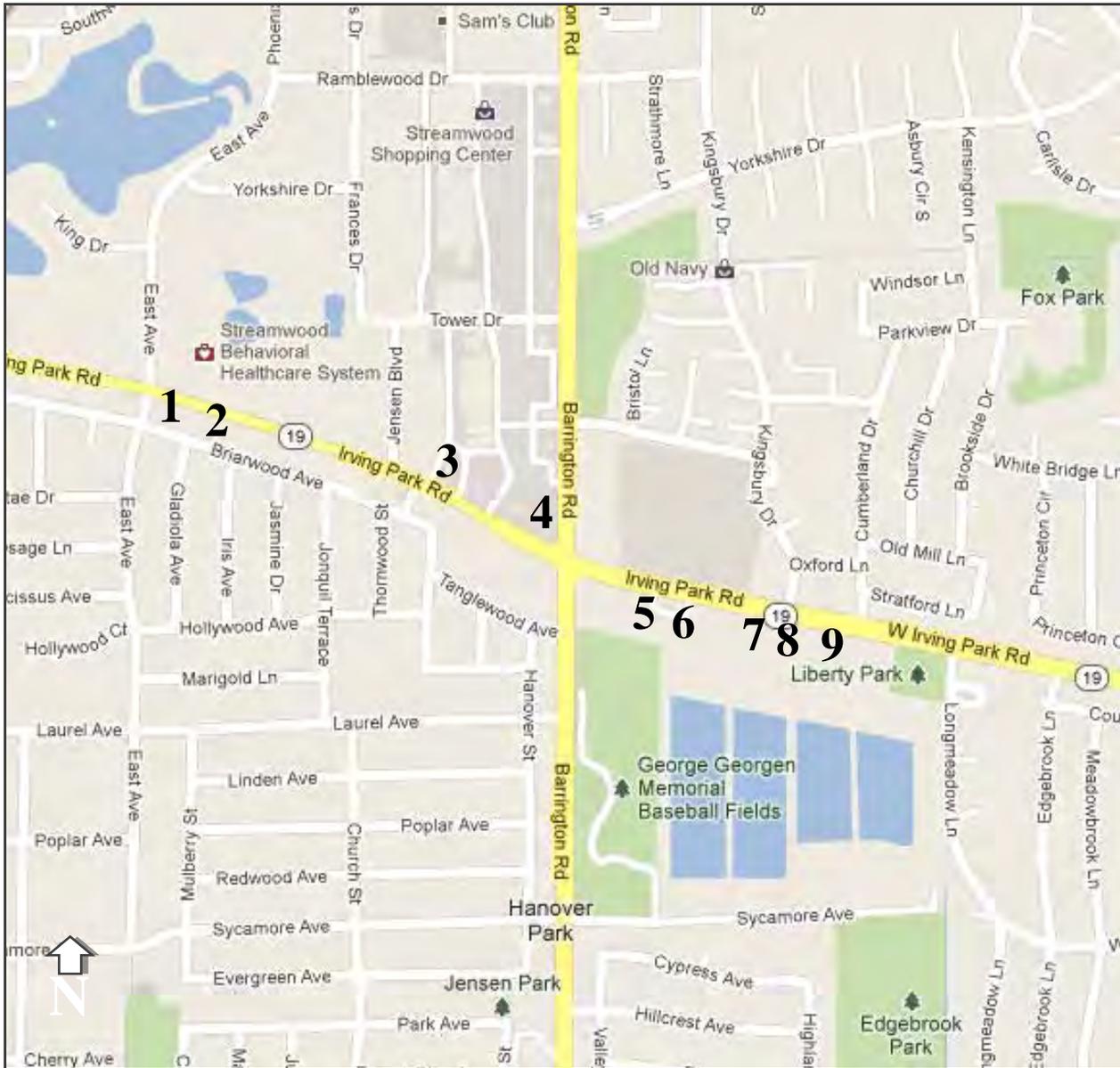


Aerial photo of subject property with boundary outlined



Zoning map with subject property outlined

CURRENT AUTO-RELATED USES ON THE IRVING PARK ROAD CORRIDOR

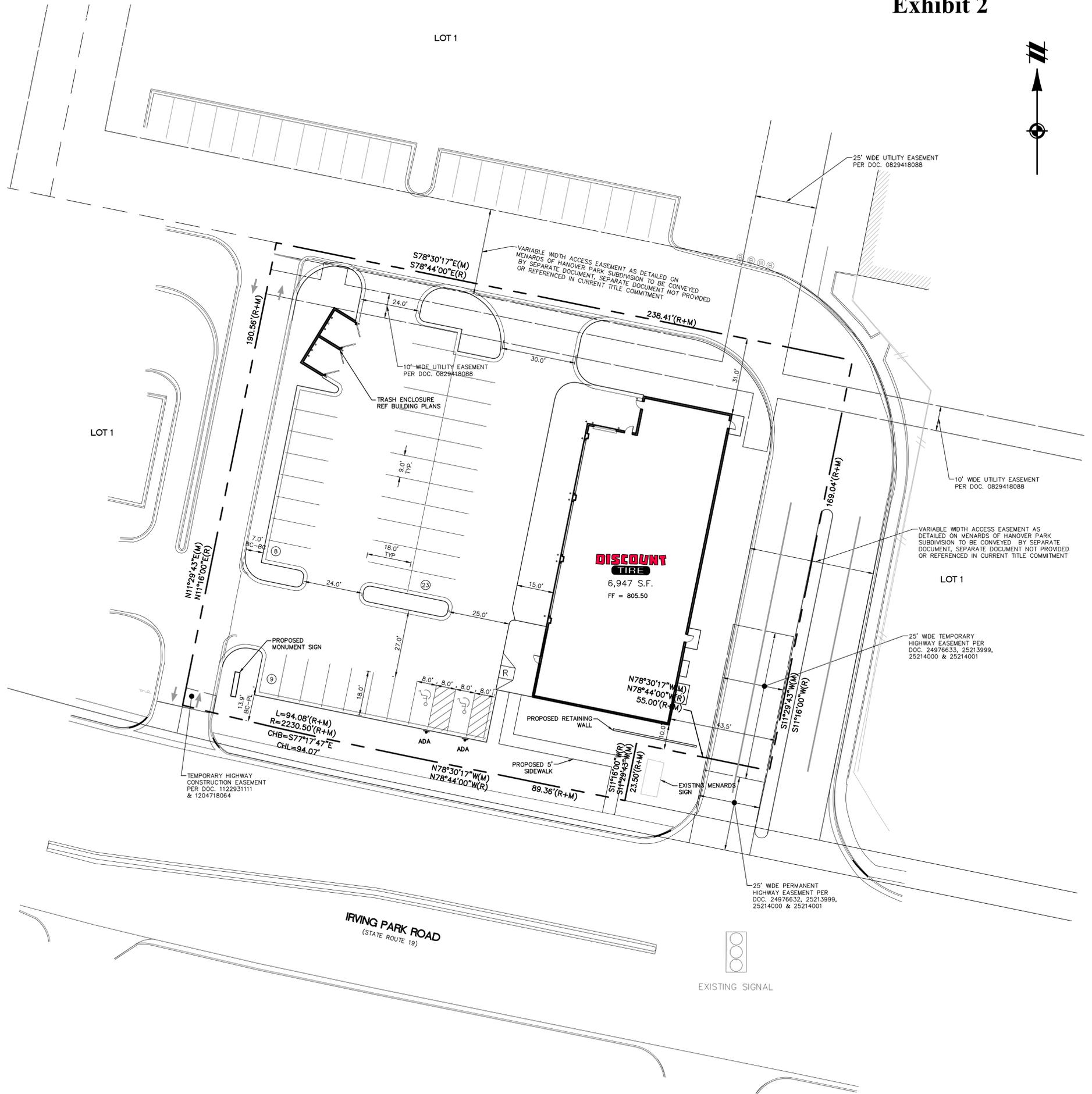


- | | |
|---------------------------|-----------------------|
| 1. Firestone Tire | 6. Just Tires |
| 2. First Stop Auto Repair | 7. Midas |
| 3. Merlin 200,000 Miles | 8. Advance Auto Parts |
| 4. Jiffy Lube | 9. H2O Auto Spa |
| 5. Auto Zone | |

Exhibit 2

LEGEND

	PROPERTY LINE
	EXIST. CURB AND GUTTER
	PROP. CURB AND GUTTER
	EASEMENT LINE
	PARKING SPACE COUNT
	ADA RAMP WITH DETECTABLE WARNING
	PROP. SIGN
	PROP. ACCESSIBLE PARKING SPACE SIGN
	PROP. STOP SIGN
	DIMENSION TO BACK OF CURB
	DIMENSION TO PROPERTY LINE



SITE DATA

ZONING	B-2
ACREAGE	1.02 ACRES (44,549 SF)
SETBACKS	FRONT SIDE REAR
BUILDING	25' 10' 25'
PARKING	5' 0' 0'
IMPERVIOUS AREA	0.80 ACRES (34,821 SF) 78%

PARKING DATA

DISCOUNT TIRE	6,947 S.F. (1,692 S.F. RETAIL)
PARKING REQUIRED*	27
PARKING PROVIDED	40

*PARKING REQUIREMENTS
 5 SPACE/1,000 S.F. OF RETAIL + 3 SPACES/SERVICE BAY
 THEREFORE: 5 SPACES/1,000 S.F. x 1,692 S.F. + 3 SPACES x 6 BAYS = 27 SPACES



THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
 CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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 DESIGN FIRM #18-005676



SECTION 30
 TOWN 41 NORTH, RANGE 10 EAST
 VILLAGE OF HANOVER PARK
 COOK COUNTY, ILLINOIS

DISCOUNT TIRE CO.
 IRVING PARK ROAD
 HANOVER PARK, IL
 PRELIMINARY ENGINEERING
 SITE LAYOUT PLAN

CLIENT
 DATE 07/06/2012



REVISIONS

SCALE	0 10 20
1" = 20 FEET	
DR. REK	CH. TM
P.M. TM	
BOOK	--
CAD FILE:	12000806C-02-L
JOB	12000806
FILE CODE:	--
SHEET NO.	

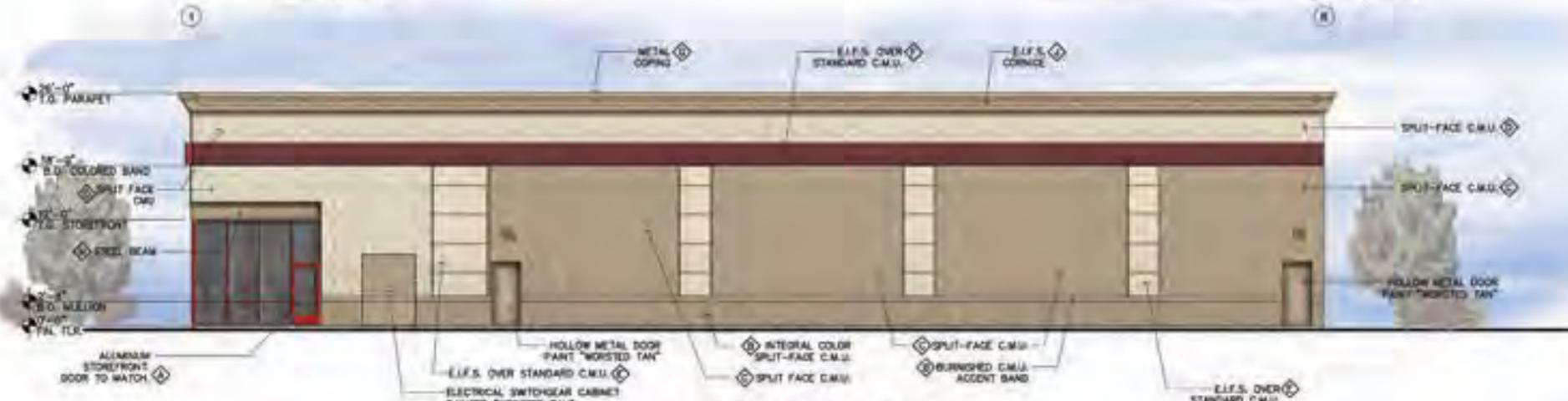


NORTH ELEVATION
SCALE: 1/8" = 1'-0"

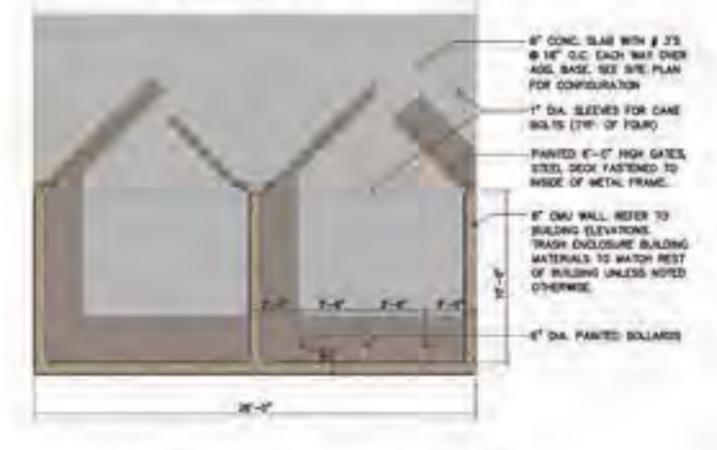
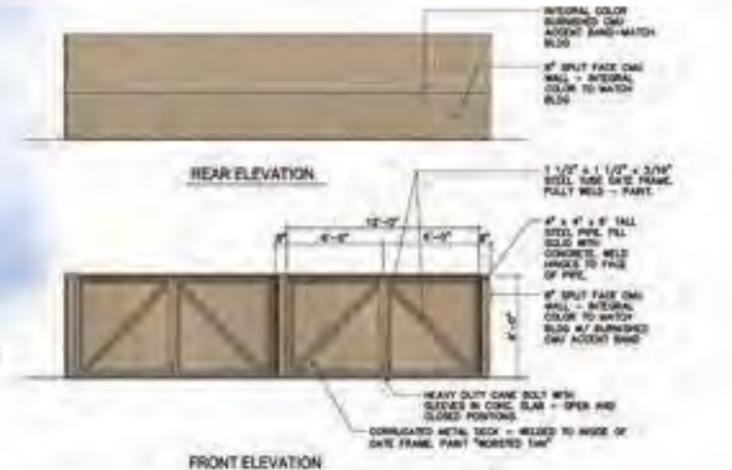


SOUTH ELEVATION (Irving Park Rd)
SCALE: 1/8" = 1'-0"

FINISH LEGEND	
⊕	MANUFACTURER'S STANDARD COLOR TO MATCH "BAMBER RED"
⊕	INTEGRAL COLOR C.M.U. (SPLIT-FACE OR BURSHED AS NOTED) TO MATCH "WORSTED TAN"
⊕	GRAY SPLIT-FACE C.M.U. PAINTED TO MATCH "WORSTED TAN"
⊕	GRAY SPLIT-FACE C.M.U. PAINTED TO MATCH "ANTIQUE WHITE"
⊕	SHERWIN WILLIAMS PAINT - SW 8119 "ANTIQUE WHITE"
⊕	E.I.F.S. BAND PAINTED TO MATCH "BURGUNDY"
⊕	METAL COPING - FACTORY PAINTED / INTEGRAL COLOR TO MATCH "TAN" COLOR
⊕	EXPOSED STEEL PAINTED TO MATCH "WORSTED TAN"
⊕	E.I.F.S. PAINTED TO MATCH "WORSTED TAN"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



TRASH ENCLOSURE PLAN/ELEVATIONS
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

ALT - 1R



THIS PLAN IS PROPERTY OF PEI ARCHITECTURE & ENGINEERING. THIS DRAWING IS LOANED WITHOUT OTHER CONSIDERATION THAN THE AGREEMENT AND CONDITION THAT IT IS NOT BE REPRODUCED, COPIED, OR OTHERWISE EMPLOYED OR SPREAD OR IMPROPERLY AND IS NOT TO BE USED IN WHOLE OR IN PART TO ASSIST IN BIDDING OR TO FURNISH ANY INFORMATION FOR THE PURPOSE OF DRAWING, PRINTS, APPARATUS OR PARTS THEREOF. THE ACCEPTANCE OF THIS DRAWING WILL BE CONSIDERED AN ACCEPTANCE OF THE FOREGOING CONDITIONS.

CONCEPTUAL ELEVATIONS
Irving Park Road & Barrington
HANOVER PARK, IL 60103

JOB # A.120XXX

Date: 07.09.12



Sheet No.

A.2
Page 35

Workshop Meeting 9/20/12

SITE DATA

ZONING	B-2		
ACREAGE	1.02 ACRES (44,549 SF)		
SETBACKS	FRONT	SIDE	REAR
BUILDING	25'	10'	25'
PARKING	5'	0'	0'
IMPERVIOUS AREA	0.80 ACRES (34,821 SF) 78%		

ACREAGE INSIDE ROADWAY CURB	0.85 ACRES (37,137 SF)
IMPERVIOUS AREA INSIDE ROADWAY CURB	0.63 ACRES (27,403 SF) 74%

PARKING DATA

DISCOUNT TIRE	6,947 S.F.	(1,692 S.F. RETAIL)
PARKING REQUIRED*	27	
PARKING PROVIDED	40	

*PARKING REQUIREMENTS
 5 SPACE/1,000 S.F. OF RETAIL + 3 SPACES/SERVICE BAY
 THEREFORE: 5 SPACES/1,000 S.F. x 1,692 S.F. + 3 SPACES x 6 BAYS = 27 SPACES

SITE PLANT SCHEDULE

SHADE TREES				
KEY	QTY.	SPECIES	SIZE	REMARKS/SPEC.
AR	9	Armstrong Red Maple	2" Cal.	B&B
SH	3	Skyline Honey Locust	2" Cal.	B&B
SHRUBS				
KEY	QTY.	SPECIES	SIZE	REMARKS/SPEC.
AV	31	Arrow Wood Viburnum	30" ht.	6' O.C.
KL	33	Miss Kim Korean Lilac	24" ht.	4.5' O.C.
PERENNIALS				
KEY	QTY.	SPECIES	SIZE	REMARKS/SPEC.
DF	33	Dwarf Fountain Grass	2 Gal.	3' O.C.
DL	114	Daylilies	1 Gal.	18" O.C.



4.b.

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 DESIGN FIRM #184-005876



SECTION 30
 TOWN 41 NORTH, RANGE 10 EAST
 VILLAGE OF HANOVER PARK
 COOK COUNTY, ILLINOIS

DISCOUNT TIRE CO.
 IRVING PARK ROAD
 HANOVER PARK, IL
 ILLUSTRATIVE SITE PLAN

CLIENT
 DATE 07/06/2012

REVISIONS



SCALE 0 10 20
 1" = 20 FEET

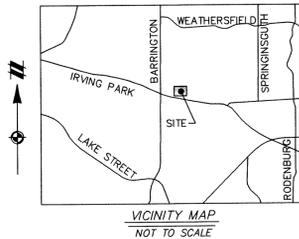
DR. REK	CH. TM
P.M. TM	
FILE NO. 12000806EX-001	
SHEET NO.	

Workshop Meeting 9/20/12
 Page 34

ALTA/ACSM LAND TITLE SURVEY

OF
PART OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
COOK COUNTY, ILLINOIS

10



LOT 4
FINAL PLAT OF SUBDIVISION
MENARDS OF HANOVER PARK
PER DOC. NO. 1010634072
OWNER UNKNOWN
07-30-303-008-0000
BENCHMARK #2

LOT 1
HANOVER HEIGHTS
PER DOC. NO. 20572558
OWNER UNKNOWN
07-30-303-001-0000

LOT 5
FINAL PLAT OF SUBDIVISION
MENARDS OF HANOVER PARK
PER DOC. NO. 1010634072
UNKNOWN OWNER
07-30-303-012-0000
"NO BUILDINGS"

LOT 1
FINAL PLAT OF SUBDIVISION
MENARDS OF HANOVER PARK
PER DOC. NO. 1010634072
UNKNOWN OWNER
07-30-303-008-0000

LEGEND

- + FOUND CUT CROSS
- x S SET PK NAIL
- o S SET IRON ROD
- x F FOUND PK NAIL
- o F FOUND IRON PIPE
- EXISTING MANHOLE/CATCH BASIN
- EXISTING HYDRANT AND SHUTOFF
- EXISTING LIGHT POLE
- EXISTING BOLLARD
- EXISTING SIGN
- EXISTING TRAFFIC SIGNAL HANDHOLE
- EXISTING TRAFFIC SIGNAL
- EXISTING UTILITY POLE
- EXISTING CURB LINE WITH DUBDOWN
- EXISTING FENCE
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING UNDERGROUND SANITARY LINE
- EXISTING UNDERGROUND STORM LINE
- EXISTING UNDERGROUND WATER LINE
- EXISTING UNDERGROUND GAS LINE
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING BUILDING

- ### BENCHMARKS
- SITE BM# 1 = CHISELED "X" IN AAROW BOLT OF HYDRANT IN NORTHWEST CORNER OF SITE
ELEVATION = 806.51 (NAVD88)
 - SITE BM# 2 = CHISELED "X" IN AAROW BOLT OF HYDRANT ±165.00 FEET WEST OF BM# 1
ELEVATION = 806.18 (NAVD88)
 - SITE BM# 3 = (VILLAGE OF HANOVER PARK BM# 10) CHISELED SQUARE ON METAL FLAG POLE
ELEVATION = 821.87 (NAVD88)
 - SOURCE BM = (VILLAGE OF HANOVER PARK BM# 1) CHISELED SQUARE IN CONCRETE FLAG POLE
ELEVATION = 804.93 (NAVD88)

THE SUBJECT PROPERTY IS CURRENTLY ZONED B-2 - GENERAL/LOCAL BUSINESS DISTRICT (PER THE VILLAGE OF HANOVER PARK, ILLINOIS ZONING ORDINANCE).

- ### YARD REQUIREMENTS:
- 1) FRONT YARD. A FRONT YARD OF NOT LESS THAN 25 FEET.
 - 2) CORNER SIDE YARD. A CORNER SIDE YARD OF NOT LESS THAN 25 FEET.
 - 3) SIDE YARD. A SIDE YARD OF NOT LESS THAN TEN FEET, EXCEPT WHERE SUCH USE ABUTS UPON THE SIDE OR REAR YARD OF A LOT IN A RESIDENTIAL DISTRICT, IN WHICH CASE THERE SHALL BE A SIDE YARD ON THE LOT IN THE B-2 DISTRICT OF NOT LESS THAN 30 FEET.
 - 4) REAR YARD. A REAR YARD OF NOT LESS THAN 25 FEET, EXCEPT WHERE SUCH USE ABUTS UPON THE SIDE OR REAR OF A LOT IN A RESIDENTIAL DISTRICT, IN WHICH CASE THERE SHALL BE A REAR YARD ON THE LOT IN THE B-2 DISTRICT OF NOT LESS THAN 30 FEET.
- b. FLOOR AREA RATIO (FAR). MAXIMUM FLOOR AREA RATIO (FAR) SHALL BE 0.35.
c. MAXIMUM LOT COVERAGE. LOT COVERAGE SHALL NOT EXCEED 75 PERCENT.
d. MINIMUM LOT SIZE. MINIMUM LOT SIZE SHALL BE ONE ACRE.
e. MAXIMUM BUILDING HEIGHT. BUILDING HEIGHT SHALL NOT EXCEED 45 FEET.

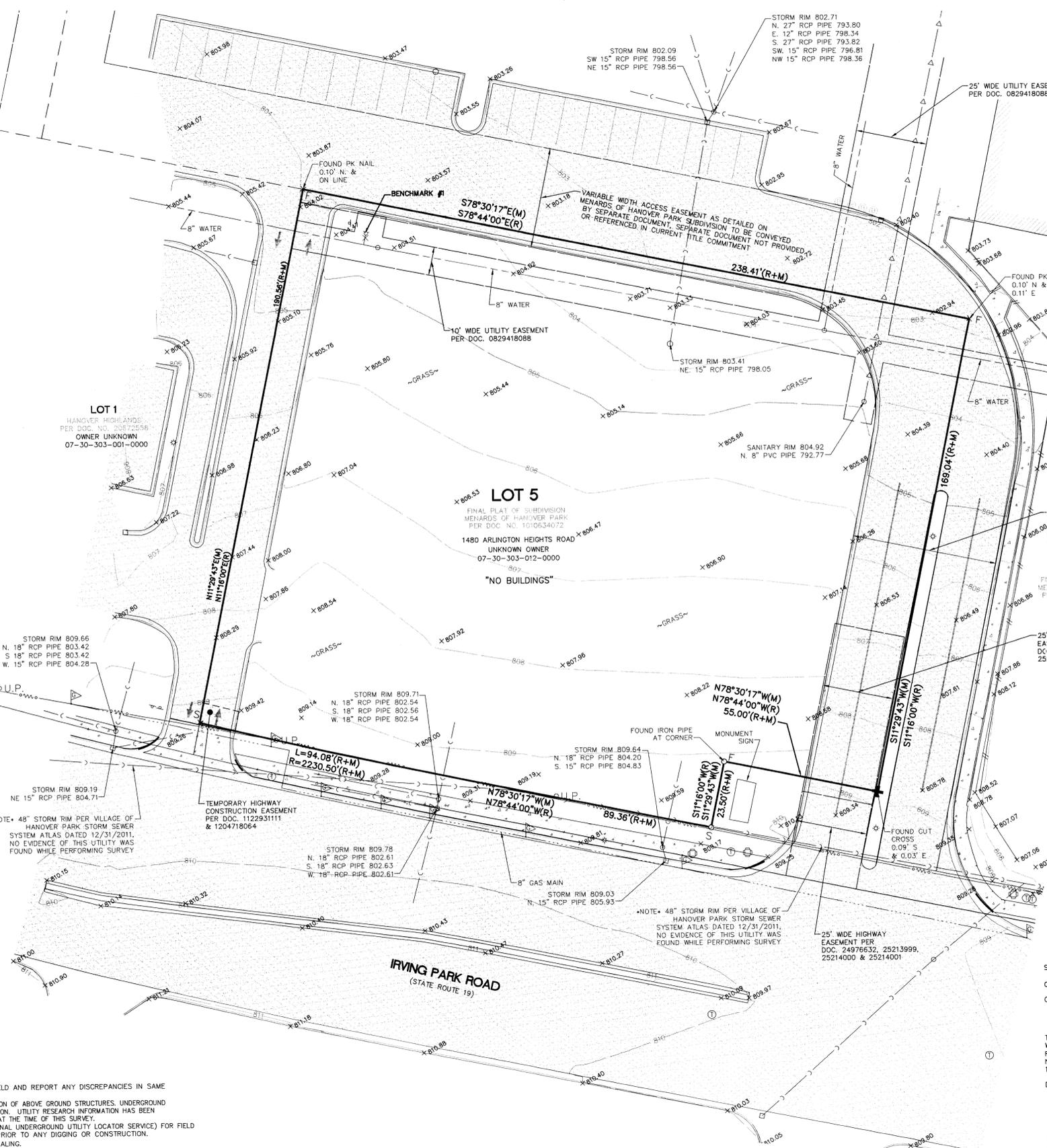
- ### GENERAL NOTES:
- 1.) COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES IN SAME TO SURVEYOR AT ONCE.
 - 2.) UTILITIES SHOWN HEREON ARE BY VISIBLE LOCATION OF ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY EXIST THAT ARE NOT SHOWN HEREON. UTILITY RESEARCH INFORMATION HAS BEEN REQUESTED FROM THE OUG, BUT NOT RECEIVED AT THE TIME OF THIS SURVEY.
 - 3.) CALL 811 ("COMMON GROUND ALLIANCE" NATIONAL UNDERGROUND UTILITY LOCATOR SERVICE) FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES PRIOR TO ANY DIGGING OR CONSTRUCTION.
 - 4.) NO DIMENSIONS SHOULD BE ASSUMED BY SCALING.
 - 5.) FIELD WORK COMPLETED ON 05/23/2012.
 - 6.) THE ABOVE DESCRIBED PROPERTY LIES WITHIN FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER F.I.R.M. MAP NO. 17031C0169A, MAP REVISED AUGUST 19, 2008.
 - 7.) OBSERVED PARKING SPACES ON SUBJECT SITE: 0 PARKING STALLS.
 - 8.) THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE SUBJECT SITE AT TIME OF SURVEY.
 - 9.) THERE WAS NO OBSERVED EVIDENCE OF THE SUBJECT SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL AT TIME OF SURVEY.



THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
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4. **PRESENTATIONS/REPORTS:** None.

5. **APPROVAL OF MINUTES:**

5-a. **Request to Approve** the Regular Meeting Minutes of July 12, 2012.

Motion by Commissioner Mercier to approve Minutes, seconded by Commissioner Berthelot with

Voice Votes:

All AYES.

Motions Carried: Approved the Regular Minutes of May 10, 2012.

6. **ACTION ITEMS:**

- 6-a. **Public Hearing:** Consider a request by Todd Mosher of Atwell LLC (applicant) on behalf of Menard, Inc., (property owner) for the following approval of a Special Use from the Village of Hanover Park Zoning Ordinance to allow a Motor Vehicle Service Shop in a B-2 Zoning District; a Variation from the Village of Hanover Park Zoning Ordinance for a fifteen foot (15') reduction of the required twenty five foot (25') front yard setback; and a Variation from the Village of Hanover Park zoning Ordinance to increase the maximum permitted lot coverage of 75% to 78% to permit the construction of a one-story commercial building on Lot 5 of the Menard's Subdivision on Irving Park Road, Hanover Park, Illinois.

Chairperson Wachsmuth entertained a Motion to Open the Public Hearing. Motion by Commissioner Mercier to Open the Public Hearing, seconded by Commissioner Berthelot.

Voice Votes:

All AYES.

Motion Carried: Public Hearing Opened.

Village Planner Bowman stated a Notice of the Public Hearing was posted in the *Daily Herald* on, August 10, 2012 and Return Receipt Requests were received from the applicant. A summary of the case was presented along with site photos. This area encompasses many auto uses (approximately 10), and reference was given to the recent Irving Park Road Corridor Study which recommended a need for more diverse uses in this area to expand the economic base.

Chairperson Wachsmuth – Requested Petitioner Todd Mosher of Atwell LLC, 1245 East Diehl Road, Naperville, IL step up to the podium to be sworn in.

Petitioner Mosher– Summarized a request from Atwell LLC for a Special Use and Zoning Variation to construct a Discount Tire retail and service outlot. This business is privately owned with well over 800 stores across the United States. They are devoted solely to the sale of wheels and tires. There is no service work performed on any vehicles such as oil changes, alignments, mufflers, body repairs. Vehicle service is

limited strictly to installing and servicing wheels and tires. Hours of operation are 8:00 a.m. – 6:00 p.m. six days a week. They are closed on Sundays. The building is approximately 7,000 sq ft with six installation bays and a front showroom area. This building is approximately 26 ft in height and constructed of all masonry. There is no exterior storage. Their policy does not allow overnight parking of vehicles. Mr. Mosher referred to the unusual lot line configuration of this outlot that includes a portion of common entry drives and because of this it puts them slightly over 78% of lot coverage.

Mr. Mosher stated their request for 40 spacing spaces is due to the need of adequate employee parking (7 full time employees and roughly 8-10 part time employees there at one time). With approximately 15 spaces for employee parking, 25 spaces remain for customer parking. If they are doing a good business, they can turn cars every 15-17 minutes within those six bays, and that doesn't include the customers who come by to get an estimate, tire check, etc.

Chairperson Wachsmuth requested members of the audience who would like to speak on this topic step up to the podium. (None.)

The meeting is turned over to Commissioners for questions.

Commissioner Rasmussen – No questions.

Commissioner Neil – Questioned the storage of tires inside the building.

Mr. Mosher – New tires will be stored in the mezzanine and old tires are stored in a designated room. Discount Tires as separate recycling with a delivery company arriving weekly.

Commissioner Berthelot – Referred to the Irving Park Road Corridor Study's indication that the area has too much retail and not enough of something else. Noted that Irving Park is a hodge podge of too much retail and questioned the amount of research done by Discount Tire and their choice of location. He questioned the designated storage of tires within the building.

Mr. Mosher – Stated Discount Tire has never closed a store. The company has a strong history of site location designation. Discount Tire stated the diameter of the water line they require for their fire suppression system is an 8" diameter. They will build in line with the Village Building Codes.

Commissioner Plaia – No questions.

Commissioner Mercier – Questioned Discount Tire building configurations. Would it be financially viable to put in a smaller configuration in Hanover Park? Commissioner Mercier felt the piece of land is too small for the size of the building, and he is sensitive to the diversity of the businesses in the area and further stated that Just Tires is exactly across the street.

Mr. Mosher – Stated their primary footprint and the majority of their stores are a six bay. Just Tires does full service including oil changes, transmissions, etc. Discount Tire would be the only business in Hanover Park that really does “just tires.”

Chairperson Wachsmuth – Questioned the need for this type of auto related business in this area with most of them selling tires. Referred to the Village Comprehensive Plan calling for diversity. Concerned about the impact on existing businesses and the Irving Park Road Corridor study findings of too many auto related retail businesses in this specific area and flooding concerns.

Chairperson Wachsmuth entertained a motion to close the Public Hearing.

Motion by Commissioner Mercier to close the Public Hearing, seconded by Commissioner Neil.

Voice Votes:

All AYES.

Motion Carried: Public Hearing Closed.

Chairperson Wachsmuth - requested Planner Bowman present the Draft Findings of Fact and questioned the Commission on the need for amendments which included retail diversity, financial impact of current businesses and Irving Park Road Corridor Study findings.

Village Planner Bowman presented the Draft Findings of Fact for the Special Use and stated how the Commission votes on the Special Use will impact the Variance.

Stated that this Commission should consider the required standards of review for a special use when making their findings of fact and determining their recommendation. The standards of review generally address:

- 1) Whether the use is appropriate at a particular location
- 2) Whether the use has an undue impact upon neighboring properties and the Village as a whole and whether those impacts may be mitigated
- 3) Whether the use supports the goals and policies of the Comprehensive and other plans of the Village

Based upon these considerations, the Commission recommended several changes to the Draft Findings of Fact related to B. Surrounding Use and Property Value, C. Conformance with Comprehensive Plan, and D. Development and Improvement of Surrounding Property. Planner Bowman summarized their recommended changes, which were then incorporated into the Findings of Fact.

Chairperson Wachsmuth entertained a motion to Approve the Draft Findings of Fact. Motion by Commissioner Mercier to approve the Draft Findings of Fact, seconded by Commissioner Berthelot.

Roll Call Vote:

AYES:	Commissioners:	Aird, Berthelot, Mercier, Neil, Plaia, Rasmussen, Chairperson Wachsmuth
NAYS:	Commissioner:	None
ABSENT:	Commissioners:	Watkins

Motion Carried: Approved the Draft Findings of Fact – Special Use and requests this item be presented to the Village Board for consideration.

Commissioner Berthelot – Has a concern over the findings of the Irving Park Road Corridor regarding too much retail.

Commissioner Aird – If the Petitioner’s request is approved, what is the impact on existing auto related businesses in this area?

Chairperson Wachsmuth – Referred to our Comprehensive Plan on diversity and stated that this is a recommending Commission with the final approval coming from our Village Board. Stated she is not in favor of a variation for the impervious section, however she can go with the setback.

Commissioner Berthelot – Is concerned over creating a drainage problem.

Petitioner Mosher - The stormwater management is already in place for this area, and Discount Tire will be held to that standard.

Chairperson Wachsmuth - entertained a motion to consider the Petitioners request subject to the proposed conditions. It would be used as depicted on the site plan and landscape plan; any vehicles stored on the premises overnight will be stored inside the building, no outdoor displays, sales or storage of materials is permitted on site; and no auto repair work is to be performed outside of the closed repair bays.

Village Planner Katie Bowman – If this Commission is concerned with the impact of this business to existing auto retail businesses, it should consider limiting Discount Tire being only for sales and installation of tires and wheels. Any deviation from this in the future would require a variance to the existing Special Use. The Development Commissioners may include a condition of approval which states that the approved use is limited to sales and installation of tires and wheels.

Commissioner Berthelot – Request this business be limited to only the sales and installation of tires and wheels.

Motion by Commissioner Mercier to recommend approval of the Petitioner’s request subject to the Special Use as amended and the conditions as amended, seconded by Commissioner Plaia.

Roll Call Vote:

AYES:	Commissioners:	Aird, Berthelot, Neil, Plaia, Rasmussen,
NAYS:	Commissioner:	Mercier, Chairperson Wachsmuth
ABSENT:	Commissioners:	Watkins

Motion Carried: Approved the Special Use as amended and the conditions as amended and requests this item be presented to the Village Board for their consideration.

Village Planner Katie Bowman – Presented the Draft Findings of Fact – Variations.

Chairperson Wachsmuth – entertained a Motion to consider the Draft Findings of Fact.

Motion by Commissioner Mercier to approve the Draft Findings of Fact, seconded by Commissioner Berthelot.

Roll Call Vote:

AYES:	Commissioners:	Aird, Berthelot, Mercier, Neil, Plaia, Rasmussen, Chairperson Wachsmuth
NAYS:	Commissioner:	None.
ABSENT:	Commissioners:	Watkins

Motion Carried: Approved the Draft Findings of Fact.

Chairperson Wachsmuth – entertained a Motion to recommend approval of the Variations.

Motion by Commissioner Mercier to approve the Variations, seconded by Commissioner Berthelot.

Roll Call Vote:

AYES:	Commissioners:	Aird, Berthelot, Neil, Plaia, Rasmussen
NAYS:	Commissioner:	Mercier, Chairperson Wachsmuth
ABSENT:	Commissioners:	Watkins

Motion Carried: Approved the Variations and requests this item be presented to the Village Board for their consideration.

DEVELOPMENT COMMISSION
FINDINGS OF FACT
LOT 5 OF MENARD'S SUBDIVISION – DISCOUNT TIRE
SPECIAL USE – MOTOR VEHICLE SERVICE SHOP

I. Subject

Consideration of a request by Todd Mosher of Atwell LLC (applicant) on behalf of Menard, Inc. (property owner) for a Special Use from the Village of Hanover Park Zoning Ordinance to allow a Motor Vehicle Service Shop in a B-2 Zoning District.

Specifically, the following items must be approved:

- Special Use from Section 110-5.9.3.k – Motor Vehicle Service Shop

II. Findings

On August 30, 2012 after due notice as required by law, the Hanover Park Development Commission held a public hearing on the subject request concerning the Special Use. No objectors appeared and no written objections were filed.

The Development Commission has made the following findings regarding the Special Use request:

A. Public Health, Safety, and Welfare

The proposed use will not negatively impact the public health, safety or welfare of the community.

B. Surrounding Property Use and Value

The proposed development may have a negative impact the use or value of other property in the immediate vicinity. The surrounding properties are developed with compatible uses.

C. Conformance with Comprehensive Plan

The proposed development is not wholly in conformance with the goals and objectives set forth in the Comprehensive Plan. While the Comprehensive Plan designates this parcel for commercial use, it also calls for a “strong, diverse and self-sufficient economic base,” which this business does not contribute to.

D. Development and Improvement of Surrounding Property

The proposed development may impede the normal and orderly development and improvement of surrounding property. All adjacent parcels are currently developed.

E. Utilities, Access Roads, and Drainage

All utilities will be installed according to engineering regulations. Existing access roads provide safe and efficient on-site traffic flow.

F. Ingress and Egress to Public Streets

Ingress and Egress to the site from Irving Park Road is provided two existing internal access drives.

G. Conformance with Zoning Restrictions

The property is zoned B-2 Local Business District. With the exception of Variation requests to reduce the minimum front yard setback and increase the permitted maximum lot coverage, the proposed site plan and landscape plan are in conformance with the restrictions of the Zoning Ordinance.

H. Minimization of Adverse Effects

The site plan has been designed to minimize potential adverse impacts to surrounding properties. Surrounding uses are compatible with the proposed special use.

III. Recommendations

Accordingly, by a vote of 5 to 2, the Development Commission recommends approval of the request, subject to the following conditions:

1. Uses generally depicted on the site layout plan and landscape plan, dated July 6, 2012, by Atwell LLC.
2. Use shall be limited to the sale and installation of tires and wheels.
3. Any vehicles stored on the premises overnight will be stored inside the building.
4. No outdoor display, sales, or storage of materials is permitted on this site.
5. No auto repair work is to be performed outside of the enclosed repair bays.

DEVELOPMENT COMMISSION
FINDINGS OF FACT
LOT 5 OF MENARD'S SUBDIVISION – DISCOUNT TIRE
VARIATIONS – SETBACK & LOT COVERAGE

I. Subject

Consideration of a request Todd Mosher of Atwell LLC (applicant) on behalf of Menard, Inc (property owner) for:

1. Variation from Section 110-5.9.5.k(1) to allow for a 15 foot reduction of the required 25 foot front yard setback, for a front setback of 10 feet
2. Variation from Section 110-5.9.5.c to allow for an increase in the maximum permitted lot coverage by 3%, from 75% to 78%

to permit the construction of a one-story commercial building on Lot 5 of the Menard's Subdivision on Irving Park Road.

II. Findings

On August 30, 2012 after due notice as required by law, the Hanover Park Development Commission held a public hearing on the subject request concerning the Variation. No objectors appeared and no written objections were filed.

The Development Commission has made the following findings regarding the Variation request:

A. Unique Circumstances

The unique circumstances related to the Applicants proposed request are:

1. An irregularly shaped front lot line caused by the location of Menard's existing monument sign.
2. Portions of the subject property are currently developed along the back lot line and both side lot lines with internal access drives that serve Menard's and the surrounding outlot properties, and therefore reducing the amount of developable area.

B. Essential Character

Approval of the Variation request will not alter the essential character of the locality and is consistent with the Comprehensive Plan, which designates this property for commercial use. The surrounding properties are developed with compatible uses. The adjacent land uses to the north, south, east and west are zoned B-2 Local Business District.

C. Additional Considerations

1. Surrounding Topographical Conditions

There are no unique topographic conditions.

2. General Applicability

The conditions upon which this variation request is based will not be generally applicable to other properties within the zoning district.

3. Economic Return

The purpose of the variation is not based exclusively upon a desire to receive a greater economic return.

4. Cause of Hardship

1. The cause of hardship to the applicant is due to an unusual characteristic in the shape of the subject property that significantly reduces the front yard setback. At the southeast corner of the subject property, where the front lot line and the side lot line adjoin, a portion of the front lot line, approximately 55 feet in length, is recessed by 23.5 feet to allow the existing Menard's monument sign to remain on the adjacent property, which is occupied and owned by Menard's.
2. The cause of hardship is the existing impervious lot coverage on the subject property due to internal access drives.

5. Public Welfare

Granting the requested variation will not likely be detrimental to the public welfare or injurious to neighboring properties.

6. Public Safety, Property Values

Approval of the requested variation will not likely endanger the public safety, or impact property values.

III. Recommendations

Accordingly, by a vote of 5 to 2, the Development Commission recommends approval of the request with the following conditions:

6. Uses generally depicted on the site layout plan and landscape plan, dated July 6, 2012, by Atwell LLC.
7. Use shall be limited to the sale and installation of tires and wheels.
8. Any vehicles stored on the premises overnight will be stored inside the building.
9. No outdoor display, sales, or storage of materials is permitted on this site.
10. No auto repair work is to be performed outside of the enclosed repair bays.



TO: Village President and Board of Trustees

FROM: Juliana Maller, Village Manager
Katie Bowman, Village Planner

SUBJECT: Update on the regulation of automatic changeable copy signs

ACTION

REQUESTED: Approval Concurrence Discussion Information

MEETING DATE: September 20, 2012

Executive Summary

Update on regulations for automatic changeable copy signs (electronic signs), including review of Development Commission's recommendation of potential changes.

Background

Current Regulations

Electronic signs that are capable of displaying multiple messages are referred to as *automatic changeable copy signs* in Chapter 6 of the Municipal Code, which regulates advertising and signage.

Automatic changeable copy signs are defined as:

A sign on which the copy changes automatically through illumination by electric lights, luminous tubes, or any other means of illumination or through mechanical means. Such signs shall adhere to the following conditions and restrictions: only one color for the changeable copy is permitted on a black background with no scrolling, flashing, or other movements between text messages; sign copy changes shall occur no more than once every 90 seconds; and copy shall not advertise products or services not available on the lot on which the automatic signage is located.

Further regulations regarding automatic changeable copy signs include:

- Only permitted in Business Districts, including B-1 and B-2
- On freestanding signs for businesses not located in shopping centers, the automatic changeable copy sign may comprise the entire sign area (up to 64 square feet)
- On freestanding signs businesses located in shopping centers with more than 300 feet of frontage on an arterial street, the area of the automatic changeable copy sign may not exceed 25 percent of the maximum permitted sign area for the freestanding sign (permitted area depends upon size of building frontage)
- Illumination level may not exceed 75 footcandles when measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign (common measure of illumination is footcandles)

Regulation Survey

The municipal codes of surrounding communities reflect a variety of approaches for regulating electronic changeable signs. A review of regulations in various municipalities revealed that while all generally permit electronic message centers which display text and images, most do not permit full digital video displays. A summary of regulations from six surrounding communities is summarized in Exhibit 1.

In regard to best management practices on this topic, an April 2008 article from the American Planning Association's *Zoning Practice* titled "Practice Smart Sign Codes" offers some references for how municipalities are regulating the different forms of digital signs, and recommendations for what to consider when writing regulations for them. These recommendations are included in the Considerations section below.

Considerations

It is recommended that when a jurisdiction is considering updating its sign ordinance, it should consider elements such as:

- Detailed definition of digital display signage with guidelines for design and aesthetics, including colors, pictures, and videos
- Message duration and transition
- A list of the zoning districts in which such signs are allowed and prohibited
- Restrictions on the placement of signs, such as their orientation to residential districts
- Limits on the percentage of a sign's area that can be devoted to a digital display
- Restrictions on illumination levels during the day and after dark
- Public service announcements: some municipalities require that digital signage be used to display emergency information and amber alerts
- Process by which signs will be approved, whether it be by standard sign plan review or additional special use review

Discussion

The Development Commission discussed existing regulations of automatic changeable copy signs at their meeting of August 30, 2012. Upon review of current regulations in Hanover Park and in surrounding communities, they made comments and recommended several changes to the regulations:

- Types of signs:
 - Maintain the current definition of automatic changeable copy signs (see p. 1)
 - Prohibit 'digital video displays' that show full video
- Location and Approval:
 - Permit automatic changeable copy signs business districts by right (following outlined regulations)
 - Permit automatic changeable copy signs in residential districts for school and churches, with special use approval
 - Special use approval allows for these signs to be subject to additional limitations, such as lower lighting level and orientation or distance away from closest residence

- Display:
 - Permit multiple colors of sign text and background
 - Permit copy changes to occur once every 5 - 7 seconds
- Movement:
 - Limit movement, shaking, scrolling, or flashing of text
 - Recommend language found in the Village of Addison's regulations.
- Area: Up to 50% of the total permitted freestanding sign area may be utilized by automatic changeable copy
- Illumination: The illumination level of signs must be reduced by 50% after 10 or 11 p.m.
- Public Service Announcements: Do not recommend that automatic changeable copy signs be required to display public service announcements

The Development Commission also recommended that considerations be made to ensure that the automatic changeable copy signs do not become too numerous or cluttered as to have a negative aesthetic impact or to become a significant distraction. This may be addressed through the requirement that automatic changeable copy signs be located at least 75 feet from each other. With the narrowest commercial lots in the Village being around 100 feet in width, this would require that the signs not be directly adjacent to each other. Additionally, the high cost of electronic signs is expected to limit the overall number of signs, as it has done to this time.

Recommended Action

Staff requests that the Village President and Board of Trustees review the recommended changes to regulation of automatic changeable copy signs. Next, Staff will draft language for an amendment to the Municipal Code for review by the Development Commission and Village Board.

Attachments

- Exhibit 1 – Regulation of automatic changeable copy signs in surrounding communities
- Exhibit 2 – Photos of automatic changeable copy signs
- Exhibit 3 – Draft Development Commission Minutes, August 30, 2012

Budgeted Item:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Budgeted Amount:	\$ N/A	
Actual Cost:	\$ N/A	
Account Number:	N/A	

Exhibit 1 – Regulation of Electronic Changeable Signs

Municipality	Allowed	Permitted Locations	Size Restrictions	Copy Change Restrictions	Other
Addison	Yes	Districts: Business/ Professional, B1, B2, B3, B4, B5 on properties located on a major street.	Shall not exceed 40% of the total permitted sign area	Copy can change in no less than two second intervals.	Messages may dissolve or go blank and may either reappear in full display or solidify, no other special effects are allowed. Crawling messages are not allowed. Moving graphics are not allowed. Background colors or displays shall be allowed to change only when the message changes.
Bartlett	Yes	Only as time-temperature signs in business districts, utilized on government signs	No larger than 2' in one dimension and 4' in the largest dimension	Alternating time and temp signs shall change no more than once every seven seconds.	
Carol Stream	Yes	On any types of sign considered "permanent" in residential, business, office and industrial districts	Up to two-thirds of allowable sign area may be changeable	Messages cannot be changed more than every three seconds	Signs may not flash, blink or display images that might distract traffic
Roselle	Yes	Business, office and industrial districts - on plaza or directory signs	There is no restriction on the amount of a sign that can be devoted to an electronic sign. Permitted area is according to business district size restrictions.	For signs within 275' of an intersection with a traffic signal, messages may change no more than once every five seconds.	For signs within 275' of an intersection with a traffic signal, the color of the message shall not be red, yellow or green.
Schaumburg	Yes	Gas station pricing signs and properties with direct frontage on expressways.	450 square feet are permitted for each face of the sign, and must not exceed an aggregate gross surface area of 900 square feet.	Gas station electronic signs may not move or flash. No restrictions on properties fronting expressways.	Design limited to monument ground signs. Must not be located within 15' of any point of vehicular access.
Streamwood	Yes	Permitted by special use process, sign package is typically reviewed as part of approval process for new business	32 square feet	Messages must be static and change no more than once every 30 seconds.	No restrictions on multiple colors.

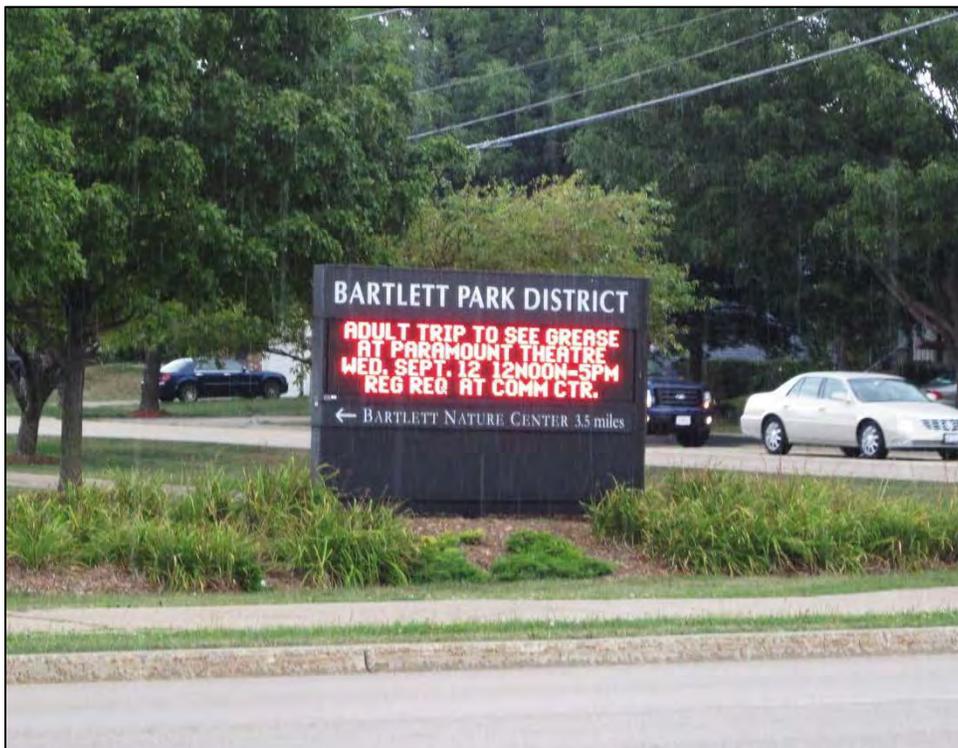


Village of Hanover Park
Community Development Department

ELECTRONIC CHANGEABLE SIGNS – PHOTOS



Bartlett High School



Bartlett Park District



Carol Stream Village Hall



Carol Stream Village Hall

9. NEW BUSINESS (NON-ACTION ITEMS): None

9-a. Discussion of Regulations of Automatic Changeable Copy Signs.

The Village Board requests this Commission discuss existing regulations relating to automatic changeable copy signs. A summary of this discussion will be forwarded to the Village Board for direction.

Village Planner Bowman – Based on changes to technology and business desires relating to electronic signs (also referred to as automatic changeable copy signs), staff recommends our current regulations be reviewed to ensure they meet the needs of businesses wishing to display electronic messages.

The Village is displaying a new electronic entryway sign along Barrington Road in the Westview Shopping Center. Staff is currently formulating standards for display on this sign, which are expected to go beyond that permitted for private businesses. As a governmental sign, this sign is not subject to standard regulations. However, for consistency, staff recommends that regulations for private businesses be updated to be more in line with what the Village will be displaying.

Our current code permits one color and the background must be black, no movement is allowed, copy is not to change more than once every 90 seconds, and the copy shall not advertise products or services not available on the lot where the sign is located. Also, the location of automatic changeable copy signs is restricted. Freestanding signs, not located in shopping centers, are currently permitted up to 64 sq.ft. of electronic signage. Businesses in shopping centers with over 300 ft. of frontage are permitted 25% of that being an electronic sign.

Under our current regulations, churches or anything in residential districts are not permitted to have electronic signage.

There were several changes to the existing automatic changeable copy sign regulations recommended in our Unified Development Ordinance (UDO) that was drafted following the completion of the Comprehensive Plan. When the UDO is adopted, any changes to automatic changeable copy signs may be incorporated.

Commissioner Mercier – Questioned what prompted the interest in looking at this.

Village Planner Bowman – This request came from staff based upon requests that we are receiving from businesses and from us looking at other Village regulations. We have found that our regulations are not up to date.

Typically Villages permit electronic signs with various considerations and typically, around us, they do not permit a video sign.

Staff is looking at direction from this Commission in relation to colors, do we want to permit multiple colors or one color, do we want to permit pictures, do we want to permit video? What the duration of changing of copy would be. Our current 90

seconds between messages is too long. We found on average of 3-7 seconds. What we have been doing with the Village sign is it takes about one second to read each line of copy. Typically, the signs will have 2-4 lines of copy. Another consideration is to look at what zoning districts these signs are permitted. Our regulations permit them in business districts of B1 & B2 districts. One consideration would be whether to permit them in what currently is the Historic District and planned for the Village Center area and more pedestrian-oriented districts. Do we want to talk about where the signs can be located in relation to an intersection

Chairperson Wachsmuth – Questions whether our current sign standards we have some perimeters already set, would placement of electronic sign be very different?

Chairperson Wachsmuth provided the Commission with a handout on the brightness/illumination of the sign.

Village Planner Bowman – No. Signs are permitted at schools and churches in residential districts and illumination of signage will be regulated as well. Illumination is more technical and more difficult to measure and enforce.

Our sign regulations are not within the Zoning Code, they are in Chapter 6 of the Municipal Code under Advertising.

Would we require or permit these signs to have public service announcements? Should we design the code where if the applicant met all the regulations on electronic signage would staff be permitted to approve or is this something to bring before the Commission for a variance or special use. These are some of our considerations.

Planning Intern Hacker – Presented photos of existing electronic signage of Village of Carol Stream, Bartlett High School, Addison, and other surrounding communities.

Also shared were existing Regulations of Electronic Changeable Signage in Addison, Bartlett, Bloomindale, Carol Street, Roselle, Schaumburg and Streamwood.

Does this Commission feel our electronic sign regulations should be updated and would you be open to exploring this amended type of signage?

Chairperson Wachsmuth and Commissioner Mercier – Are in favor of working on updating these regulations.

According to a handout provided by Chairperson Wachsmuth we should consider the malfunction of electronic signage. Meaning the sign may freeze or go blank if there is a malfunction to prevent flashing and other movement. That is a safety issue. Also, the maximum brightness allowed day and night should be determined. Also, the sign may be equipped with a program to dim and brighten automatically in

response to changes in ambient light.

Commissioner Rasmussen – Commented on the Irving Park Road Corridor and the monument style signage that was not covered, was how many would be allowed allow within a certain distance of streets. Do we limit the amount of signs along the road in a designated area?

If you are down in the Addison area along Lake Street, take a look at the amount of electronic signage in a designated area.

Commissioner Berthelot – What is an electronic sign, as he had just noticed three different types today – old black with red letters that are a series of little lights that can travel and blink; along 294 there were huge electronic billboard signs; and, a changeable type? He is in favor of updating our regulations.

Commissioner Mercier – Will there a change in height requirements?

Village Planner Bowman – The Commission has brought up many good areas to consider when, and if, the Board directs this Commission to update our current electronic sign regulations.

A summary of this discussion will be provided to the Village Board for their consideration and direction.

Community Development Update:

Village Planner Bowman – Introduced Inspectional Service Chief Ann Marie Hess who will be attending our future meetings and will assist this Commission to provide technical comments we need relating to building and fire codes.

Irving Park Road Corridor Study – Recommendations regarding this study will be brought by to this Commission at a future meeting.

TIF 5 District – Notices were sent out to all residential units within 750 ft. of the designated TIF area.

10. ADJOURNMENT:

Motion by Commissioner Mercier, seconded by Commissioner Neil.

Voice Vote:

All AYES.

Motion Carried. Meeting adjourned at 9:06 p.m.

Recorded and Transcribed by:

Regina Mullen, Secretary
this 30 day of August, 2012

Virginia Wachsmuth, Chairperson