

Request For Board Action

REFERRED TO BOARD: May 4th, 2015

AGENDA ITEM NO: 3

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Approval of a resolution Approving a Variance for the usage Of Certain Architectural Lighting Styles at 966 Main Street (File No. Pzb 15-04)

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Combined Planning Commission and Zoning Board conducted a public hearing on April 09th, 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 Chairman.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Resolution
2. 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 approve a resolution Approving a Variance for the usage Of Certain Architectural Lighting Styles at 966 Main Street (File No. Pzb 15-04).

RESOLUTION NO. 15-xx

**A RESOLUTION APPROVING A VARIANCE FOR THE
USAGE OF CERTAIN ARCHITECTURAL LIGHTING STYLES AT 966 MAIN
STREET (FILE NO. PZB 15-04)**

WHEREAS, Kent and Ginger Ipsen are the record owner of certain commercial property located at 966 Main Street within the Village of Antioch, PIN 02-08-310-060 & 02-08-310-038, which property is legally described as set forth on Exhibit A hereto, and which property is hereafter described as the “Subject Property”, and

WHEREAS, Kent and Ginger Ipsen (hereinafter described as the “Petitioners”), have petitioned the Village for a variance to allow the use of LED lighting that shall outline certain architectural features where typically prohibited by the Antioch Municipal Code section 10-14-11 on the said property, and

WHEREAS, the said Petition, including all plans, drawing and specifications is attached hereto as Exhibit B, and

WHEREAS, the Combined Planning Commission and Zoning Board (“PZB”) conducted a public hearing, following notification as required by law, on April 9th, 2015, and

WHEREAS, following testimony from the petitioner, Staff and the public, the PZB concluded with a positive recommendation, and

WHEREAS, the recommendation of the PZB is attached hereto and incorporated herein as Exhibit C, and

WHEREAS, the Village Board has received the recommendations of the PZB, and has duly deliberated upon the issues and it thereupon makes the following factual findings:

1. The proposed lighting is contemplated within a larger remodel and presents an approach that reflects a mid century architectural styling familiar to the area. will not adversely affect adjoining properties consistent with the Village’s Zoning Code, and in particular, it will not:
 - a. Impair adequate supply of light and air to adjacent property;
 - b. Unreasonably increase the congestion in public streets;
 - c. Increase the danger of fire or endanger public safety;
 - d. Unreasonably diminish or impair established property values within the surrounding area; or
 - e. Merely serve as a convenience to the applicant.
2. The existing site conditions set forth hereinabove are not generally applicable within the zoning district;

3. The Petitioner has demonstrated that allowing the lighting installation in conjunction with the overall remodel and building style is consistent with the drawings and plans set forth in her application will materially benefit her property and enhance those surrounding it;
4. The proposed variance keeps with the overall intent of the building and zoning codes, particularly in the architectural and urban design guidelines and standards set forth in Village Ordinances and Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, AS FOLLOWS:

SECTION ONE. The Mayor and Board of Trustees of the Village of Antioch hereby find the facts as stated in the preamble hereof are true and correct and said findings are made a part of this Resolution.

SECTION TWO. A variance from Section 10-14-11 of the Antioch Municipal Code is hereby granted to Ginger and Kent Ipsen to install and maintain an LED lighting feature in substantial conformance with the plans and specifications set forth in her Exhibit B petition;

SECTION THREE: Staff is directed to issue a building permit in the ordinary course to the petitioners consistent with the provisions of this Resolution;

SECTION FOUR. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

PASSED and APPROVED this ___ day of _____, 2012.

LAWRENCE M. HANSON, Mayor

ATTEST:

LORI K. FOLBRICK, Clerk, Village of Antioch

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