

Request For Board Action

REFERRED TO BOARD: April 20, 2015

AGENDA ITEM NO: 12

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of the Planning and Zoning Boards Recommendation to approve a lighting and graphic variance from Title 10-14-11 of the Village Code upon the petition of Kent and Ginger Ipsen; PZB15-04

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Combined Planning Commission and Zoning Board conducted a public hearing on April 9, 2015 following notification as required by State Law and Village Ordinances to consider a light and graphic Variance Request pursuant to Title 10-15 of the Village Code.

The petitioner and owner/operator of the structure, Kent and Ginger Ipsen, propose the usage of LED illumination in conjunction with a canopy feature added as part of the Dairy Queen remodel. The illumination is a corporate design feature and is reminiscent of the midcentury modern diner styles of post World War 2 architecture.

The street graphic ordinance, section 10-14-11 prohibits the use of neon tube lighting or light emitting diode (LED) lighting outlining or illuminating the features of a ground graphic, building, structure, or window. The intent of the ordinance is to prohibit unsympathetic architectural lighting additions that do not reflect a historic character of the village and intense lighting designs that do little to accentuate building architecture.

Based upon the review of the petition, testimony provided at the hearing, and relevant code criteria of Title 10 of the Village Code the Planning and Zoning Board unanimously recommended the approval of the variance. With the agenda packet is a draft letter of recommendation from the Planning and Zoning Chairmen.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Draft Letter of Recommendation from the Planning and Zoning Chairman
3. Staff report to the Planning and Zoning Board
4. Petition

RECOMMENDED MOTION:

Motion to accept the recommendation from the Planning and Zoning Board to approve a lighting and graphic variance request.

Motion to draft a resolution granting the setback variance based upon petition PZB 15-04.

DRAFT

April 17, 2015

To: The Honorable Larry Hanson, Mayor; and
Members of the Village Board of Trustees

From: Ken Karasek, Chairman
Combined Planning and Zoning Commission

RE: Dairy Queen Lighting Variation, Commonly known as 966 Main Street, PIN Number 02-08-310-060, 02-08-310-038 in
Lake County, Antioch Illinois 60002; PZB 15-04;

The Combined Planning Commission and Zoning Board conducted a public hearing on Thursday, April 9th, 2015; 7:30 PM following notification, as required by State Law and Village Ordinances, to consider a sign and lighting variance to allow for the use of LED banding for a building redevelopment. Upon closure of the hearing the Planning and Zoning Board recommended approval of the petition request pursuant to Title 10-15 of the Village Code.

The petitioner and owner/operator of the structure, Kent and Ginger Ipsen, propose the usage of LED illumination in conjunction with a canopy feature added as part of the Dairy Queen remodel. The illumination is a corporate design feature and is reminiscent of the midcentury modern diner styles of post World War 2 architecture.

The street graphic ordinance, section 10-14-11 prohibits the use of neon tube lighting or light emitting diode (LED) lighting outlining or illuminating the features of a ground graphic, building, structure, or window. The intent of the ordinance is to prohibit unsympathetic architectural lighting additions that do not reflect a historic character of the village and intense lighting designs that do little to accentuate building architecture.

Staff made an overview of the variance process and approval criteria in context to the petition. Based on the petition review, staff stated that the petition met a number of the standards and recommended that in its findings, the Board acknowledge the codified standards and unique circumstance of the case in their recommendation, so as not to create or imply some precedent for similar variances.

Based on the petition review, the applicant meets a number of the standards listed below. In its review, staff recommends the Board acknowledge these findings.

- a. The applicant must present evidence that the proposed variation will not:
- i. Impair adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in public streets;
 - iii. Increase the danger of fire or endanger public safety;
 - iv. Unreasonably diminish or impair established property values within the surrounding area; and
 - v. Merely serve as a convenience to the applicant; there is a demonstrated practical design difficulty involved in this project.

There is no evidence that the proposed improvement will affect the health, safety, or welfare of the site or structure. The lighting is contemplated within a larger remodel and presents an approach that reflects a mid century architectural styling familiar to the area.

- b. The requested variation does not permit a use otherwise excluded from the zoning district in which the property is located.

The proposed improvement does not constitute a new or unique use that expands or conflicts with any considered illegal or non-conforming.

g. The granting of the requested variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Village's Comprehensive Plan.

This proposal does not appear to be in conflict with the goals, spirit, or intent of the comprehensive plan or contrary to the public welfare.

Therefore based upon the review of the standards of 10-15-6 of the Village Code, and the current facts of the case, staff recommended the variance be granted.

Based upon the review of the petition, testimony provided at the hearing, and relevant code criteria of Title 10 of the Village Code the Planning and Zoning Board unanimously recommends the approval of the variance.

Respectfully submitted,

Ken Karasek, Chairman
Combined Planning Commission and Zoning Board

VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS 60002
DEPARTMENT OF PLANNING, ZONING & BUILDING
874 MAIN STREET
WEEKDAY HOURS: 8:00 AM to 5:00 PM
PHONE: (847) 395-1000 FAX: (847) 395-1920

MEMO

TO: Ken Karasek, Chairman; and Members of the
Combined Planning Commission and Zoning Board

FROM: Dustin Nilsen, Community Development Director

DATE: April 09th, 2015

RE: Dairy Queen Lighting Variation, Commonly known as 966 Main Street, PIN
Number 02-08-310-060, 02-08-310-038 in Lake County, Antioch Illinois 60002;
PZB 15-04;

This memo is in preparation of the public hearing scheduled for Thursday, April 9th, 2015; 7:30 PM.

PETITIONER: **Kent and Ginger Ipsen**
966 Main Street
Antioch, IL 60002

OWNER: **Same**

EXISTING ZONING: VC, Village Core

RECENT SITE VISIT: Wednesday, March 25th, 2015 approx. 4:00 PM.

VARIATION:

To allow the use of illuminated lighting wrap of a canopy facade feature, prohibited by 10-14-11 of the Village Code.

BACKGROUND:

The petitioner and owner/operator of the structure, Kent and Ginger Ipsen, propose the usage of LED illumination in conjunction with a canopy feature added as part of the Dairy Queen remodel. The illumination is a corporate design feature and is reminiscent of the midcentury modern diner styles of post World War 2 architecture.

The street graphic ordinance, section 10-14-11 prohibits the use of neon tube lighting or light emitting diode (LED) lighting outlining or illuminating the features of a ground graphic, building, structure, or window. The intent of the ordinance is to prohibit unsympathetic architectural lighting additions that do not reflect a historic character of the village and intense lighting designs that do little to accentuate building architecture. The following is an example of what the ordinance intends to prohibit.



STANDARDS FOR VARIATIONS:

The standards for a variation approval are listed under Title 10, Chapter 15, Section 6 of the Village Code. In its findings the Planning and Zoning Board should make reference to the standards in its recommendation to the Village Board.

SUMMARY AND RECOMMENDATION

Based on the petition review, the applicant meets a number of the standards listed below. In its review, staff recommends the Board acknowledge these findings.

- a. The applicant must present evidence that the proposed variation will not:
 - i. Impair adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in public streets;
 - iii. Increase the danger of fire or endanger public safety;
 - iv. Unreasonably diminish or impair established property values within the surrounding area; and
 - v. Merely serve as a convenience to the applicant; there is a demonstrated practical design difficulty involved in this project.

There is no evidence that the proposed improvement will affect the health, safety, or welfare of the site or structure. The lighting is contemplated within a larger remodel and presents an approach that reflects a mid century architectural styling familiar to the area.

b. The requested variation does not permit a use otherwise excluded from the zoning district in which the property is located.

The proposed improvement does not constitute a new or unique use that expands or conflicts with any considered illegal or non-conforming.

g. The granting of the requested variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Village's Comprehensive Plan.

This proposal does not appear to be in conflict with the goals, spirit, or intent of the comprehensive plan or contrary to the public welfare.

Therefore based upon the review of the standards of 10-15-6 of the Village Code, and the current facts of the case, staff recommends the variance be granted.

Respectfully submitted,



Dustin Nilsen, AICP
Director of Community Development

**COMBINED PLANNING COMMISSION & ZONING BOARD
NOTICE OF PUBLIC HEARING**

FILE NUMBER: PZB 15-04

PETITIONER: Antioch Dairy Queen
966 Main Street
Antioch, IL 60002
(847)395-8383

OWNER: Kent & Ginger Ipsen

PROPERTY: 966 Main Street, Antioch, IL 60002
Antioch Dairy Queen

REQUEST: Variance to allow the use of LED band and lighting around an architectural feature

PROPOSAL: Install LED lighting to storefront awning only

DATE: April 9, 2015

TIME: 7:30 PM or immediately following a previously scheduled hearing.

PLACE: Board Room, Village Hall
874 Main Street, Antioch, IL 60002

All persons desiring to appear and be heard thereon for or against said petition may appear at said hearing and be heard. Interested persons unable to attend may submit written comments prior to the hearing addressed to the Village Clerk at the Village Hall, FAX (847) 395-1920, or e-mail: lfolbrick@antioch.il.gov.

Ken Karasek
Planning & Zoning Board

VILLAGE OF ANTIOCH, LAKE COUNTY

Department of Planning, Zoning & Building

Mailing Address: 874 Main Street

Office Location: 882 - B Main Street

Antioch, Illinois 60002

Weekday Hours: 7:30 AM To 4:00 PM

Phone: (847) 395-9462

Fax: (847) 395-9482

FILE NO. PZB 15-04

HEARING DATE 4/09/2015

REQUEST FOR ZONING VARIATION
BEFORE THE COMBINED PLANNING COMMISSION AND ZONING BOARD
VILLAGE OF ANTIOCH, ILLINOIS
(Submit original plus 20 copies)

PETITION

TO: The Chairperson and Members of the Combined Planning Commission and Zoning Board of Appeals, Antioch, Illinois.

Petitioners (Names): Kent IPSEW
Ginger IPSEW

certify that they are the owner(s) of the following described real estate:

(Attach the Legal Description as shown on Warranty Deed or recent Certified Plat of Survey)

PERMANENT INDEX NUMBER (S), (PIN): 02- 02 - 08 - 310 .060
(From latest real estate tax bill) 02 08 310 038

That said premises are now classified under the Zoning Ordinance as VC
(Current Zoning)

and that under said classification the petitioner(s) is/are prohibited from building/operating the following use(s): LED LIGHTING BAND AROUND AWNING

Said building/uses are depicted on the attached drawings prepared by
dated
and made a part of this petition.

A VARIATION(s) is hereby requested to the following Sections of the Zoning Ordinance:
10.11.14 NEON TUBE LIGHTING OR LIGHT EMITTING DIODE LIGHTING
OUTLINING, OR ILLUMINATING THE FEATURES OF A GROUND GRAPHIC
BUILDING, STRUCTURE, OR WINDOW

in order to permit the LED LIGHT BAND AT AWNING LEVEL

on the property described herein. Specifically, the details of the requested variation(s) is as follows:

Title 10- ____ - ____	Requirement	Requested Variation
10.14.11 (R)	PROHIBITION: neon tube lighting/LED outlining OR ILLUMINATIVE FEATURES OF A BUILDING	ADD LED LIGHTING TO STORE FRONT AWNING ONLY

REASONS FOR REQUESTED VARIATION

1. What characteristics of the property-in-question prevent its being used for any of the uses permitted in your zoning district?

Narrow lot width _____ Slope or Elevation _____
 Small lot area _____ Lot Shape _____
 Shallow lot depth _____ Wet Soil or Flood Plain _____

Other (specify) EXISTING REMODELED DAIRY QUEEN WHICH WAS BUILT IN 1958 HAS BEEN REMODELED TO DAIRY QUEEN CORPORATE STANDARDS.

2. Describe the condition(s) identified in item #1, above, giving dimensions where appropriate.

SEE SUBMITTAL + ARCHITECTURAL PHOTOS OF MODEL BUILDING + EXAMPLE OF WHAT WE BELIEVE THE INTENT OF THE ORDINANCE LOOKS TO DISCOURAGE

3. Specifically, how do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance?

PROPER LIGHTING IS ESSENTIAL FOR CORPORATE IMAGE AND SUCCESS OF THE FRANCHISE, REMODEL INCENTIVES ARE NOT AVAILABLE TO STORES THAT DO NOT INVEST

4. To the best of your knowledge, can you affirm that the hardship or practical difficulty described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance, or applicable part thereof, became law?

Yes No If "no" explain why the hardship should not be regarded as self-imposed: _____

5. Are the conditions on your property the result of other man-made changes, (such as the relocation of a road)?

Yes No If "yes" please describe: This is A CORPORATE MANDATE when REIMAGING

6. Are the conditions of hardship or practical difficulty for which you request a variation true only of your property?

Yes No If "no" how many other properties are similarly affected, and where are they located?

This is True FOR ALL FRANCHISES UNDER D.Q. MANDATES,
WE ARE ONE OF THE FEW MID CENTURY BUILDINGS IN THE VILLAGE CORE ^{WITH MID CENTURY ARCHITECT}

7. Elaborate on how the requested variation will result in a physical improvement that will be in harmony with the neighborhood and the purpose and intent of the Zoning Ordinance.

The LIGHTING BAND WILL CONFORM WITH ALL CURRENT IMAGE FRANCHISES AND THE MID CENTURY ARCHITECTURAL MOTIF.

I (we) have read the NOTICE TO APPLICANTS REQUESTING ZONING VARIATIONS and Title 10 of the Antioch Zoning Ordinance. Specifically, I (we) understand that if a variation is approved through an Ordinance by the Village Board, that the use allowed by the variation must be established within 24 months from the date of the Ordinance.

I (we) acknowledge that any and all drawings, submitted herewith, of buildings and structures are preliminary or conceptual in nature; Final details regarding the construction of such structures shall be in full compliance with the technical codes adopted within the Antioch Village Code, and in force and effect at the time of the specific and complete permit application, (unless specifically authorized in writing under the terms of the approved variation).

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Antioch, Illinois, during normal working hours, for the purposes of : viewing that part of the site and/or structures related to this request; and for the posting, maintaining, and removing such notices as may be required by law.

Attorney for the Petitioner:

Applicant address: 966 MAIW
ANTIOCH IL

Day phone: (847) 395 8383

Evening Phone: () _____

EMAIL
Fax: () KentIPsew@gmail.com



Applicant Signature

3-19-15
Date

Attorney Signature

Date

Kent and Ginger Ipsen
Antioch Dairy Queen
966 Main Street
Antioch, IL 60002

March 20, 2015

Re: Property Lighting

Dear Antioch Planning and Zoning Board,

This proposal letter is to request and substantiate the grant of a variance for a business at 966 Main Street, Antioch, IL 60002, currently operating as Dairy Queen.

The petitioner requests a variance allowing the use of LED band lighting to wrap around the front of the building along the awning and will only occur there. The reason for the request is primarily to bring the property into visual harmony with the current Dairy Queen image, and is also mandated by corporate headquarters.

The proposed LED band is requested in order to provide the brand identity, which all franchises need to be successful.

It is the absolute intent of myself, the petitioner, to install a LED band that is done tastefully and in harmony with the overall architectural aesthetic of the remodeled structure. As the board knows, the Village Core (Downtown Antioch), is always searching to keep businesses vibrant. We have recently invested in the full remodel of our building, inside and out. We have invested greatly in keeping this downtown thriving.

Antioch Dairy Queen, 966 Main Street, respectfully requests that the variances applied for in this case be granted. This is a Dairy Queen Corporate mandate and I need to meet all corporate standards in order to receive Dairy Queen incentives. This project will enhance the downtown area and is the start of reinvesting in the future of our beautiful downtown.

Respectfully,

Kent and Ginger Ipsen
Antioch Dairy Queen



Dairy Queen

Hot Eats
Frozen Cakes
Made Birthdays Special

Cool Treats
Soft Serve
OPEN
Apple Pie

Hot Eats
HOT DOGS & BBQ

Hot Eats
Cool Treats

985





WELCOME
ONE HOURS
TEV A THINGS
BUZZARD





We think the code is trying to prevent this



Kent and Ginger Ipsen
Antioch Dairy Queen
966 Main Street
Antioch, IL 60002

March 20, 2015

Lakes Region Historical Society
965 Main Street
Antioch, IL 60002

Subject: Proposed Zoning Variance

Dear property owner,

Village of Antioch ordinances require that adjacent property owners within 200 feet of a property be notified of proposed zoning variation. This letter serves to notify you of the proposal to add LED light banding to the awning at 966 Main Street.

The reason for this zoning variation is that Dairy Queen Corporate mandates the use of this architectural banding. The Village code prohibits the use of LED or neon lighting for architectural accents.

The public hearing is scheduled as follows:

DATE: Thursday, April 9, 2015
TIME: 7:30 PM
PLACE: Board Room, Village Hall
874 Main Street

You are welcome to attend the hearing and state your opinion. If you cannot attend the hearing and would like your opinion known, please send a letter to:

Combined Planning Commission & Zoning Board
Village of Antioch
874 Main Street
Antioch, IL 60002
Phone: (847)395-1000
Fax: (847)395-1920

Thank You,

Kent and Ginger Ipsen
Antioch Dairy Queen

AFFIDAVIT OF NOTIFICATION TO ADJACENT PROPERTY OWNERS

Following are the names and addresses of surrounding property owners within 200 feet in all directions as measured from the boundaries of the property-in-question. Said names are as recorded in the Office of the County Recorder of Deeds, (or the Registrar of Titles of the County), as appear from the authentic tax records of Lake County, and as available from the Antioch Township Assessor's Office.

<u>NAME</u>	<u>ADDRESS</u>	<u>PROPERTY INDEX NO.</u>
William + DORTHY WOLFENBARBER	970 VICTORIA	020830947
JAMES + SUZANNE DEROUSSE	984 VICTORIA	0208309075
STEVEN SOPMAN	386 LAKE ST	0208310003
ALBERTO OLIVERII	384 LAKE ST	020810004
MICHAEL W GAWTAR	382 LAKE ST	0208310005
DDC INVESTMENTS LLE	475 E WESTMINSTER RD ^{LAKE FOREST} 60045-2267	0208310006
GASCOVADE PROPERTIES LTD	10015 278TH AVE ^{TREVOR WI} 53179	0208310008
PAUL ECKERT	505 WINSOR DR, ANTIOCH	0208310009
JEFFREY + LISA MERTES	955 VICTORIA	0208310010
FEDELE + RITA TENUTA	2536 29TH AVE ^{KENOSHA WI} 53140-4845	0208310011
BROOKE/WONDERLIND REVOLABLE TRUST	440 LAKE ST	0208310013
PHILIP + LAUREL DAHL	360 LAKE ST	0208310014
CHRISTOPHER MCBRADY	971 VICTORIA	0208310015
WALTER + JAWET PARAMSKI	(977 VICTORIA) 759 WOODLAND DR	0208310016
CHARLES F WIRTH	40640 W GRAND AVE	0208310017
DAVID JAMES + KIMBERLEE SUE MITCHELL	989 VICTORIA	0208310018
CORY CYBUL	995 VICTORIA	0208310019

(Attach additional sheets if necessary).

I, Kent Irsew, did cause the foregoing Notice to be served upon the above-listed individuals and each of them by mailing true and correct copies of the same by certified mail to said individuals at the address set forth above this 20 day of MARCH, 20 15.

Subscribed and sworn to before me this 20 day of MARCH, 20 15.



Signature

Notary Public

AFFIDAVIT OF NOTIFICATION TO ADJACENT PROPERTY OWNERS

Following are the names and addresses of surrounding property owners within 200 feet in all directions as measured from the boundaries of the property-in-question. Said names are as recorded in the Office of the County Recorder of Deeds, (or the Registrar of Titles of the County), as appear from the authentic tax records of Lake County, and as available from the Antioch Township Assessor's Office.

<u>NAME</u>	<u>ADDRESS</u>	<u>PROPERTY INDEX NO.</u>
Brook/Wonderling Revocable Trust	440 LAKE ST	0208310035
DAVID + TERESA WORKLAW	P.O. Box 112 LAKEVILLE ⁶⁰⁰⁴⁶⁻⁰¹¹²	0208310039
JENNIFER L. MURRIN	992 MAIN	0208310041
TRUDY PETTY	24050 W TOWNLINE R.D. ^{LAKEVILLE 60046-8136}	0208310062
DAVID + JOANNE HOEH	959 MAIN	0208311001
KENNETH + NANCY SMITH	12934 W WAVERLY ST BEACH PARK IL 60099-9328	0208311002
LAKES REGION HISTORICAL SOCIETY	965 MAIN	0208311019

(Attach additional sheets if necessary).

I, Kent Ipsen, did cause the foregoing Notice to be served upon the above-listed individuals and each of them by mailing true and correct copies of the same by certified mail to said individuals at the address set forth above this 20 day of MARCH, 20 15.

Subscribed and sworn to before me this 20 day of MARCH, 20 15.



Signature

Notary Public