

**VILLAGE OF ANTIOCH**

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**ORDINANCE NO. 17-08-30**

***AN ORDINANCE GRANTING A SPECIAL USE FOR AN ELECTRONIC MESSAGE  
BOARD AT ANTIOCH FINE WINE and LIQUORS  
(PZB 17-04 SU)***

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**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES**

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**August 14, 2017**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 17<sup>th</sup> day of August 14, 2017**

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**ORDINANCE NO. 17-08-30**

***AN ORDINANCE GRANTING A SPECIAL USE FOR AN ELECTRONIC MESSAGE BOARD AT ANTIOCH FINE WINE and LIQUORS  
(PZB 17-04 SU)***

**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 an Electronic Message Board at Antioch Fine Wine & Liquors after due notice by newspaper publication, pursuant to the application of Adam Kosh related to his business located at the intersection of Main Street and Route 173.

**WHEREAS**, the Combined Planning Commission recommended approval to the Village Board to allow the EMB sign with a height of ten (10) feet and to be constructed out of aluminum in lieu of the required brick or stone.

**WHEREAS**, the Corporate Authorities have concluded and found that the Special Use, subject to and in conformance with the terms and conditions of this Ordinance, conform to a majority of the required standards as required by ordinance, including; a) The compatibility of the proposed use with the existing and planned uses on abutting properties; 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 surrounding area; c) The proposed use will not change the predominant character of the surrounding area; d) The ability to mitigate adverse and understandable impact 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) Amount of traffic generated and capacity and design of roadways and available parking facilities to handle anticipated traffic; f) The effect on infrastructure including water, wastewater, stormwater, utilities, and streets; g) The incorporation and integration of architectural and landscape features to mitigate impacts from the proposed use.

**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:** That the real estate which is the subject of this ordinance (Subject Property) is legally described as follows:

(See attached legal description)

**SECTION III:** That, 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”

**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. PZB Staff Reports, attached as Exhibit A;
- B. Copy of proposed EMG sign.

**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 14<sup>th</sup> day of August 2016.**

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

**APPROVED:**

By: \_\_\_\_\_

Lawrence M. Hanson, Mayor

**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 August 14, 2017.





**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, Esq, AICP, CNU-A, Community Development Director  
**DATE:** August 7, 2017  
**SUBJECT:** REPORT TO VILLAGE BOARD

**CASE:** Antioch Fine Wines & Liquors  
17-04 SU

**REQUEST:** Special Use

**LOCATION:** 1180 Main Street

**APPLICANT:** Adam Kosh

**ZONING:** B-3

### **Background**

The applicant is proposing a Special Use for an LED monument sign to be located at intersection of Main Street and Route 173. Currently, the applicant does not have a ground sign for this business and they are seeking to locate a proposed LED sign in order to get maximum visibility along Main Street and Route 173. All LED signs in the Village require a Special Use. The Village's new sign ordinance was recently approved by the Village Board and under the new ordinance the applicant is seeking fewer variances for this proposed sign. Specifically, the applicant now complies with the required a) property frontage; b) distance from other LED signs; 3) Materials and design of sign. However, the applicant is still seeking relief from the required amount of landscaping that is required due to the fact that the sign is being constructed in the parking area. In addition, do the grade of the applicant is proposing a ten (10) foot sign. With the grade change, the sign would appear to be eight (8) feet from Route 173.

In lieu of using faux brick, the applicant has attempted to incorporate a more traditional design by incorporating columns and an articulated cap that would be manufactured with textured aluminum. This new design would attempt to create a more traditional and decorative sign design that would be consistent with the Village's vision for this important intersection.

### Special Use

When reviewing any proposed Special Use, it is important to look at the surrounding uses and determine whether what is being proposed is consistent with the character of the area. 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 (Walgreens)
East:	Commercial (Coffee Shop)
South:	Commercial (Embers-Restaurant)
West:	Commercial (Taco Bell)

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, an EMG is permitted within commercial districts as long as a Special Use is granted. To the north of this site is an existing EMG which was approved for the Walgreens development. Based on Staff's understanding, the Walgreens message board was approved in consideration of Walgreen's agreement to construct a store that was consistent with the Village's long term vision for this important intersection. The existing Walgreens design has incorporated extensive landscaping and architectural design aspects to it.

The applicant is proposing to construct a ten (10) foot monument sign that would be constructed out of aluminum with a textured material to appear similar to stucco. The applicant's proposed sign now incorporates 24 inch columns with a decorative cornice along with a decorative cap.

The revised sign appears to be more consistent with a more decorative and creative approach as previously identified by the PZB. This revised sign would appear to be more consistent with the metal design of the existing building and might simply blend into the background of the overall appearance of the subject site.

*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, the applicant only has wall signage on their building. The applicant is seeking an EMG in order to maximize the visibility of the subject site. Based on this fact, they are seeking to locate it in the parking lot and have agreed to shift the sign towards the curb. The area along the curb will incorporate a foundation for landscaping and the applicant has agreed to plant real plant material in this area subject to the comments of the PZB.

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

The applicant has attempted to design an LED sign with a more decorative design approach that will mirror the Walgreen sign across the street. In lieu of incorporating a faux brick, the applicant has attempted to concentrate on designing a more decorative sign with columns, decorative cornices, and a decorative cap.

*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. However, Staff believes that approval of this proposed sign as designed would have a negative impact on the character and quality of place of this intersection.

*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.*

As identified above, the applicant has attempted to design a sign which is more decorative and creative and reflective of the fact that this site is a gateway into the Village's downtown. In addition, the applicant has agreed to incorporate real landscaping along the foundation of this sign base which will help soften the overall design quality.

The question before the Village Board is whether they are comfortable with the new aluminum material that is now being proposed. The applicant has identified that using cedar wood in lieu of aluminum would be prohibitively expensive.

## **RECOMMENDATION**

The fundamental issue before the Village Board is whether they are comfortable with the applicant's new sign design and the materials being proposed. If the Village Board approves a new sign, Staff believes that the best design approach is that the sign simply blend in with the existing building, thus perhaps minimizing any negative impact on the intersection. Regardless, no sign design will improve the overall quality of the subject site.

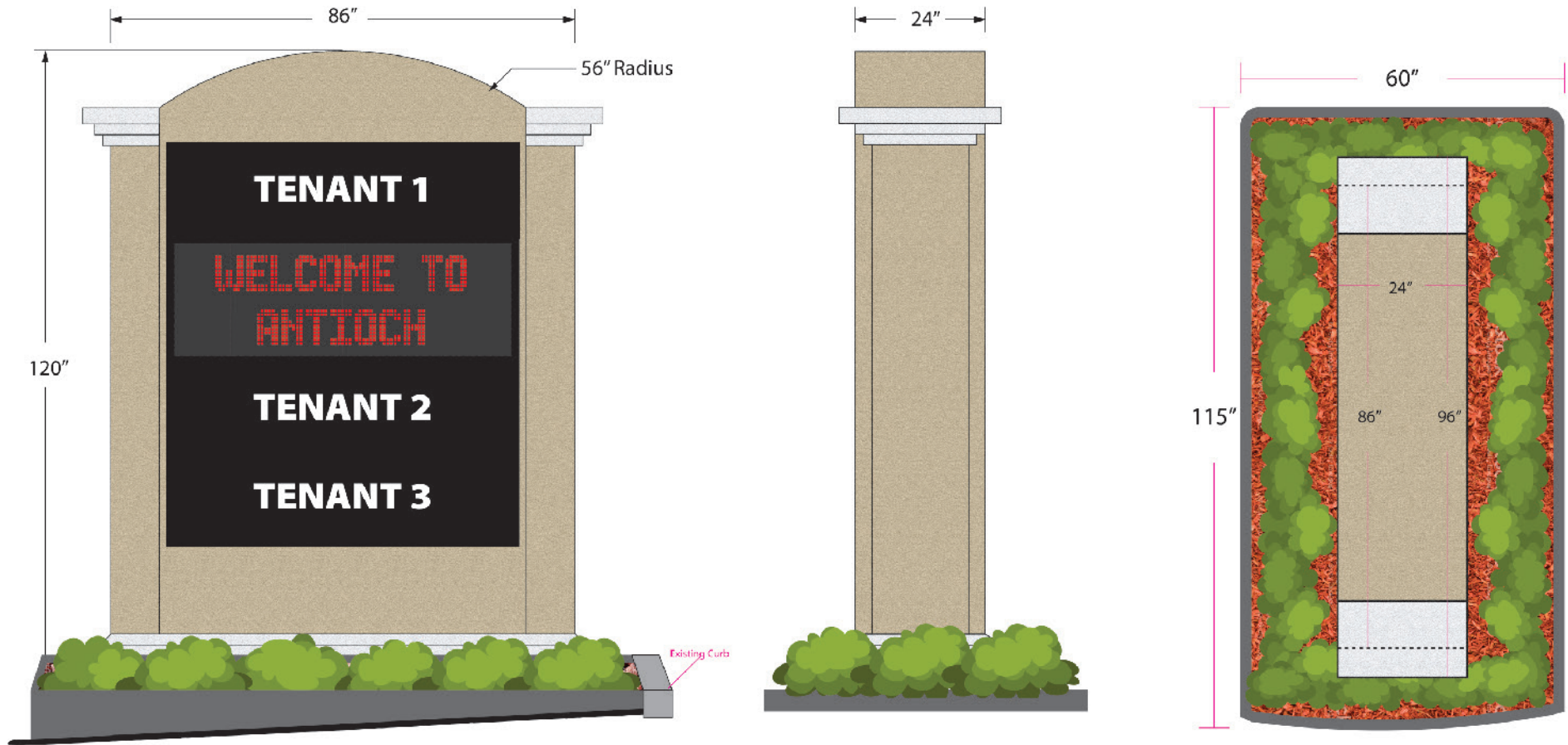
The biggest challenge of any sign location at this site is the design of the existing structure and the fact that there is no real landscape area to locate a monument sign. Any monument sign would have to be located in the existing parking lot which is clearly not the optimum solution.

Based on the foregoing analysis, the PZB made the following motion:

***We move that the Village Board approve the Special Use for the EMG sign at the subject site subject with the following stipulations:***

- 1. Compliance with the requirements of the Village Engineer as it relates to any potential site obstructions.***
- 2. That the applicant work with staff on specific plant materials that would prove to be durable for the subject site based on the limitations of the subject site.***

# Antioch Fine Wine & Liquors\_v10.1



Art Not to Scale

Above rendering is a representaion. Approval will be based off of FINAL drawings.



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Client Name: **Antioch Fine Wine & Liquors**  
Location: **1180 South Main St., Antioch IL 60002**

Requested By: **Adam Kosh**

Client Approval: \_\_\_\_\_

Date of Approval: \_\_\_\_\_

## PLEASE NOTE:

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