

Request For Board Action

REFERRED TO BOARD: October 17, 2016

AGENDA ITEM NO: 5

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration to allow the applicant to seek Village Approval for a Special Use for an Electronic Message Board sign at Hillside Avenue and Route 173 or the property commonly known as Anastasia's Restaurant.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Combined Planning Commission and Zoning Board conducted a public meeting for a Special Use in May, 2016 for a proposed monument sign that incorporated a LED design element into the sign. The PZB made a favorable recommendation to the Village Board of approval of the Variance for the proposed LED sign.

On June 6th, 2016 the Village Board considered a petition from Anastasia's to install an electronic message sign on their property facing Highway 173. Staff has attached an excerpt from the approved minutes of that meeting and a transcript of the motion made at that time. Recently, the owner of Anastasia's has contacted Staff seeking to bring an amended petition before the Board. Staff has interpreted the minutes and motion as not allowing this at the present time because the new sign ordinance has not yet been adopted and that appears to be a key condition of waiving the one-year rule.

The applicant has submitted to Staff a revised sign that incorporates an electronic message board instead of the original LED design. The proposed revised design incorporates a height of eight feet along with a 24 square feet electronic message board. Staff has advised the applicant that they are not in the position to bring this matter back to the Village Board until the new sign ordinance is modified and approved by the Village Board.

However, Staff has also been contacted by several elected officials who have expressed interest in allowing this modified proposal to move forward. Staff has no objection to the same, but wishes merely to follow what the Board wishes in this regard. It is the Board's prerogative to grant or deny waivers to the one year rule. Staff would much appreciate further direction on this matter.

The Applicant is insisting that this was not the Village Board's intent and that he should be permitted to bring this revised sign back to the Village Board at the present time. Based on this fact, Staff is bringing this matter the Village Board to determine if there is support to allow the applicant to obtain approval of this proposed sign without the sign ordinance being modified.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Staff Report.
2. Revised sign design
3. Minutes from Village Board meeting

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RECOMMENDED MOTION:

Staff is looking for the Village Board input whether this request for a Special Use for an electronic message board for the Anastasia's Restaurant should be permitted to be brought back to the next Village Board meeting for consideration without the sign ordinance being modified.

Or alternative motion:

Seeking a motion to direct the Village Attorney to draft an ordinance for a Special Use for an Electronic Message Board at Anastasia's Restaurant at Hillside and Route 173.

6ft

Anastasias
RESTAURANT & SPORTS LOUNGE

**LUNCH
SPECIALS**

2ft

4ft

2ft

8ft



REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, Esq, AICP, CNU-A, Community Development Director
DATE: June 1, 2016
SUBJECT: REPORT TO VILLAGE BOARD

CASE: Anastasias Restaurant
16-04 SU

REQUEST: Special Use

LOCATION: 950 Hillside Avenue

APPLICANT: Bill Giannakakis

ZONING: Main Street Transitional and B-2

Background

The applicant is proposing a Special Use for an LED monument sign to be located facing Route 173 and adjacent to the site's southern parking lot. The subject property is located on Hillside and Route 173 and the site is approximately 1.75 acres. The Village's Graphic Ordinance requires all Electronic Message Graphics to obtain a Special Use. The applicant is proposing an eight foot sign with a 21 square foot LED sign face.

Special Use

When reviewing any proposed Special Use, it is important to look at the surrounding uses and make sure that the proposed Special Use will not have any negative impact on the adjacent parcels. Therefore, it is necessary to look at the site's context, the nature of the surrounding uses and potential impact that the Special Use will have.

Below is a summary of the surrounding uses:

North: Commercial (Main Street Transitional)
East: Residential (Single-Family Home neighborhood)
South: Commercial (PNC Bank)
West: Commercial (Blackhawk Title Company)

In accordance with Section 10-15-5, any proposed Special Use must comply with certain findings of facts that are outlined in this section of the Zoning Ordinance. The required findings of facts are as follows:

ANALYSIS

a) The compatibility of the proposed use with the existing and planned uses on abutting properties:

In accordance with the Street Graphic Ordinance, a proposed Electronic Messaging Graphic may not be located in the form based overlay district, or specifically, the area that has been identified as the Village Core or Transitional Core. The location of this LED sign would be outside the Village Core and Transitional District and is being proposed to be located in the site's southern parking lot which is zoned B-2.

b) Any increase in density or intensity of the proposed use that will affect the compatibility of the use with existing and planned uses in the surrounding area.

The applicant is requesting signage facing Route 173 for better visibility. Currently, their only signage is facing Hillside Avenue. The applicant is requesting an LED sign to provide them with more flexibility in advertising their specials and menu. While in all probability this proposed LED sign will assist this individual business in increasing their visibility and potentially their business, there is nothing to indicate that this proposed sign will have a positive impact of the general welfare of the neighborhood.

c) The proposed use will not change the predominant character of the surrounding area.

Potentially, this proposed LED sign could have a negative impact on the homes located to the east of the subject site. The proposed sign is not immediately adjacent to a single-family neighborhood, however, it would be visible to several homes. Based on this fact, Staff has serious concerns whether this proposed LED sign would comply with the spirit of the ordinance which states that "No EMG shall be allowed in a residential district or shall face a single-family zone district use. However, there was extensive discussion by the Plan Commission and they were generally comfortable that the proposed LED sign would not have a negative impact on the character of the neighborhood around the subject site.

d) The ability to mitigate adverse and understandable impact to the surrounding area, including, but not limited to individual impacts, air emissions, noise, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects.

There is nothing to indicate that the proposed LED sign would have any direct impact on the neighboring properties as it relates to emissions, noise, heat, odor, water pollution, or electromagnetic interference. Staff did outline a previous concern about a negative impact from glare of the sign on the residences located to the east of the subject site.

The applicant has attempted to mitigate this potential negative impact by proposing the following sign configuration which would orient the LED signs towards Route 173.



In addition, the applicant would require relief from the following sections as part of this proposed Special Use to allow them the opportunity to install an LED sign on the subject property:

- No EMG sign shall be permitted to be located within a residential district or shall face a residential district.
- An EMG sign shall be restricted to premises with an individual street frontage of an IDOT designated strategic regional arterial route greater than four hundred fifty (450) linear feet.
- Each EMG sign face shall be antiglare and shall not exceed a total of twenty five (25) square feet. The square footage of each face shall count against the total area of all signage allowed for the premise.
- All EMG signs shall be located in a minimum four hundred (400) square foot landscape area that ties into the overall site and incorporates a combination of berming, landscaping and decorative hardscape.

Regardless of these areas of relief, the Plan Commission was generally comfortable with the fact that the applicant's proposed sign would be seeking relief from these code requirements. The applicant committed to working with staff to orient the proposed LED signs away from the single-family home located to the east. Based on this fact, the applicant has submitted a revised LED sign that orients both sign faces towards Route 173.

e. Amount of traffic generated and capacity and design of roadways and available parking facilities to handle anticipated traffic.

The proposed LED sign will have no direct impact on the amount of traffic in the area.

f. The effect on infrastructure including water, wastewater, stormwater, utilities, and streets;

The proposed LED sign will have no impact on stormwater, or the Village's utility capacity.

g. The incorporation and integration of architectural and landscape features to mitigate impacts from the proposed use.

While staff had some concerns about the potential impact that this proposed LED sign might potentially have on the character of the surrounding area, the majority of the Plan Commission was generally comfortable with the proposed LED sign at the proposed location. There was a general perspective that the site was auto oriented and that the proposed LED sign was in general character of the subject area.

The Plan Commission directed staff to work with the applicant to minimize any potential impact on the single-family home located east of the location that is being proposed for this sign. Based on this, the applicant is proposing a two sided sign that would be oriented towards Route 173 and away from the residential area to the east.

RECOMMENDATION

Based on the foregoing analysis, the Plan Commission made the following recommendation:

The Plan Commission recommended that the Village Board direct the Village Attorney to draft a Special Use ordinance for a LED sign to be located at Anastasia's Restaurant.

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VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
June 6, 2016

I. CALL TO ORDER

Mayor Hanson called the June 6, 2016 regular meeting of the Board of Trustees to order at 7:42 PM in the Municipal Building: 874 Main Street, Antioch, IL.

II. PLEDGE OF ALLEGIANCE

The Mayor and Board of Trustees led the Pledge of Allegiance.

III. ROLL CALL

Roll call indicated the following Trustees were present: Macek, Poulos, Jozwiak, Dominiak and Pierce. Also present were Mayor Hanson, Attorney Long, Administrator Keim and Clerk Folbrick. Absent: Trustee Johnson.

IV. Absent Trustees Wishing to Attend Remotely

There were no absent trustees wishing to attend remotely.

V. MAYORAL REPORT

No report.

Citizens Wishing to Address the Board

There were no citizens wishing to address the board.

VI. CONSENT AGENDA

Trustee Jozwiak moved, seconded by Trustee Poulos, to approve the following consent agenda items as presented.

1. Approval of the May 16, 2016 public hearing minutes as presented and May 16, 2016 regular meeting minute as presented.
2. Approval of a Resolution authorizing a special event liquor license for the Antioch Moose Lodge; waiving all fees; *Resolution No. 16-30*
3. Approval of a Resolution authorizing a Special Event liquor license to the Antioch Chamber of Commerce for the Antioch Taste of Summer; *Resolution No. 16-31*

Upon roll call, the vote was:

YES: 5: Macek, Poulos, Jozwiak, Dominiak* and Pierce.

NO: 0.

ABSENT: 1: Johnson.

THE MOTION CARRIED.

**Trustee Dominiak abstained from the approval of the May 16, 2016 public hearing minutes.*

VII. REGULAR BUSINESS

4. Consideration of payment of accounts payable as prepared by staff - Trustee Poulos moved, seconded by Trustee Dominiak, to approve payment of accounts payable as prepared by staff in the amount of \$386,453.03. Upon roll call, the vote was:

YES: 5: Macek, Poulos, Jozwiak, Dominiak and Pierce.

NO: 0.

ABSENT: 1: Johnson.

THE MOTION CARRIED.

5. Consideration of an Ordinance Annexing and Approving an Annexation Agreement for certain property to the Village of Antioch commonly known as 22221 W. Route 173 – Trustee Poulos moved, seconded by Trustee Jozwiak, to approve **Ordinance No. 16-06-15** Annexing and Approving an Annexation Agreement for certain property to the Village of Antioch commonly known as 22221 W. Route 173, waiving the second reading. Upon roll call, the vote was:

YES: 5: Macek, Poulos, Jozwiak, Dominiak and Pierce.

NO: 0.

ABSENT: 1: Johnson.

THE MOTION CARRIED.

6. Consideration of an Ordinance Granting a Rezoning for the Buehler property commonly known as 22221 W. Route 173 from RE-1 to B-3 Zoning District (PZB 16-02) – Trustee Dominiak moved, seconded by Trustee Pierce, to approve **Ordinance No. 16-06-16** Granting a Rezoning for the Buehler property commonly known as 22221 W. Route 173 from RE-1 to B-3 Zoning District (PZB 16-02), waiving the second reading. Upon roll call, the vote was:

YES: 5: Macek, Poulos, Jozwiak, Dominiak and Pierce.

NO: 0.

ABSENT: 1: Johnson.

THE MOTION CARRIED.

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7. Consideration of a Sign Variance for Anastasia's Restaurant & Sports Lounge – Director Garrigan reviewed the request for a special use for a 21 square-foot LED sign on the southern perimeter of the subject property. The proposed two-faced sign will be 8-feet high. He stated that the Planning and Zoning Board voted to approve the sign and directed the applicant to work with staff to mitigate a potential negative impact to the property to the east. He expressed staff concerns about setting a precedent by granting a variance, but stated that the Planning and Zoning Board found that the sign was appropriate for the area.

Trustee Poulos moved that the item be tabled because of the proposed sign ordinance that the Planning and Zoning Board is currently considering.

Trustee Dominiak agreed with Director Garrigan and expressed concern with setting a precedent if this request is granted.

Trustee Pierce discussed the history of LED signs in the Village, and thinks the board needs to follow the ordinance until a new sign ordinance is approved. He proposed that the board votes no to any sign variance request until a new sign ordinance is adopted.

Trustee Macek commented that there is no light noise from the proposed sign, and conveyed the unique nature of the applicant's need for a banquet hall sign.

Trustee Jozwiak asked for a staff recommendation. Director Garrigan stated that he is bringing forward the Planning and Zoning Board recommendation, and he reiterated his staff concerns presented to the Planning and Zoning Board and now to the Village Board. His concerns relate to the impact on the neighboring properties and setting a precedent by granting the variance.

Trustees discussed the current code, its enforcement, the history of variances requested, and debated the current rules relating to LED signs. Director Garrigan discussed the proposed sign code being considered by the Planning and Zoning Board at this time, and the prohibition of LED signs in the downtown district in that code amendment. He further stated that this request is for an LED sign, which is different than some electronic message boards that currently exist in the Village. Trustee Macek said that the applicant went through the proper procedures and received approval from the Planning and Zoning Board, and he believes the Village Board should follow that recommendation. Trustee Pierce replied that the current code does not allow LED signs, and he will not vote in favor of a variance from current code restrictions. He further stated that the Planning and Zoning Board recommendation to grant this variance was not unanimous.

Trustee Poulos withdrew his motion to table the item.

Trustee Dominiak moved, seconded by Trustee Pierce, to deny the applicant's request for a sign variance. Upon roll call, the vote was:

YES: 3: Poulos, Dominiak and Pierce.

NO: 2: Macek and Jozwiak.

ABSENT: 1: Johnson.

THE MOTION CARRIED.

Trustee Pierce moved, seconded by Trustee Dominiak, to waive the one-year requirement for reapplication in the event the sign code is modified. Upon roll call, the vote was:

YES: 5: Macek, Poulos, Jozwiak, Dominiak and Pierce.

NO: 0.

ABSENT: 1: Johnson.

THE MOTION CARRIED.

8. Consideration of a Sign Variance for O'Reilly Auto Parts - Director Garrigan reviewed the request that was not approved by the Planning and Zoning Board. He stated that the applicant has worked well with staff to improve the building, and are now requesting a sign variance to exceed square footage in excess of 31 square feet. The Planning and Zoning Board followed staff recommendations for denial of the variance. A rear sign is allowed with the square foot requirements of the code, but they are asking for a larger sign.

Trustee Jozwiak moved, seconded by Trustee Dominiak, to deny the request for a sign variance for O'Reilly Auto Parts. Upon roll call, the vote was:

YES: 5: Macek, Poulos, Jozwiak, Dominiak and Pierce.

NO: 0.

ABSENT: 1: Johnson.

THE MOTION CARRIED.

9. Williams Park BBQ Shelter – Director Roby reviewed the proposed shelter for Williams Park

APPROVED MINUTES

and the design and location of the structure. He discussed the benefits of the location, and discussed the technical aspects that will follow.

All trustees agreed this is a great asset to the community and thanked the Lions Club for their contribution to the shelter.

Lions club member Bob McCarty discussed donations already made and promised for the shelter, and reviewed the rest of the process needed to complete the shelter. He indicated that the Lions Club has agreed to donate \$40,000 towards the project.

Trustee Jozwiak moved, seconded by Trustee Dominiak, to approve the proposed concept structure for the Lions Club Shelter located at Williams Park. Upon roll call, the vote was:

YES: 5: Macek, Poulos, Jozwiak, Dominiak and Pierce.

NO: 0.

ABSENT: 1: Johnson.

THE MOTION CARRIED.

VIII. ADMINISTRATOR'S REPORT

Administrator Keim notified the Board that the rough crossing at Route 173 is scheduled to be improved the week of June 21 by Canadian National.

He further announced a meeting with ComEd relating to smart meter installation as soon as this summer. A presentation will be made to the Board by ComEd at a future meeting.

IX. VILLAGE CLERK'S REPORT

Clerk Folbrick discussed a letter sent to Trustee Jozwiak relating to water shut off fees that she will enter into the record. Copies have been provided to Board members.

X. TRUSTEE REPORTS

Trustee Dominiak reviewed the process for interviews for the vacancies on the Planning and Zoning Board and reported on the Main Street conference in Milwaukee.

Trustee Pierce asked that a discussion be placed on the next Committee of the Whole meeting for staff raises. He reported on a closure on Route 173 from a traffic accident and thanked public safety employees for their hard work. He further announced the FOP golf outing scheduled for Friday.

XI. EXECUTIVE SESSION – Personnel, Pending/Probable Litigation, Sale or Lease of Village Property, Executive Session Minutes, Collective Bargaining - Personnel

The Mayor and Board of Trustees did not go into executive session.

XII. ADJOURNMENT

There being no further discussion, Trustee Jozwiak moved, seconded by Trustee Dominiak to adjourn the regular meeting of the Board of Trustees at 8:31 p.m.

Respectfully submitted,

Lori K. Folbrick
Village Clerk