

February 19, 2004

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 03-44; 105 W. St. Charles (The Texan Restaurant)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Parkwest Properties, requests that the Village takes the following actions on the subject property located within the B5 Central Business District.

1. Approval of a conditional use for a planned development.
2. A deviation from Sections 153.211(F), 153.506 (B)(3)(a) and 153.506 (B)(16)(a) to allow for mixed wall signs and canopy signs on a building; and
3. A deviation from Sections 153.211(E) and 153.506 (B)(3)(c) to allow for an increase in the number and square footage amount of wall signs.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 26, 2004. James Madden, Jr., 105 W. St. Charles Road presented the petition. He noted that they are petitioning for relief from the Sign Ordinance. There was some confusion on their part regarding the awnings they installed. He had the impression that the Texan Restaurant had sign permit approval when the Economic and Community Development Committee approved their request for grant funds. He noted that they are over the Sign Ordinance by 9 square feet and that the Ordinances do not allow wall signs with canopy signs. He is asking for permission to do that now.

James Madden, Sr., 564 Main Street, West Chicago, noted that he was the property developer and wanted to clarify the Texan's right to install the awnings. The Texan occupies the whole first floor of the mixed use building. Under the condominium covenants there are instances that allow the commercial condominium association to place items on the limited common elements on the building.

Chairperson Ryan mentioned that the covenant and restriction provisions are between the homeowners association and them.

Chairperson Ryan then opened the meeting for public comment. There was no one to speak in favor or against the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. Mr. Heniff stated that the petitioner applied for and was approved to receive grant funds from the Economic and Community Development Committee to install window awnings on the subject property. The petitioner installed the awnings prior to receiving a permit. Upon staff review of the building permit application, the petitioner was notified that the placement of the awnings would require zoning relief due to the fact that six of the awnings contained text.

The petitioner placed three awnings on the west elevation and five awnings on the north elevation of the subject building. He noted that all eight of the awnings contain a graphic and text. Each of the awnings that display the graphic and text are considered wall signs per Village code. Only one wall sign is allowed per street frontage. The proposed awnings with text and graphic also exceed the maximum square footage allowed for wall signage.

Mr. Heniff stated that there were no comments from the Inter-departmental Review Committee. He then highlighted comments from the planning staff. The proposed awnings are approximately eight feet in width and 2.9 feet in wall height. Six of the awnings contain the Texan logo along with text that reads "The Texan Bar-BQ." The combined surface area of the text awnings is approximately 40 square feet in area. Currently, there are two wall signs on the building. The wall signs and proposed awnings with text are in excess of the maximum allowable square footage which in this instance is one times the lineal frontage of the building (51 feet).

Mr. Heniff stated that staff is supportive of the deviations for the following reasons. Staff finds that the awnings add an attractive element to the building and contribute to the pedestrian atmosphere desired within the Central Business District. Staff finds that the existing wall signage is generally unobtrusive and is therefore supportive of the request to maintain mixed wall signage. However, there are no permits on file for the existing wall signage and recommends that permits are obtained at this time.

Mr. Heniff noted that included with the petition is a request for conditional use approval for a planned development. Per Village Code, planned developments are required with any variation request associated with a property which has R6, O, B1, B2, B3, B4, B5, B5A, or I zoning designation and meets the minimum lot area and width requirements for a planned development. The subject property meets the minimum lot width and area requirements and therefore, staff recommends the establishment of a planned development for this site. Creation of the planned development will also give the Village an opportunity to review any future modifications of the subject property.

Chairperson Ryan then opened the meeting to the Commissioners.

Commissioner Sweetser noted that there are three awnings on the north elevation and five on the west elevation. She then said that she does not have any objections to the petition. Color is a matter of taste and if they get weathered they could be replaced.

Commissioner Olbrysh noted that there are quite a few businesses that have awnings similar to the Texan – it is an attractive element. He thanked staff for the pictures in the IDRC report.

Commissioner Burke noted condition 4 and asked if it made sense to require that any new awnings be put back up without logos. Mr. Heniff noted that should the relief be granted and if the awnings are replaced, they could be replaced exactly as is. If additional signage is requested then they would have to come back. Commissioner Burke raised a concern about setting a precedent.

Chairperson Ryan indicated that if it was approved in that manner, the owner would have to go back to the Plan Commission each time they wanted to replace their awning.

Commissioner Sweetser noted that this situation makes a strong case for vigilance and review and she would hate to see it happen again. Mr. Heniff noted that when staff finds something was improperly erected and it does not meet the intent of code, staff tries to look at it objectively noting that the Village Board has denied things that were improperly erected. The way the awnings have been erected and the support the Economic and Community Development Committee felt relative to the project, suggested that it could be supported by staff.

Commissioner Olbrysh noted that what the petitioner has installed is not out of line for what has been installed elsewhere.

Commissioner Flint stated that the awnings are tasteful and within the character of the downtown.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed variations comply with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, **approval** of the following relief associated with PC 03-44, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with the proposed signage drawings, prepared by Nuyen Awning Company, Inc. dated September 15, 2003 and made a part of this request.
2. That the petitioner apply for and receive a building permit for the proposed awning signs as well as the two existing wall signs already located on the subject property.
3. That the approved signage shall be limited to the following:

- a. That one wall sign be permitted on the north elevation, with said sign not to exceed twenty-five square feet in overall size.
 - b. That one wall sign be provided on the west elevation, with said sign not to exceed twenty-five square feet in overall size.
 - c. That the two wall signs noted in Section 3a and 3b above shall not be internally illuminated and shall be of wood-carved design as is currently erected on the subject property.
 - d. That the awning signs shall be limited to eight in number and each awning sign shall be limited to forty square feet in overall surface area.
4. That should the awnings deteriorate or have a weathered appearance, the petitioner shall install new awnings on the building. Determination as to whether the awning signs need to be replaced shall be made by the Director of Community Development.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

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c. Petitioner
Lombard Plan Commission