

VILLAGE OF ANTIOCH

ORDINANCE NO. 16-11-31

***AN ORDINANCE GRANTING A SPECIAL USE FOR AN ELECTRONIC MESSAGE
BOARD AT ANASTASIAS
(PZB-16-04))***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

November 21, 2016

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 23rd day of November 2016**

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ORDINANCE NO. 16-11-31

***AN ORDINANCE GRANTING A SPECIAL USE FOR AN ELECTRONIC MESSAGE
BOARD AT ANASTASIAS
(PZB-16-04)***

WHEREAS, pursuant to Chapter 15 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on November 10th, 2016 following notification as required by State Law and Village Ordinance to consider a petition for a Special Use allowing for a Electronic Message Board at Anastasia's after due notice by newspaper publication, pursuant to the application of Bill Giannakakis ("Owner) with the said sign intended to be placed at the corner of Hillside Avenue and Route 173; and

WHEREAS, at the said meeting, the Combined Planning Commission recommended approval to the Village Board to allow the EMB sign incorporating a total sign face of 24 square feet incorporated within a monument sign with a total height of 8 feet and 6 feet in width or a total square footage of 48 square feet; and

WHEREAS, the Corporate Authorities have concluded and found that the proposed Special Use, subject to and in conformance with the terms and conditions of this Ordinance, conforms to a majority of the required standards as required by ordinance, including;

- a) The proposed use is compatible with the existing and planned uses on abutting properties;
- b) There will be no increase in density or intensity of the proposed use which will affect the compatibility of the use with existing and planned uses in surrounding area;
- c) The proposed use will not change the predominant character of the surrounding area;
- d) There are, at most, marginal adverse and understandable impacts to the surrounding area, including, but not limited to the individual impacts, air emissions, noise, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects;
- e) There will be no additional amount of traffic generated and thereby no impact on the capacity and design of roadways and available parking facilities to handle anticipated traffic;
- f) There will be no effect on infrastructure including water, wastewater, stormwater, utilities, and streets;
- g) The incorporation and integration of architectural and landscape features will mitigate impacts from the proposed use.

and

WHEREAS, the Corporate Authorities have concluded and found that the Special Use will further enhance economic development within the Village and promote the general welfare of the Village and the health, safety and welfare of the residents of the Village.

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

SECTION I: The representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

SECTION II: The real estate which is the subject of this ordinance (Subject Property) is legally described as follows:

(See attached legal description)

SECTION III: Subject to the conditions stated below, the Special Use shall be and is hereby approved and shall be binding upon the Village, Petitioner and Owner, and their respective owners successors, and assigns when a true execution copy of this Ordinance is tendered to the Village fully executed by the Petitioner and Owner, and when the Mayor has affixed his signature upon the Ordinance”

1. The Petitioner shall work with staff to incorporate some additional landscaping around the perimeter of the subject site to mitigate any negative impact on the sign.

2. Petitioner agrees to comply with the following conditions, Sections a) through f) taken from the Village’s new proposed sign ordinance:

- a) The EMB unit must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of the day. Such programing and mechanical equipment shall be set so that the EMB, at night or in overcast conditions, will be no more than 40% of the daytime brightness level.
- b) The EMB unit must be extinguished at the close of business to which the EMB relates, or for any business to which the business hours extend beyond, the EMB unit must be extinguished by close of business as required by the liquor code. This restriction shall apply regardless of the location of the EMB on the property.
- c) The EMB unit must have the “flash” feature disabled and messages shall have a 10 second “hold” time except for time and temperature messaging which may have a shorter duration, but no less than four (4) seconds. No single message may be repeated more than once every 40 seconds.
- d) The images and/or messages displayed on the EMB may only transition from one

message and/or image to another by either fading or dissolving to black with another message or image appearing or dissolving in black with another message or image appearing immediately thereafter, without movement or other transitions effects between images and/or messages.

e) Except as otherwise provided herein, all images and/or messages displayed on the EMB must be static and may not reflect movement, flashing, scrolling or changes in shape or size of images or portions of images. Streaming and/or live time video may not be displayed and this function of the EMB must be disabled.

f) The EMB unit must be equipped to override commercial messages for emergency situations such as an “Amber Alert” or other such acute public emergencies, but such override authority for public emergencies shall not exceed 48 total hours within any two week period. The owner of the EMB unit shall cooperate with the Village of Antioch in order to allow the Village of Antioch to exercise its override authority.

SECTION IV: The following exhibits shall be attached to and made a part of this Special Use Ordinance and, except as expressly modified by this Ordinance, compliance with all standards, requirements, designs or specifications in such exhibits shall be a condition of the grant of this Special Use Ordinance:

- A. Staff Reports, attached as Exhibit A;
- B. RFBA, attached as Exhibit B.

SECTION V: Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Antioch, its officials, agents or employees.

SECTION VI: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

SECTION VII: That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

SECTION IX: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed this 21st day of November 2016

	Ayes:	Nays:	Absent/Abstain:
Scott A. Pierce	x		
Jay Jozwiak	x		
Ted Poulos	x		
Ed Macek	x		
Mary Dominiak			Abstain
Jerry Johnson	x		

APPROVED:

By: _____

Lawerence M. Hanson, Mayor

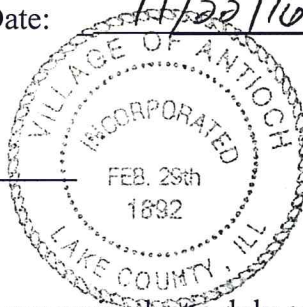
Date: _____

11/22/16

ATTEST:

By: _____

Lori K. Romine, Village Clerk



Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on November 21, 2016

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)


CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on November 21, 2016, the Corporate Authorities of such municipality passed and approved Ordinance 16-11-31 entitled the Petitioner to operate a Electronic Message Board at Anastasia's located at Hillside and Route 173, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 16-11-31 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on November 23, 2016 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 23rd day of November 2016


Lori K. Romine, Village Clerk





REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, Esq, AICP, CNU-A, Community Development Director
DATE: November 17, 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

This matter is coming back to the Village Board for consideration based on the previous direction of the Village Board at a Committee of the Whole meeting in October 2016. The Village Board allowed the applicant to re-file their application and take their revised Electronic Message Board to the PZB for consideration.

The applicant has revised their proposed design of their EMG sign and is now seeking approval of an electronic message board which would be similar to the existing message board at Walgreens. 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 46 square foot EMG 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 EMG sign to provide them with more flexibility in advertising their special events. The applicant has revised the design of the sign of this proposed EMG sign so it will be more consistent with the character of the commercial corridor that the sign would be located on. Specifically, the proposed sign would simply incorporate text and the LED animation that was originally being proposed has been eliminated as part of this sign.

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

The current sign ordinance states that "No EMG shall be allowed in a residential district or shall face a single-family zone district use". The applicant's proposed revised EMG sign design has attempted to mitigate any negative impact on the adjacent residence by toning down the electronic messaging to simple text.

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 EMG 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.

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. Specifically, staff would request that the applicant introduce some additional landscaping along the southern and eastern perimeter of their parking lot to mitigate any negative impact of this proposed EMG sign.

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

The proposed EMG 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 EMG 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.*

The applicant has worked with Staff to revise the design of the sign so it is more compatible with the location of this business. The subject site is adjacent to Route 173 which is auto oriented. Staff has requested that the proposed EMG sign incorporate the following limitations which are incorporated in the revised sign ordinance:

- a) The EMB unit must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of the day. Such programing and mechanical equipment shall be set so that the EMD., at night or in overcast conditions, will be no more than 40% of the daytime brightness level.

b) The EMB unit must be extinguished at the close of business to which the EMB relates, or for any business to which the business hours extend beyond, the EMB unit must be extinguished by 3:00 a.m. This restriction shall apply regardless of the location of the EMB on the property.

c) The EMB unit must have the “flash” feature disabled and messages shall have a 10 second “hold” time except for time and temperature messaging which may have a shorter duration, but no less than four (4) seconds. No single message may be repeated more than once every 40 seconds.

d) The images and/or messages displayed on the EMB may only transition from one message and/or image to another by either fading or dissolving to black with another message or image appearing or dissolving in black with another message or image appearing immediately thereafter, without movement or other transitions effects between images and/or messages.

e) Except as otherwise provided herein, all images and/or messages displayed on the EMB must be static and may not reflect movement, flashing, scrolling or changes in shape or size of images or portions of images. Streaming and/or live time video may not be displayed and this function of the EMB must be disabled.

f) The EMB unit must be equipped to override commercial messages for emergency situations such as an “Amber Alert” or other such acute public emergencies, but such override authority for public emergencies shall not exceed 48 total hours within any two week period. The owner of the EMB unit shall cooperate with the Village of Antioch in order to allow the Village of Antioch to exercise its override authority.

RECOMMENDATION

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

We move that the Village Board approve the herewith attached Special Use Ordinance for the proposed EMG sign at Anastasia’s subject to the following stipulations:

- a) That the applicant work with staff to incorporate some additional landscaping around the perimeter of the subject site to mitigate any negative impact on the sign.***
- b) That the applicant agree to comply with the conditions as highlighted above, Sections a) through f) as incorporated in the Village’s new proposed sign ordinance.***

Request For Board Action

REFERRED TO BOARD: November 21, 2016

AGENDA ITEM NO: 9

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of a proposed Special Use for an EMG sign to be located at Anastasias' located on Route 173.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Combined Planning Commission and Zoning Board conducted a public meeting on November 10th, 2016 for a request for a Special use in accordance with Section 10-15-5 of the Village of Antioch's Zoning Ordinance. A public hearing was held before the Plan Commission with respect to this proposed an EMG sign at the subject site.

As part of the meeting, staff advised the PZB that the applicant has revised the design of his proposed Electronic Message Graphic to mirror the same type of design as the existing Walgreen's EMG sign. Originally, the applicant was proposing a LED sign and the Village Board did not support the LED design.

The Planning Commission recommended approval of the proposed Special Use for an EMG sign with several stipulations related to additional landscaping and limitations with respect to the operation of the EMG sign.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Staff Reports
2. Proposed "revised sign design"

RECOMMENDED MOTION:

We move that the Village Board approved the attached Special Use Ordinance for an EMG sign at Anastasia's located at Hillside and Route 173.