

# Request For Board Action

**REFERRED TO BOARD:** December 9, 2019

**AGENDA ITEM NO:** 6

**ORIGINATING DEPARTMENT:** Community Development

**SUBJECT:** Consideration of a proposal to approve a Special Use for an EMB sign on Lake Street for the property commonly known as 950 Hillside Avenue.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The Combined Planning Commission and Zoning Board conducted a public meeting in October, 2019 for a proposed EMB sign on Lake Street. The PZB recommended denial by a vote of 5-0.

The applicant original request was to construct a 32 square foot EMB sign on the existing pylon base on Lake Street. The applicant is now proposing to replace the existing pylon sign with a new 8-foot monument sign that would conform with the Village's Sign Ordinance. The applicant is proposing to incorporate a new EMB sign that would not constitute more than 25% of the total sign face on this new sign on Lake Street.

**FINANCIAL IMPACT:** None

**DOCUMENTS ATTACHED:**

1. Staff Report.

**RECOMMENDED MOTION:**

*The PZB recommended denial of the proposed Special use for a second EMG sign for the applicant and the Staff is looking for the input of the Village Board based on the applicant's new revised submittal.*



**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, Esq, AICP, CNU-A, Community Development Director  
**DATE:** December 3, 2019  
**SUBJECT:** REPORT TO Village Board

**CASE:** Anastasias Restaurant  
19-09

**REQUEST:** Special Use (Public Hearing)

**LOCATION:** 950 Hillside Avenue

**APPLICANT:** Bill Giannakakis

**ZONING:** Main Street Transitional and B-2

### **Background**

The applicant is seeking a Special Use in order to install an Electronic Message Board (EMB) sign on Lake Street which would replace the existing sign face adjacent to their parking lot. As the Village Board will recall, an EMB sign was approved for the applicant in 2016 and the sign was installed adjacent to Route 173. The applicant is seeking zoning for a second EMB sign. The applicant has revised his application since this matter went to the PZB and is proposing a monument sign on Lake Street which would replace the existing pylon sign. The revised sign is 6.5 feet in height and incorporates a 13.5 square foot EMB sign and a 22 square foot sign for Anastasia's. The total sign face square footage would be 35.5 square feet which is under the 40 square feet sign face permitted by the Village's Sign Ordinance.

As highlighted above, an EMB sign that was approved in 2016 and incorporated a sign face of 42 square feet and an electronic message board of 21 square feet. The applicant requested relief as part of the Special Use from the Village's previous adopted "Sign Ordinance".

In accordance with the Village's Sign Ordinance, all EMB signs require a Special Use. In addition, the following requirements are outlined in the Village's Sign Ordinance:

- One (1) EMG sign for zoning lots are permitted within identified overlay districts;
- The property in which any EMB sign permitted must have one hundred lineal feet of property fronting Route 173 Route 83, or Route 59. (*Applicant is seeking relief from this section*).
- The property to which an EMB sign is permitted must incorporate a minimum of one (1) acre.
- The maximum gross surface of an EMB sign shall not exceed 25% of any sign face. (*Applicant is seeking relief from this section*)
- All EMB signs shall comply with the Village's monument sign requirements and shall be constructed in a monument style design and incorporate a brick or stone base, side columns of brick or stone on both sides of the sign along with a cap on top of the sign. (Applicant is seeking relief from this requirement)

As highlighted above the applicant is proposing to construct a 10 square foot EMG sign that would be incorporated into the new proposed monument sign. The sign would be adjacent to the parking lot located to the east of the applicant's main entrance area into the restaurant and would face Lake Street. Lake Street is not an arterial street and is considered a collector in the Downtown.

### Special Use

One of the central factors of any proposed Special Use is to make sure that the proposed use has no negative impact on any of the adjacent use. Based on this important factor, one should look at the uses of the adjacent parcel when considering a Special Use;

Below is a summary of the surrounding uses:

North:	Commercial
East:	Commercial
South:	Commercial
West:	Commercial

In accordance with Section 10-15-5, any proposed Special Use must comply with three 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:*

The proposed site of this EMB sign would be located on Lake Street and is in an area with a commercial character. There is an existing illuminated sign of approximately 32 square feet and the applicant is proposing that this sign be replaced with a new monument sign that would adhere with the Village's Sign Ordinance. While the area clearly incorporates a commercial character, the applicant for the first time is proposing to introduce an EMB sign to a non-arterial street.

The applicant's proposed monument sign would replace the existing pylon sign and would be an improvement over the existing sign. However, the applicant needs a Special Use for relief from the Village's Sign Ordinance.

*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 proposed EMB sign would be facing Lake Street which has not been identified as a Street that is appropriate for EMB signs. The ordinance outlines that EMB signs are appropriate on major arterials and specifically identifies Route 173 and Route 83. Unlike other signage in the Village's Sign Ordinance, which is approved administratively, the Village Board decided that EMB signs should be a Special Use based on their potential negative externalities on adjacent properties and the character of the Village.

There is a compatibility and character issue related to this proposed EMB sign. While the subject property is not located in the Village's Downtown Sign District, it is in the Village's Form based Code and the site is generally considered to be part of Downtown. Lake Street continues to be an important Downtown Street and there remains a serious question of whether one wants to introduce EMB signs to this street and the Village's Downtown.

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

Generally, the existing EMB signs that have been approved have been located on arterials or at major intersections. This section of the sign ordinance is based on character and aesthetic concerns about the potential impact that EMB signs can have on a character of non-arterial street. Lake Street incorporates a mixture of uses and incorporates a Downtown character as highlighted above.

Clearly, the Village Board was sensitive to the potential negative impact that EMB could have on an area and this is one of the reasons why they were permitted only as part of a Special Use. In addition, there remains a question whether it is appropriate for a business to have two EMB signs on the subject site.

The applicant has attempted to address the highlighted concerns by substantially reducing the size of the proposed EMB sign. Specifically, they have reduced the EMB from 32 square feet to 10 square feet.

*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.*

The proposed EMB sign would not have any negative impacts on any of the highlighted externalities that are referenced above.

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

The proposed EMB 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 EMB 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 highlighted above, the proposed location of the EMG sign is not consistent with the Village's Sign Ordinance as it relates to the location of this proposed sign. The general character of Lake Street is different as it relates to the intensity of commercial development when compared to Route 173. As Staff has previously highlighted, there is a difference between Route 173 and Lake Street as it relates to development patterns and character.

While the applicant's existing sign may be appropriate on Route 173, there remains a real question of whether EMG signs should be permitted to encroach other parts of the Downtown. Permitting this proposed sign could open the door for other applications and the proliferation of EMB signs.

### **RECOMMENDATION**

The applicant has attempted to address the concerns of the PBZ by reducing the size of the proposed EMB sign to 13.5 square feet versus the original 32 square foot proposal. In addition, the applicant has agreed to comply with the Village's new sign ordinance by replacing the existing pylon sign with a new monument sign that will incorporate a height of 6.5 feet and total sign square footage of 35.5 square feet.

*The PZB recommended denial of the proposed Special Use for an EMB sign and Staff is seeking the input of the Village Board based on the revised plan submitted by the applicant.*