

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON DECEMBER 16, 2021

The meeting was called to order by Vice-Chairman Ken Gibbs at 7:30 PM.

Roll call was taken: **Present: Goessling, Boothman, Loerch, Poettker and Gibbs.**
Absent: Hartman.

Vice-Chairman Gibbs asked if there were any additions or corrections to the minutes of the November 18, 2021 meeting. The following changes were recommended:

- Page 1, the sixth line from the bottom of the page – Correction to change the word “**place**” to “**placed**”
- Page 3, under petition Z-21-11-04 – Correction to change the word “**Alan**” to “**Allen**”

A motion was made by Goessling and seconded by Poettker to approve the minutes of November 18, 2021 as amended. Motion carried.

The Vice-Chairman asked if there were any citizens to address the Zoning Board of Appeals. There were none.

The Vice-Chairman also asked if there were any corrections or deletions to the agenda. There were none.

OLD BUSINESS:

The Vice-Chairman asked if there was any old business. There was none.

PETITIONS:

Z-21-12-01

- A. Review and Comment on a Petition for a Special Sign Permit to exceed the maximum total signage surface area of the proposed Scooter’s Coffee Restaurant by 88 square feet in a B-3 zoned district located at 808 North Illinois Route 3 more specifically known at Lot 11 North Pointe Phase 3 Second Phase as requested by the petitioner Schwartz Grounds, LLC. (Parcel No. 07-24-167-011-000)**
- B. Review and Comment on a Petition for a Special Sign Permit to allow for the installation of Scooter’s non-conforming monument sign in a B-3 zoned district located at 808 North Illinois Route 3 more specifically known at Lot 11 North Pointe Phase 3 Second Phase as requested by the petitioner Schwartz Grounds, LLC. (Parcel No. 07-24-167-011-000)**

The Vice-Chairman mentioned that the petition was divided into two parts and would be discussed in two parts. Although they are connected, a decision by the Board of Appeals could affect one or the other. The Special Sign Permit for the monument sign (Part B of the petition) would be directly impacted by the decision made on the square footage (Part A) of the petition.

Postal notification receipts have been received from nine (9) of the ten (10) adjacent property owners. A response was not received by The Desco Group. The Zoning Administrator commented

that the public notice for this petition was published in the December 01, 2021 edition of the Waterloo Republic Times.

Mr. Wilson Waggoner, a representative from Sherill Associates and civil engineer for the Scooter's site plan, was present to speak on behalf of this petition. Mr. Waggoner started by reading the Letter of Intent that was sent to the Board of Appeals. He also gave a brief overview of the Scooter's franchise.

The allowable signage per ordinance is 55 square feet (based on one square foot of sign area for each linear foot of width of business building that faces a right-of-way), and Scooter's is requesting 143 square feet of signage. The small size of the building (664 square feet) means the allowable signage is minimized. Due to this hardship, Scooter's is requesting a special sign permit to exceed the allowable signage to promote their business and capture people's attention.

Mr. Waggoner then went through each sign in detail: the monument signage, the channel letters on each side of the building, the logo signs on both ends of the building, and the six-panel signs on the sides of the building.

Sign Type	Overall Dimensions
Monument Display Sign	46.8 sq. ft.
Sign Panels (2 at 25.2 sq. ft. each)	50.4 sq. ft.
Channel Letters (2 at 10.3 sq. ft. each)	20.6 sq. ft.
Logo (2 at 12.6 sq. ft. each)	25.2 sq. ft.
Total Square Footage	143 sq. ft.

The monument sign is the typical prototype for the Scooter's Coffee Restaurants. Mr. Waggoner explained that the size indicated on the site plans was not the overall dimension of the sign, but the actual tracing of the sign. The monument sign is approximately 50 feet off Illinois Route 3 and approximately 25 feet off Plaza Drive. As with the monument sign, the channel letter dimensions are not the overall dimensions of the sign, but the sum of each channel letter. A Scooter's Coffee logo will be on both the east and west end of the building. All these signs will make the building more visible in every direction. There will also be three sign panels on each side of the building. These signs would be a poster type of signage and would not be digital, scrolling or lighted.

The Board of Appeals was curious if the company would be open to reducing the square footage of the signs and/or prioritizing the signs in order of importance.

Mr. Waggoner stated that all of the signage is company prototype, and he would need to discuss with the company and franchise on what they may or may not be willing to eliminate or reduce in size. Mr. Waggoner reminded everyone that the building is 70 feet from the road and that the lettering and logos are in size proportion to other restaurants.

The Board of Appeals understood the importance and need of signage, but believed this request greatly exceeds what is allowed by code. Concern was expressed if the City allowed this for one business, it could very well open a Pandora's Box with special sign requests from other businesses.

Discussion continued on what signs may be eliminated to reduce the overall square feet. Mr. Waggoner again commented that he could not agree to any elimination or reduction in size without discussing it with the Scooter's Corporation.

Dr. John Blattner, who lives near the proposed Scooters' location and owner of Smiles R Forever Dentistry, spoke against the petition as both a resident and a business owner. Dr. Blattner thought that three times the allowable signage was extreme. He felt the city sign ordinances are designed to maintain public safety and the general appearance of the community. Dr. Blattner also had a concern with safety issues, since the monument sign was so close to Illinois Route 3. He believed the sign could obscure Illinois Route 3 and pedestrian traffic at the intersection of Plaza Drive. Dr. Blattner further expressed that numerous signs could even distract drivers. He mentioned that businesses should be a friend to the community and follow our ordinances as they are designed. Dr. Blattner additionally expressed concern over sign illumination.

The Zoning Administrator read the ordinance on sign illumination, and since Scooter's Coffee is not contiguous to a residential property, Scooter's would not be required to reduce their sign illumination. Regarding pedestrian and traffic safety, the city, per code, has a restricted 30-foot triangular area at intersections which prohibits anything between 2 and 8 feet in height. In addition, the monument sign would not be in the restrictive area.

The Zoning Administrator read a letter from Mr. and Mrs. Rodney Duffy, who live on Kolmer, and who are also opposed to the Special Sign Permit. The Duffys simply stated that they do not believe a Special Sign Permit is needed for any business located along Illinois Route 3 as having a business along Illinois Route 3 is ample exposure due to the location along the highway.

The Vice-Chairman asked for a motion on Part A of Petition Z-21-12-01; to Review and Comment on a Petition for a Special Sign Permit to exceed the maximum total signage surface area of the proposed Scooter's Coffee Restaurant by 88 square feet in a B-3 zoned district located at 808 North Illinois Route 3 more specifically known at Lot 11 North Pointe Phase 3 Second Phase as requested by the petitioner Schwartz Grounds, LLC. (Parcel No. 07-24-167-011-000) and did not receive one.

Petition Z-21-12-01 failed due to a lack of a motion.

Mr. Waggoner was asked to present the petition again after he consults with the Scooter's Corporate office and the franchiser(s) on what signs they may or may not be willing to eliminate or reduce in size.

COMMENTS:

The Vice-Chairman asked if there were any comments.
There were none.

**Motion to adjourn the meeting at 9:07 PM was made by Loerch and seconded by Poettker.
Motion carried.**

Minutes respectfully submitted by Mechelle Childers.