

DRAFT

MINUTES OF THE VILLAGE OF ARLINGTON HEIGHTS DESIGN COMMISSION

HELD AT THE ARLINGTON HEIGHTS MUNICIPAL BUILDING
33 S. ARLINGTON HEIGHTS RD.
AUGUST 23, 2022

Acting Chair Eckhardt called the meeting to order at 6:30 p.m.

Members Present: Ted Eckhardt, Acting Chair
Kirsten Kingsley
John Fitzgerald
Scott Seyer

Members Absent: Jonathan Kubow, Chair

Also Present: Joe Lesch, JSL Design for 1237 N. *Walnut Ave.*
Denny Burke, Tom Bassett-Dilley Architects Ltd. for 215 W. *Orchard St.*
Erin Livingston, All Right Sign for *Raising Cane's*
LuAron Foster, Raising Cane's for *Raising Cane's*
Doug Wirth, BSB Design for *Urban Street Development*
Teresa Bateman & Jim Wells, Urban Street Group for *Urban Street Development*
Steve Hautzinger, Planning Staff

REVIEW OF MEETING MINUTES FOR AUGUST 9, 2022

A MOTION WAS MADE BY COMMISSIONER FITZGERALD, SECONDED BY COMMISSIONER KINGSLEY, TO APPROVE THE MEETING MINUTES OF AUGUST 9, 2022. ALL WERE IN FAVOR. MOTION CARRIED.

ITEM 4. SIGN VARIATION REVIEW**DC#22-027 – Raising Cane's – 225 E. Palatine Rd.**

LuAron Foster, representing *Raising Cane's*, and **Erin Livingston**, representing *All Right Sign*, were present on behalf of the project.

Mr. Hautzinger presented Staff comments. Raising Cane's is a new drive-through restaurant that recently opened for business at the Town & Country retail center. The building currently has one code-compliant wall sign installed above the main entrance on the north wall of the building facing Palatine Road. A permit has also been approved for a code-compliant ground sign, which will also face Palatine Road.

At this time, the petitioner is proposing two additional wall signs to be installed on the north wall of the building. Per code, only one wall sign is allowed per street frontage, so variations are required to allow the two additional signs. The first sign is a One Love Heart sign to be mounted on the brick wall next to the main entrance. The second sign is a 22'-10 1/2" tall number "1" wall sign to be installed on the tower feature at the main entrance. Neither of the signs will be internally illuminated, but the One Love Heart will be externally illuminated by a wall mounted light fixture located above the sign.

The petitioner has submitted a letter stating that the proposed wall signs should be classified as works of art rather than as signage, and that they are only designed for advertising to customers already on the property. They also do not feel that these signs provide a competitive advantage over similar businesses since they do not directly state "Raising Cane's" name, slogans, or products sold. They are seeking approval because these items are part of their nationally recognized brand image and can be found on a majority of the over 500 Raising Cane's locations.

Per code, a sign is defined as any object, device, display or structure, used to advertise, identify, display or attract attention to an establishment or product by any means including, without limitation, words, letters, numerals, figures, designs, symbols, colors, illumination, whether affixed to a building or structure or otherwise installed on the premises visible to the general public. The proposed wall signs meet this definition and are therefore considered to be signs, not just works of art. Furthermore, Staff disagrees that the proposed signs are only designed for customers on the property. The huge number "1" and the One Love Heart will both be highly visible from Palatine Road.

After comparing the proposed signs to other similar drive-through restaurants in Arlington Heights (refer to Table 2 in Staff report), Staff has concerns about the proposed 212.1 sf amount of signage, where 85-90 sf represents the upper end of sign variations previously granted for other drive-through restaurants in Arlington Heights. Staff feels that 212.1 sf of signage is excessive, and it would provide an unfair competitive advantage over similar businesses. The huge 127.2 sf number "1" sign is the issue, and it is recommended that it be omitted. The remaining two signs would total 84.8 sf, which is more in line with the sign variations previously approved for other drive-through restaurants. The existing EIFS tower wall should be required to remain the same color as the adjacent walls, which is consistent with other existing Raising Cane's restaurants. Examples of other Raising Cane's restaurants with and without the red metal signage are included in the drawings packet.

Acting Chair Eckhardt said the building was approved and built with the 'Number 1' as part of the EIFS on the building, which currently appears subtle on the building; however, if that Number 1 was painted red, would it be considered a sign. **Mr. Hautzinger** said that it would be a sign if it was highlighted in that way. Staff is recommending denial of the 'Number 1' wall sign, with a condition that the existing EIFS tower wall remain the same color as the adjacent walls.

It is recommended that the Design Commission recommend **approval** to the Village Board for the following sign variations for *Raising Cane's* at 225 E. Palatine Road:

1. A variation from Chapter 30, section 30-402.a Number, to allow two wall signs on the north wall of the building facing Palatine Road, where only one wall sign is allowed.
2. A variation from Chapter 30, section 30-403.a Dimensions, to allow a 67.5 sf wall sign on the north wall of the

building facing Palatine Road, where 0 sf is allowed.

It is recommended that the Design Commission recommend **denial** to the Village Board for the following sign variation for *Raising Cane's* at 225 E. Palatine Road:

3. A variation from Chapter 30, section 30-403.a Dimensions, to allow a 127.2 sf wall sign on the north wall of the building facing Palatine Road, where 0 sf is allowed.

This recommendation is subject to compliance with the plans received 7/6/22, Federal, State, and Village Codes, regulations, and policies, and the issuance of all required permits, and the following conditions:

1. No additional signage and no window signage shall be allowed.
2. The existing EIFS tower wall shall remain the same color as the adjacent walls.

Ms. Foster gave a presentation of the signs being proposed. They consider the 'One Love Heart' wall sign to be a piece of artwork that is comprised of metal pieces that are symbols of a salmon, a disco ball, the number 1, a hard hat, and a dog. These symbols artistically tell the story, the journey, and the culture of the restaurant that was founded by Todd Graves who worked tirelessly to earn and build up the cash to make his dream a reality. The second wall sign is their iconic architectural tower that depicts the 'Number 1' that they want to clad in a reclaimed car hood material that will create a warm and inviting entrance and emphasize their commitment to their One Love. Both signs are important pieces to their unique brand and highlights their great crew and cool culture. Raising Cane's is genuine, real and fun-loving, and their signature items are recognized by customers across the U.S. She presented photos of other Raising Cane's with their architectural tower, as well as photos of the One Love Heart sign which also includes the name of the town they are located in.

Acting Chair Eckhardt asked if there was any public comment on this project and there was no response from the audience.

The commissioners summarized their comments. **Commissioner Fitzgerald** was a little torn on the requests. He was really surprised to see that the requested variations are all for the front of the building instead of on the side or back of the building, which is what other businesses in this area have asked for because traffic comes in so many directions. He referenced a newer Taco Bell on Algonquin Road near New Wilke who asked for an art sign on the side of the building, and this commission did not support it. He liked the idea of the fun and creative signage being proposed here, but felt that the amount of additional square footage of signage would set a precedent for other businesses, which is not the intent of the sign code. He was okay with the 'One Love Heart' wall sign, but he could not support the 'Number 1' wall sign. He reiterated his surprise that the petitioner is not asking for signage on the sides or back of the building, and that if these signs are all approved and the petitioner returns asking for more signs on the back or rear, then he will feel that they are way over the allowance of other similar businesses.

Commissioner Kingsley was also torn; she liked both wall signs and felt they were unique. She sees the 'Number 1' sign as being something similar to the McDonalds arch or swoop, which is part of the architecture, and she sees the signs as a piece of art. She pointed out that the signs do not say Raising Cane's on them, although they do evoke the restaurant. She definitely liked the 'One Love Heart' sign and asked if it is similar in size to the one the petitioner showed in her example tonight, and **Ms. Foster** said that it is. **Commissioner Kingsley** said she could probably approve both variations because she felt the signs are cool.

Commissioner Seyer liked the 'Number 1' sign and was in favor of it. He said it is bold but tasteful, and in this location which is a commercial area that can be somewhat difficult to get proper signage for, he was okay with it. He believed that an argument could be made for it being art, even though it is in the shape of a 1, but he liked it because it has some artistic quality. He recognized the point made about setting a precedent for other businesses, which is what concerns him about the 'One Love Heart' sign. What would stop the petitioner from adding the name of the restaurant above this sign in the future, similar to the examples shown at other Raising Cane's, or even adding a temporary fabric sign above it with the name of the restaurant. How do we protect ourselves against that happening? He liked the idea of this sign being art, but if Raising Cane's was added above it in the future, then there would be 4 signs on one elevation, which he has concerns about. **Commissioner Seyer** said that if the 'One Love Heart' sign stays as it is

presented tonight, then he could be in favor of it.

Acting Chair Eckhardt said that the more he looks at the existing front elevation, the more bland he felt the 'Number 1' actually is, it is almost transparent. He liked the 'Number 1' wall sign and felt it was art because it is not just painted, it uses recycled car materials. He acknowledged Commissioner Fitzgerald's warning that there probably will not be another sign approved anywhere on this building because the petitioner is maxing out the courtesy of this commission to grant a sign variance. This commission supports sign variations for a reason; to help businesses do well. He also pointed out the high rate of speed on Palatine Road and the somewhat difficult access to the restaurant, both of which he sees as a hardship. He was in favor of the Number 1 sign, which he calls art. He could support both variations, with a requirement that no other signs be allowed in the future.

Acting Chair Eckhardt again asked if there was any public comment on this project and there was no response from the audience.

A MOTION WAS MADE BY COMMISSIONER KINGSLEY, SECONDED BY COMMISSIONER SEYER, TO RECOMMEND TO THE VILLAGE BOARD OF TRUSTEES, APPROVAL OF THE FOLLOWING SIGN VARIATION REQUEST FOR *RAISING CANE'S* LOCATED AT 225 E. PALATINE ROAD:

1. A VARIATION FROM CHAPTER 30, SECTION 30-402.A NUMBER, TO ALLOW THREE WALL SIGNS ON THE NORTH WALL OF THE BUILDING FACING PALATINE ROAD, WHERE ONLY ONE WALL SIGN IS ALLOWED.
2. A VARIATION FROM CHAPTER 30, SECTION 30-403.A DIMENSIONS, TO ALLOW A 67.5 SF WALL SIGN ON THE NORTH WALL OF THE BUILDING FACING PALATINE ROAD, WHERE 0 SF IS ALLOWED.
3. A VARIATION FROM CHAPTER 30, SECTION 30-403.A DIMENSIONS, TO ALLOW A 127.2 SF WALL SIGN ON THE NORTH WALL OF THE BUILDING FACING PALATINE ROAD, WHERE 0 SF IS ALLOWED.

THIS RECOMMENDATION IS BASED ON THE PLANS RECEIVED 7/6/22, FEDERAL, STATE, AND VILLAGE CODES, REGULATIONS, AND POLICIES, THE ISSUANCE OF ALL REQUIRED PERMITS, AND THE FOLLOWING CONDITIONS:

1. THAT THE CLADDING OF THE 'NUMBER 1' IS CONSIDERED ALMOST A PIECE OF ART AND NOT A SIGN, BUT FUTURE VARIATION REQUESTS FOR ADDITIONAL SIGNS WILL NOT BE APPROVED.
2. THAT THE 'ONE LOVE HEART' SIGN SHALL REMAIN AS IS, AND THAT IT NOT BE CHANGED IN THE FUTURE TO A SIGN WITH THE WORDS 'RAISING CANE'S'.
3. THIS REVIEW DEALS WITH ARCHITECTURAL DESIGN ONLY AND SHOULD NOT BE CONSTRUED TO BE AN APPROVAL OF, OR TO HAVE ANY OTHER IMPACT ON, ANY OTHER ZONING AND/OR LAND USE ISSUES OR DECISIONS THAT STEM FROM ZONING, BUILDING, SIGNAGE OR ANY OTHER REVIEWS. IN ADDITION TO THE NORMAL TECHNICAL REVIEW, PERMIT DRAWINGS WILL BE REVIEWED FOR CONSISTENCY WITH THE DESIGN COMMISSION AND ANY OTHER COMMISSION OR BOARD APPROVAL CONDITIONS. IT IS THE ARCHITECT/HOMEOWNER/BUILDER'S RESPONSIBILITY TO COMPLY WITH THE DESIGN COMMISSION APPROVAL AND ENSURE THAT BUILDING PERMIT PLANS COMPLY WITH ALL ZONING CODE, BUILDING PERMIT AND SIGNAGE REQUIREMENTS.

FITZGERALD, AYE; ECKHARDT, AYE; KINGSLEY, AYE; KUBOW, AYE.
ALL WERE IN FAVOR. MOTION CARRIED.

Mr. Hautzinger stated that the Design Commission is a recommending body to the Village Board for sign variations, and Staff will work with the petitioner to schedule the review with the Village Board.