

CITY OF BATAVIA

DATE: June 13, 2019
TO: Plan Commission
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: PUBLIC HEARING - Amendments to the Text of the Zoning Code
Chapter 4.4: Sign Regulations – Regarding Menu Signs
Michelle Freeman, Keyser Industries, applicant

Background and Summary of Proposed Amendments

A Public Hearing is scheduled for the June 19th Plan Commission meeting to review proposed amendments to the text of the Zoning Code. The Zoning Code prohibits use of Electronic Changeable Message Signs (ECMS) in the Historic District. Keyser Industries is seeking to amend Chapter 4.4: Sign Regulations to remove this prohibition of ECMS solely for Menu Signs. Keyser is proposing the amendments to benefit its client, McDonald's.

The attached email from the applicant lists the features of ECMS for menu signs. In addition to being better able to serve the drive-through restaurant industry, such signs can automatically dim in response to ambient light changes and use a dark-background screen at night. The attached email also provides responses to common questions regarding signage in a municipal regulation context.

Staff Analysis

McDonald's first approached the City regarding use of ECMS last year. Staff sought input from the Historic Preservation Commission (HPC) on this topic. The attached minutes of the April 9, 2018 HPC minutes establish the HPC's general acceptance of use of ECMS for Menu Signs. Staff notes that signs in the Historic District are not subject to Design Review. Signs in the Historic District require HPC approval of a Certificate of Appropriateness (COA) in which City Code compliant projects are reviewed for conformance to the [Historic Preservation Design Guidelines](#).

Staff feels that use of ECMS for Menu Signs can be compatible with the Historic District as described by the applicant, provided such signs are not readily visible from streets. In the case of McDonald's, its menu signs are over 130 feet from Houston Street and even further from Wilson Street. The building and signs' orientation will effectively screen the sign faces from Wilson Street. Sign distance and the presence of site landscaping along Houston Street limit the existing menu sign visibility. In instances where such signs would be located proximate to streets or residential uses, screening can be required, and such screening would be part of COA and building permit reviews and approvals.

To remove the Historic District prohibition of ECMS for Menu Signs, three (3) Sections of [Chapter 4.4: Sign Regulations](#) need to be amended. Below are Sections of this Chapter with needed additions shown in red and needed language removal shown with strike-through.

- Section 4.402.L.3 (pg 5)
 3. Electronic *Changeable Message Signs* are prohibited for use on Wall Signs and Tower Signs. In historic districts and on landmarked properties, all Electronic *Changeable Message Signs*, other than Fuel Facility Signs and Menu Signs are prohibited ~~in historic districts and on landmarked properties.~~
- Section 4.407.B.2.g (pg 15)

Electronic *Changeable Message Signs*. Where permitted by this Chapter, the Plan Commission, through Design Review (or the Historic Preservation Commission through COA where applicable), may approve an electronic *Changeable Message Sign* and may establish operational restrictions. Operational restrictions include, but are not limited to, the frequency and type of message change and intensity of illumination. The Plan Commission (or the Historic Preservation Commission through a COA where applicable) shall consider the visual impacts of the sign on the uses surrounding the sign location, and traffic volume, movements and speed in the area of the sign.

- Section 4.407.B.2.i (pg 16) – New Subsection (5) in the Section specific to Menu Signs.
(5) Visibility. The Plan Commission through Design Review (or the Historic Preservation Commission through COA where applicable) may require screening be added to the site to minimize visibility of Electronic Changeable Message Signs from streets or adjacent residentially used or zoned properties.

Staff notes that the proposed changes to Section 4.402.L.3 would strengthen the Zoning Code’s effective prohibition of ECMS for Wall Signs and Tower Signs; the Zoning Code includes specifications for ECMS (other than fuel signs) only for Monument Signs. There are no existing ECM wall or tower signs in the City. The last amendment includes a provision to add screening where needed; this Section already contains other specifications (number, size, materials) for Menu Signs.

As proposed, staff feels the above Zoning Code amendments to allow ECMS for Menu Signs would be compatible with goals and policies of the Comprehensive Plan that seek to balance effective commerce and aesthetics. As proposed, ECMS for Menu Signs could be used without adversely affecting the character of historic districts, landmarked properties, and adjacent residences. The proposed amendment extends the Plan Commission’s ability to limit sign brightness and message change frequency through Design Review to the HPC through COA approval.

Staff Recommendation

Staff recommends the Commission open and conduct the public hearing. After all attendees wishing to speak have been heard and the Commission has enough information to make a recommendation to the City Council, the Commission must close the hearing.

Staff recommends the Commission recommend the City Council approve amendments to the Zoning Code to allow ECMS for Menu Signs as proposed above in this staff memorandum.

Attachment: Email from Michelle Freeman to Joel Strassman, dated June 4, 2019

- c Mayor and City Council
Department Heads
Michelle Freeman, Keyser Industries
Media

Strassman, Joel

From: Michelle Freeman
Sent: Tuesday, June 04, 2019 9:49 AM
To: Strassman, Joel; Mary Thies
Subject: RE: McDonald's Drive-Thru Sign Replacement -- 125 W WILSON

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Hi Joel,

Sorry for the delay. Below is some information to support the proposed drive-through sign changes. Let me know if you have any additional questions.

Digital menu boards and pre-browse (pre-sales) are a growing trend in the fast food restaurant industry. They are more easily maintained and more attractive than traditional, manual change copy of three sided signs that do not handle the modern fast food menu well. In most cases, the signs being proposed are in the rear of the building and are fully screened from the general public. The old menu boards are being eliminated and owner/operator will soon not be able to replace them (in their entirety or order replacement parts, bulbs, etc).

- New Menus Are:
 - An ordering device to help confirm orders
 - Smaller & Streamlined menus, simplified for our Customers
 - Static/Limited Motion - The main menu board remains static, with the exception of menu changes 3-4 times per day, can be controlled by restaurant.
 - Cleaner visuals, easier to read products, price and items
 - Dim automatically as the ambient light lessens, as well as switch to “night mode” controlled by an internal photocell. The “night mode” replaces the black font/white background with a white font/black background...similar to a cell phone or navigation screen.
 - Our New Menus Are NOT:
 - Not an advertising channel or billboard
 - Not full video or motion to distract drivers or slow down our drive thru
 - Not flashy, bright images or colors (i.e. Vegas-style)
 - No additional sound or speakers
1. Will the sign be harmonious and in accordance with the general objective or any specific objectives of the Master Plan?
 - a. The signs are geared toward the motoring public, rather than the pedestrian public. But they are fully screened from the public and do not increase clutter along the public right of way.
 2. Will the sign be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity?
 - a. The signs being proposed are an upgrade from the current three sided, rotatable sign and is certainly an upgrade overall in technology. These signs are becoming prevalent throughout the industry and are appropriate for the area and character of the property and surrounding properties.
 3. Will the sign be hazardous or disturbing to existing or future nearby uses?
 - a. The proposed sign should not disturb nearby residences and is not expected to be hazardous to surrounding businesses.
 4. Will the sign be an improvement in relation to the property in the immediate vicinity and to the community as a whole?
 - a. The signs as proposed are an upgrade from the existing three sided signage.

5. Will the sign be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed uses will provide adequately any such service or facility?
 - a. Yes.
6. Will the sign not create excessive additional public costs and will not be detrimental to the economic welfare of the community?
 - a. No additional public costs will occur because of this sign. The sign will not be detrimental to the economic welfare of the community.
7. Will the sign be consistent with the intent and purposes of the Zoning Ordinance?
 - a. The sign is consistent with the intent of the sign ordinance and purposes of the ordinance, to reduce visual clutter and blight, while still allowing appropriate signage any identification of businesses.

Michelle Freeman
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Permit Specialist
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