PLANNING AND ZONING COMMISSION
SPECIAL MEETING
Marengo City Hall
132 E. Prairie Street

AGENDA
June 20, 2017
7:00 p.m.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of Minutes: May 15, 2017 Regular Meeting Minutes

5. New Business
   a. Public Hearing - Application and Recommendation for a Variance from the Marengo Sign Ordinance to Allow for a Sign 20 Feet in Height within a Required Setback – 19800 East Grant Highway – Taco Bell

6. Adjournment
City of Marengo  
Planning & Zoning Commission Meeting  
Council Chambers  
132 E. Prairie Street  
Marengo, IL 60152  
May 15, 2017  
7:00 P.M.

CALL TO ORDER  
Commission Chairman Mike Bieniek called the Meeting of the Planning & Zoning Commission to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE  
Mr. Bieniek led everyone in the Pledge of Allegiance.

ROLL CALL  
Present this evening are Commissioners Bieniek, Piwonka, Varney, Hunt, and Brackmann. Also present were Assistant City Administrator Joshua Blakemore, Attorney Carlos Arevalo and Deputy City Clerk Anna Leyrer. Commission Member Ryan Gieseke was absent.

APPROVAL OF MINUTES  
Commission member Piwonka made a motion, seconded by Commission member Varney to approve the March 20, 2017 Planning and Zoning Minutes. The motion passed with aye votes from Commission members Bieniek, Brackmann, Piwonka, Varney, and Hunt.

NEW BUSINESS - PUBLIC HEARING  
Public Hearing - Application and Recommendation for a Zoning Variation from a Zoning Text Amendment to Section 11.03(4) to Permit Manufacturing of Firearms Pursuant to Alcohol, Tobacco & Firearms Regulations as a Special Use in the B-2 General Business District and Issuance of a Special Use Permit for Said Use 20014 East Grant Highway-Marengo Guns

Commission member Varney made a motion, seconded by Commission member Hunt to open the Public hearing. The motion passed with a voice vote.

Attorney Arevalo stated that there was public notification of the Public Hearing, and requested that the verification of mailings that were sent to property owners within 250 feet surrounding the area about this public hearing be submitted for record. Documents were presented to Deputy City Clerk Anna Leyrer for the record.

Attorney Arevalo swore in Mr. Dominick DeBock and Terry McKenna, both representing Marengo Guns, Inc.

Assistant City Administrator Joshua Blakemore explained that Dominick DeBock, owner of Marengo Guns, and his Attorney, Terry McKenna, approached the City requesting a Zoning Text Amendment and Special Use Permit to allow for manufacturing of firearms in the B-2 General
Business District, more particularly, applying Cerakote on firearms from their inventory. Mr. Blakemore introduced Mr. DeBock and Mr. McKenna for further explanation.

Terry McKenna, the petitioners Attorney confirmed that per AFT regulations, Marengo Guns would need to apply for a type 07 Federal Firearms License, to allow for the application of Cerakote and slide modifications. The Cerakote, a polymer-ceramic composite coating that would change the color of the gun, would be applied on location in a spray booth. Along with Cerakote, slide modifications would be offered. Slide modification removes non-essential metal areas of the firearm slide. This is mainly done for aesthetic reasons. Because the ATF requires that the firearm would need to be tested after the Cerakote and/or slide modification, Marengo Guns would also need to test fire the firearm after the processes are complete. Marengo Guns would purchase a device that the muzzle of the firearm is inserted into, and the firearm is discharged. These mechanisms are commonly used in this process and there is not much noise associated with the discharge of the firearm.

Attorney McKenna proceeded to explain that the proposed Zoning Text Amendment and Special Use permit would not negatively impact the City or neighboring businesses/residents and meets the standards for Special Uses.

Attorney Arevalo stated to the Commission, that if requested, the Commission can limit the definition of what would be allowed, producing guns as an example.

Dominick DeBock, of Marengo Guns stated that he would not like to see a restriction on producing guns. He stated that though it is not in his immediate plans, it may be a possibility in the future. Commission asked how much space is at the location and how that would impact the ability to produce firearms. Mr. DeBock stated there is approximately 7600 square feet total, and the Cerakoting would take up about 2500 square feet of that. He stated there is plenty of space to produce in the future if needed. He stated that they would not be mass producing, it would be as request. Commissioner Brackmann asked what the definition of mass production is. It was said that there is no real number associated with mass production and it would need to be addressed if needed.

It was questioned whether the Special Use permit would follow Mr. DeBock, Marengo Guns or the location in case location was moved. It was stated the ATF license would be issued to Marengo Guns, Inc., so the Special Use would be the same, to Marengo Guns, Inc. and an address change would void the Special Use permit.

**PLANNING AND ZONING ACTION**

A motion was made from Commissioner Hunt for the recommendation of a Special Use permit to allow Cerakote and the associated testing only. The motion died for a lack of a second.

A motion was made by Commissioner Brackmann, and seconded by Commissioner Piwonka to recommend the Zoning Text amendment and to issue a Special Use Permit to Marengo Guns, Inc. with the conditions that it is limited to the ATF type 07 license and that the applicant would need to return for an amendment, if the use changes for example, if Marengo Guns expanded and wanted to do mass production or other types of modifications, not allow by the ATF type 07 license. The motion passed with aye votes from Commissioners Bieniek, Piwonka, Varney, and Brackmann. No vote casted by Commissioner Hunt.
NEW BUSINESS- PUBLIC HEARING
Public Hearing- Application and Recommendation for a Special Use Permit to allow Two Drive Through Facilities on a Proposed Future Commercial Strip Center- 20009-20015 East Grant Highway.

Commission Member Corey Brackmann recused himself from the meeting.

Commission member Varney made a motion, seconded by Commission member Hunt to open the Public hearing. The motion passed with a voice vote.

Attorney Arevalo stated that there was public notification of the Public Hearing, and requested that the verification of mailings that were sent to property owners within 250 feet surrounding the area about this public hearing be submitted for record. Documents were presented to Deputy City Clerk Anna Leyrer for the record.

Assistant City Administrator Joshua Blakemore explained that the applicant is requesting a Special Use Permit to allow for two drive through facilities in a future development. This development will be coming before PZC and City Council again in the future, once more specifics regarding turn lanes and allowable uses are determined. He introduced Corey Brackmann, the developer on this project for further explanation.

Mr. Brackmann explained that this property is currently zoned B-2, General Business District, and a Special Use permit is required for drive through.

Attorney Arevalo stated that because this development is still being worked out, more components of this development will be coming forward in the future. This Special Use is just for the drive through and are required in order to get the process moving with various other entities like IDOT and Engineering firms.

Mr. Brackmann stated that another vital component of this development is the issuance of a liquor license and TIL funding.

PUBLIC COMMENT
Commission Chairman Bieniek opened the floor for Public Comment. There was none.

PLANNING AND ZONING ACTION
Commission member Piwonka made a motion to recommend the Application and Recommendation for a Special Use Permit to allow Two Drive Through Facilities on a Proposed Future Commercial Strip Center- 20009-20015 East Grant Highway, with the condition that the applicant must present future plan developments to the Commission, Commissioner Varney seconded. The motion passed with aye votes from Commissioners Hunt, Bieniek, Varney, and Piwonka.

CLOSING OF PUBLIC HEARING
Commissioner Piwonka made a motion, seconded by Commissioner Varney, to close the public hearing. The motion passed with a voice vote.
DISCUSSION
Assistant City Administrator stated that PZC members should have received a memo stating that future packets would need to be emailed or picked up. The PD will not be delivering packets any longer. Please make arrangements with Megan on your preferred method of future delivery. A June meeting is highly likely for the Storage rental business at Route 23 and 8th Avenue, and a sign variance for Taco Bell.

Commissioner Bieniek stated that he feels the sign ordinance should be re-visited since it is very restrictive. It was agreed that in the future, it should be addressed, so we do not have to keep issuing variances for business signs.

ADJOURNMENT
Commission member Varney made a motion to close the meeting. The motion passed with a voice vote. The meeting adjourned at 8:13 p.m.

Respectfully submitted,
Anna Leyrer
Deputy City Clerk

Approved at the Planning and Zoning Commission meeting.
PUBLIC HEARING

TO: Planning & Zoning Commission

FROM: Joshua Blakemore, Assistant City Administrator

FOR: June 20, 2017 Special Planning & Zoning Commission Meeting

RE: Request for a Variance – 19800 East Grant Highway – Taco Bell – Sign 

Variance

The Applicant is seeking a variance from Chapter 16 of the Marengo Municipal Code, in particular to the regulation of height and placement of a sign. While the Applicant’s request states the desire to install a pylon sign, the sign provided in the drawings is more indicative of a pole sign, currently prohibited by the sign ordinance. The relevant definitions have been attached for your review. Under these definitions, the sign can be considered a “freestanding” sign as well.

There are two particular issues here the PZC will need to address, namely variance from the height regulation and the proposed pylon sign being more of a pole sign.

Most signs are allowed a maximum allowable height of 7 feet in this zoning district. Regarding the sign height, the requested sign is 20 feet in height. The Applicant originally requested a sign 32 feet in height, but staff indicated that 32 feet would be too high. An application for a 20 foot sign was then submitted. For PZC’s reference other signs in the area have the following height allowances:

1. Joe’s Place – 14.4 feet;
2. Sullivan’s Foods – 20 feet;
3. Glo-Bowl – 14 feet; and
4. Karsten’s, 11 feet, (expandable up to 17 feet 2 inches).

It should be noted that Karsten’s sign can be expanded to allow for additional signs for neighboring businesses. Sullivan’s Foods sign was built at 20 feet but is also a monument style sign which can accommodate signage for other businesses within their strip center.

Staff has also discussed with the Applicant the issue of the proposed sign being a “pole sign” under the ordinance. The Applicant has stated that it wishes to proceed with the application as is. There are things that could be done to make the sign more of a pylon sign or freestanding sign to bring it into compliance with the ordinance. The Applicant did state it would be open to the idea of placing an aluminum casing over the pole, which would be the same width as the sign, making it more of a true pylon style sign. Drawings of the sign with and without the casing have been provided for your review.

A further variance would also be needed to build a sign closer than 25 feet to any side, corner side or rear lot line. This has become a somewhat common request in the area, as sign variances for Karsten’s, Glo-Bowl and Joe’s all allow for the sign to be placed in a required setback. As you can see from the attached site plan, given the lot layout and required parking, it would be challenging to place a sign in an area outside of a required setback.
The Planning & Zoning Commission is being asked to review the matter during the public hearing on Tuesday’s meeting. Much like a special use request, this is the opportunity for the PZC to work with the Applicant and place what stipulations they feel necessary on the request as part of your recommendation to the City Council.

A letter from a neighboring property owner objecting to the 20 feet in height has been attached for your review. To this point, we have not received any other objections.

Listed below are the findings of facts standards for variance requests, which would need to be included as part of any recommendations the PZC makes to the City Council. At the conclusion of the public hearing and discussion, a motion to approve the variance as requested (or as modified by the PZC) would be in order.

Finding of Facts

19800 East Grant Highway, Taco Bell – Application for Sign Variance

Based on the evidence presented at the June 20, 2017 Public Hearing regarding the above case, the Planning and Zoning Commission make the following findings:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

2. The condition upon which the petition for a variation is based are unique to the property for which the variation is sought, and would not be applicable, generally, to other property within the same zoning classification;

3. The purpose of the variation is not based exclusively upon a desire to increase the value of the property, the monetary gain to be realized from the property, or to alleviate financial difficulty experienced by the petitioner in the attempt to comply with the provisions of this Zoning Code;

4. The alleged difficulty or hardship is caused by the application of this Zoning Code and has not been created by any person presently having an interest in the property;

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

6. The proposed variation will not impair an adequate supply of light or air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood;

7. The granting of the variation requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings of the same zoning classification.

cc: Michelle Forys — Omega Signs
NEW 48 SQ. FT. STANDARD PYLON SIGN - TACO BELL

SPECIFICATIONS

DESIGN PARAMETERS
- Structural adequacy shall be the manufacturer's responsibility using the following criteria:
  - 100 MPH 3 second gust wind speed per ASCE 7-05 (100 MPH - ASCE 7-10).
  - Category II, Exposure C.
  - 150 PSI per foot of depth allowable lateral soil bearing pressure.
  - Refer to written documentation for material specifications.

Cabinet
- Extruded aluminum frame, 10" [254mm] deep with 2" [51mm] retainer
- Aluminum painted fibers
- .187 [5mm] pan-formed SG polycarbonate face with debossed reinforcement at main ID face - 2nd surface digitally printed decal backed up with white
- .150 [4mm] pan-formed SG polycarbonate face at breakfast face
- Faces painted into the retainer with mechanical fasteners as required
- Hingeable access for service

ELECTRICAL PERFORMANCE SPECIFICATIONS
- UL & NEC approval required.
- 12V, Class II UL approved system.
- If alternate LED's are used:
  - 50,000 hour system where no greater than 30% lumen depreciation is experienced at 50K hours.
  - Thermally managed surface mount devices (SMD).

Cabinet:
LED(s):
- (6) AgL/it LS TRZ25-304-50K-G3 RetroRayz 500 Light Bars
- (1) AgL/it LS TRZ25-361-50K-G3 RetroRayz 500 Light Bar
- (1) AgL/it LS TRZ25-335-30K-G3 RetroRayz 500 Light Bar
Power Supply:
- (1) 12V/50W LED Power Supplies @ 6.5 amps ea.

TOTAL LOAD: 6.5 amps

OMEGA
Sign & Lightning Inc.

ADDRESS: 19800 US Rte 20
CITY/STATE: Marengo, IL
ZIP: 60152

www.OMEGASIGNCHICAGO.com
PHONE 630.237.4397 FAX 630.237.4398

ELECTRICAL NOTES:
- Sign Company ECI's HNT permit.
- Sign Company ECI all required permits needed.
- Electrical contract installation must be completed with a licensed electrician.
- Scope work as indicated.
- All materials must be approved by the client.
- All wiring must be installed with a licensed electrician.
- Troubleshoot & test.
Copy: Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying the street address only.

Directional sign: Any sign that is designed and erected for the purpose of providing direction, instructions, and/or facility orientation for pedestrian and vehicular traffic.

Double-faced sign: A sign with two faces, back to back.

Electrical sign: A sign or sign structure in which directional electrical wiring, connections, or fixtures are used.

Electronic message sign or center: An electrically activated changeable sign whose message changes automatically on a lamp bank or through mechanical means or whose variable message capability can be electronically programmed. This shall not include areas of signs which indicate time and temperature.

Exterior sign: Any sign placed outside a building.

Externally illuminated sign: A sign illuminated by a source of light which is cast upon the surface of the sign to illuminate by reflection of that light.

Face of sign: The surface of the sign, upon, against, or through which the message is displayed or illustrated on the sign.

Facade: The front or main face of a building; the side of a building, the exterior wall of a building exposed to public view.

Flag: A piece of fabric, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, religious or political subdivision.

Flashing sign: A sign in which the illumination intermittently flashes off and on in whole or in part used primarily to attract attention.

Foot candle: A unit of measure for luminance. A unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Freestanding sign: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

Frontage (building): The length of an exterior building wall or structure of a single premise oriented to the public way or other properties that it faces. (The length of the property line of any one lot along a public right-of-way which it borders.)
activity not conducted, sold or offered upon the premises where the sign is located.

On premise sign: A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Owner: A person recorded as such on official records.

Painted wall sign: A sign which is directly applied with paint or similar substance on any portion of an exterior building wall, fascia, parapet, chimney, on a fence or fence type wall, retaining wall, bench, fence post, reuse enclosure, utility box, storage shed, bus shelter, satellite dish, antenna or other accessory structure, except wall signs regulated herein.

Parapet: The extension of a false front or wall above a roof line.

Pennant: A temporary sign of lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string.

Permanent sign: A sign or sign structure which is directly affixed to the ground surface or any part of a building or structure.

Pole sign: A sign supported by one upright or brace in or upon the ground surface.

Political sign: A temporary sign intended to advance a political statement, cause or candidate for office and also known as a campaign or election sign. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

Portable sign: Any sign not permanently attached to the ground or to a building or building surface. Usually of a temporary nature, designed to be moved easily and not permanently affixed, including but not limited to: signs to be transported by means of wheels; menu and sandwich boards signs, umbrellas used for advertising; and signs attached to or painted on vehicles or trailers located for the primary purpose of displaying said signs, unless the vehicles are used in the normal day-to-day operations of the business.

Post sign: A sign supported by one upright or brace in or upon the ground surface.

Projecting sign: A sign supported by a building or other structure which projects over any street, sidewalk, alley or public way or public easement, structure or supporting wall. A sign that is affixed perpendicular to a building in such a manner that its leading edge extends more than twelve inches beyond the line of such building or beyond the lot line.

Public right-of-way: Land either owned by or prescribed to the municipality that is used for public purposes, such as streets, sidewalks, utilities or green space. A right-of-way includes all land and improvements located within the property lines of said right-of-way.
**Public sign:** Any informational sign which is owned or maintained by a local, regional, state or federal government.

**Pylon sign:** A tall vertical structure on or forming part of a sign. Pylons are not poles, posts or cylindrical in shape.

**Real estate sign:** A temporary sign erected for purpose of advertising the sale, rental or lease of the premise or property upon which it is located.

**Revolving sign:** A sign that revolves 360 degrees about an axis.

**Roof line:** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

**Roof sign:** A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure.

**Setback:** The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

**Sign:** Any device visible from a public place that displays either commercial or non-commercial messages by means of graphic presentations of alphabetic or pictorial symbols or representations.

**Sign area:** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face.

**Sign copy:** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

**Sign face:** The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

**Sign structure:** Any structure supporting a sign.

**Subdivision sign:** A sign identifying a recognized subdivision, complex or residential development.

**Temporary sign:** A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is embedded into the ground, are considered temporary signs.

**Vehicle sign:** Any advertising or business sign attached to a motor vehicle which is parked or
property, to be removed summarily and without notice. The cost of such removal shall be the responsibility of the owner of such sign. Payment shall be due within 30 days or a lien shall be made against the property.

16.05 NON-CONFORMING SIGNS

A. Signs existing on the effective date of this Chapter (August 25, 2006) and not conforming to its provisions but which were constructed in compliance with previous City ordinances shall be regarded as non-conforming signs. A non-conforming sign shall not be:

1. Changed to another non-conforming sign;
2. Structurally altered as to prolong the life of the sign;
3. Expanded;
4. Re-established after its discontinuance for a period of 30 days;
5. Removed and replaced, or moved in whole or in part to another location, unless the sign and the use thereof, are in conformance with this Chapter;
6. Re-faced or had the copy changed;
7. Re-established after damage or destruction by means, including an act of God, exceeding 50 percent of the estimated value of the sign. For the purpose of establishing a value, all signs will be deemed to have a cost value of $1,000.00 unless a bill of sale, tax return or a written appraisal by a sign manufacturer can prove the value; nor
8. A continued use with a change of business ownership or business lessee for more than 30 days.

B. No such repair, replacement or alteration shall be made to a non-conforming sign unless such repair, replacement or alteration will create a sign that conforms to the provisions of this Chapter. Minor maintenance such as bulb replacement and painting is allowed.

16.06 PROHIBITED SIGNS

The following signs are strictly prohibited everywhere within the City unless the sign was previously permitted by the issuance of a City permit. If the sign was permitted under a previous permit and not currently in compliance with this Chapter, it must comply with the provisions set forth in Section 16.05 Non-Conforming Signs, and, if applicable, the provisions of Section 16.11, Overlay District.

1. Mobile, movable and portable signs not affixed to the ground (e.g. flashing arrow signs);
2. Pennants, flags (other than those described in Section 16.07), streamers, ribbons, strings of lights (except as defined herein), spinners and other similar signs used as attention getters;

3. Signs attached to trees, fences or public utility poles, other than warning signs used by public utilities and entities;

4. Signs placed in any public right-of-way, other than warning signs used by public utilities and entities;

5. Defunct signs, including the support structure(s) that advertise or identify an activity, business, product or service no longer conducted on the premise where such sign is located;

6. Roof-mounted signs;

7. Billboards;

8. **Pole signs;**

9. Off-premise business signs with the exception of recreational sporting areas;

10. Off-premise real estate signs;

11. Projecting signs (except as permitted herein);

12. Abandoned signs;

13. Animated signs;

14. Signs placed or affixed to vehicles and/or trailers which are parked and visible from the public right-of-way where the apparent purpose is to advertise a product or direct people to a business activity located on the same nearby property. However, this is not in any way intended to prohibit signs placed on, or affixed to, vehicles and trailers, such as permanent lettering on motor vehicles where the sign is incidental to the primary use of the vehicle or trailer;

15. Signs which contain characters, cartoons, statements, works or pictures of an obscene, indecent, prurient or immoral character;

16. Illuminated signs in residential zoning districts (excluding the R-3 Single Family Zoning District);

17. Moving or rotating signs;
street frontage that extends higher than its neighboring building.

h. Multiple unit buildings are allowed a wall sign indicating tenants and individual units. The maximum square footage of the outline of signage containing the individual tenants shall not exceed 25 square feet.

3. Freestanding Signs: In addition to the sign area allowance, freestanding signs are subject to the following provisions:

a. Not more than one freestanding sign shall be displayed on any street front of any lot.

b. Freestanding signs shall not exceed seven feet in height the any business, ORI Office, Research & Light Industrial or M Manufacturing zoning districts. Height is measured from the adjacent “normal” grade to the top of the sign.

c. No freestanding sign shall be erected closer than 25 feet to any side, corner side or rear lot line.

d. Freestanding signs shall not portray signs in excess of 85 square feet. In determining sign area, the base of such free standing sign does not count as square footage, providing there are no signs attached to it.

e. No part of a freestanding sign shall intrude or project over any public right-of-way. All structural supports shall be situated at least 10 feet from any public right-of-way.

f. All freestanding signs shall be securely constructed and erected. At the discretion of the Building Department, construction plans may be required to be certified by a registered architect or engineer. Such plans will ensure compliance with applicable wind, seismic and snow loads.

g. Unless the sign is mounted on a concrete base at least three feet in height, any freestanding sign within three feet of a driveway, parking area or maneuvering area shall be completely surrounded by curbing that is not less than three feet from the outermost perimeter of the sign.

h. All freestanding signs shall be located a minimum of 80 feet apart.

4. MONUMENT (GROUND) SIGNS: In addition to the sign area allowance, monument signs are subject to the following provisions:

a. No part of any monument sign shall intrude into any public-right-of-way.
June 7, 2017

Mayor John Koziol  
City Hall  
132 E. Prairie St.  
Marengo, IL  60152

Mr. Joshua Blakemore  
Interim City Administrator  
City Hall  
132 E. Prairie St.  
Marengo, IL  60152

Re: Requested 20' Sign by Taco Bell at 19800 E. Grant Highway, Marengo

Dear Mayor Koziol and Mr. Blakemore:

We represent the landowners at 19809 E. Grant Highway, which is directly across from the newly constructed Taco Bell. My clients recently received a communication from Omega Sign & Lighting regarding the proposed 20' high pylon sign at the subject property. Please let this letter serve as our official objection to the height of the sign which we believe is inappropriate. The signs in the vicinity are approximately 14' high and there is no commercially reasonable reason for a sign to be so much higher than those in the immediate vicinity. My clients object not only on the grounds of aesthetics, but also that the size of the sign could have an adverse affect on the value of their property. I apologize that I cannot be with you at the meeting, as I have an obligation at the County building at the same time. I would be grateful if you would please share these sentiments with the members of the Planning Commission as well as the Trustees.

Very truly yours,

FRANKS, GERKIN & McKENNA, P.C.

[Signature]

Jack D. Franks
JDF/jz

19353 East Grant Highway  
PO. Box 5  
Marengo, Illinois 60152-0005  
Tel 815.923.2107  
www.fgmlaw.com  
Fax 815.923.2114
REQUEST FOR A VARIANCE AMENDMENT

Instructions to applicant: The purpose of a variance is to provide relief to a property owner when the strict enforcement of the zoning regulations pertaining to lot size, setback, parking requirements, etc., impose an undue hardship on the reasonable use of the land.

Hardship to the applicant is the crucial test. Variations will be granted only to provide relief in unusual situations, which were not intended or foreseen when the Zoning Ordinance was adopted. Economic loss is seldom a unique situation and is generally not considered a valid hardship.

All information requested below must be provided before a hearing will be scheduled.

1. Applicant information:

   Name: Omega Sign Lighting Inc
   Telephone: 630-237-4399
   Address: 100 W. Fay Avenue
   City: Addison IL
   Zip Code: 60101

2. Property interest of applicant:

   ( ) Owner
   ( ) Contract purchaser
   ( ) Lessee
   ( ) Other Contractor on behalf of owner

3. Name of owner (if other than applicant):
   (attach additional sheets if necessary)

   Name: Taco Bell/NSB Operations
   Telephone: 847-309-8013
   Address: 302 Saunders Road
   City: Riverwoods IL
   Zip Code: 60015

4. Location of property:

   Street address: 19800 Ulysses S. Grant Highway (US 20)
   Legal description (lot, block and subdivision): Coral Township, McHenry County
   Lot 23, Resub 1-2-3, in Northwest Cor for Commerce
   PIN: 17-06-102-006

5. Present zoning classification of the area: PD (planned development)

6. Present use of property (if any uses or buildings on the property are non-conforming, so state):
   New Construction—restaurant with drive-thru
   (Taco Bell)
Request for Special Use Continued

7. **Variance request:** State exactly what is intended to be done with the property which does not conform with existing zoning regulations:
   Wish to add a 20ft. pylon sign. This sign type is comparable to other signs in the area which were grandfathered prior to most recent ordinance update.

8. I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

Michelle L. Sory 5/30/17
Signature of applicant Date

Signature of owner (if different than applicant) Date

DO NOT WRITE IN THIS SPACE- FOR OFFICE USE ONLY

Date of hearing _______________ PIN _______________

Notice published on _______________ Zoning _______________

Newspaper _______________ Fee paid _______________ Check # _______________

Action by Planning and Zoning Commission: Date _______________

Denied _____ Approved _____ Approved with modification by Commission _____

Comments: (indicate other actions such as continuance) ____________________________________________
WARRANTY DEED

STATE OF ILLINOIS

MC HENRY COUNTY

REAL ESTATE TRANSFER TAX

# 0000020373

00562.50

FP351004

JOSEPH J. TIRIO
RECORER-MCHENRY COUNTY, IL
2017R0011151
03/30/2017 10:41AM PAGES 2
RECORDING FEE 26.00
GIS FEE 15.00
STATE STAMP FEE 375.00
COUNTY STAMP FEE 167.50
RISPS HOUSING FEE 9.00

THIS INDENTURE WITNESSETH, that the GRANTOR

FUND 601, LLC,
an Illinois limited liability company

for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, CONVEYS and WARRANTS to:

NJB Operations, Inc., an Illinois corporation

THE PROPERTY COMMONLY KNOWN AS: 19800 U.S. Route 20, Marengo, Illinois 60152

PROPERTY CODE: 17-06-102-006

AND LEGALLY DESCRIBED AS:

Lot Twenty-three (23) in the Final PUD Plat of Resubdivision of Lots 1, 2 & 3 in Northwest Center for Commerce, being a subdivision of part of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section 31, Township 44 North, Range 6 and Part of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section 6, Township 43 North, Range 6, East of the Third Principal Meridian, according to the plat of Resubdivision recorded August 23, 2013 as Document No. 2013R0041916, in McHenry County, Illinois; situated in the County of McHenry and State of Illinois;

Subject to Real Estate Taxes for 2016 and subsequent years and all easements, covenants and restrictions of record.

Dated this 21st day of March, 2017.
**SPECIFICATIONS**

**DESIGN PARAMETERS**
- Structural adequacy shall be the manufacturer’s responsibility using
  the following criteria:
  - 100 MPH 3 second gust wind speed per ASCE 7-05 (130 MPH - ASCE 7-10).
  - Category II, Exposure C.
  - 150 PSF per foot of depth allowable lateral soil bearing pressure.
  - Compliant with national building codes and standards (IBC 2009, IBC 2012,
  - Refer to written documentation for material specifications.

**Cabinet:**
- Extruded aluminum frame, 10" (254mm) deep with 2" (51mm) retainer
- Aluminum painted fillers
- .187 [5mm] pan-formed SG polycarbonate face with debossed reinforcement
  at main ID faces - 2nd surface digitally printed decal backed up with white
  .150 [4mm] pan-formed SG polycarbonate face at breakfast face
- Faces printed into the retainer with mechanical fasteners as required
- Hingeable access for service

**ELECTRICAL PERFORMANCE SPECIFICATIONS**
- UL & NEC approval required.
- 12V, Class II UL approved system.
- If alternate LED’s are used:
  - 50,000 hour system where no greater than 30% lumen depreciation is
    experienced at 50K hours.
  - Thermally managed surface mount devices (SMD).

**Cabinet:**
- LED(s):
  - (6) AggLight LS-RTR2S-084-50K-G3 RetroRayz 500 Light Bars
  - (1) AggLight LS-RTR2S-089-50K-G3 RetroRayz 500 Light Bar
  - (1) AggLight LS-RTR2S-030-50K-G3 RetroRayz 500 Light Bar

**Power Supply:**
- (7) 12V/60W LED Power Supplies @ 0.9 amps ea.
- Total Load: 6.3 amps
- Circuit(s): (1) 20 amp-120V

**PARTICULARS:**
- STEEL TUBE
- 6"x6"x3/8"
- [152x152x10mm]
- 11.1" [287mm]
- GRADE
- 8'-9" [267mm] EMBEDMENT
- 8'-9" [267mm] EMBEDMENT
- 2'-0" [610mm] DIA.
- 2'-0" [610mm] DIA.

**CONCRETE REQ'D:**
- 1.02 CU. YDS.

**LED LAYOUT CABINET**

**GRAPHIC & COLOR SPECIFICATIONS:**

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<th>COLOR</th>
<th>PANTONE</th>
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<td>Dark Purple</td>
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**NOT FOR CONSTRUCTION**

DECEMBER 2010