

DRAFT

**MINUTES OF
THE VILLAGE OF ARLINGTON HEIGHTS
DESIGN COMMISSION**

**HELD AT THE ARLINGTON HEIGHTS MUNICIPAL BUILDING
33 S. ARLINGTON HEIGHTS RD.
JULY 11, 2023**

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

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

Members Absent: Jonathan Kubow, Chair
Scott Seyer

Also Present: Rob Whitehead, Olympik Signs for *Portillo's*
Brent Khazei, Owner of *Bird's Nest*
Sam Patel & Anup Jairam, representing *Comfort Inn & Suites*
Steve Hautzinger, Planning Staff

Acting Chair Eckhardt said that with only 3 of the 5 commissioners here tonight, a unanimous vote from all 3 commissioners is required for project approval.

REVIEW OF MEETING MINUTES FOR JUNE 13, 2023

A MOTION WAS MADE BY COMMISSIONER FITZGERALD, SECONDED BY COMMISSIONER KINGSLEY, TO APPROVE THE MEETING MINUTES OF JUNE 13, 2023. ALL WERE IN FAVOR. MOTION CARRIED.

ITEM 1. SIGN VARIATION REVIEW**DC#23-024 – Portillo’s – 806 W. Dundee Rd.**

Rob Whitehead, representing *Olympik Signs*, was present on behalf of the project.

Mr. Hautzinger presented Staff comments. The petitioner is seeking the following sign variations:

1. A variation from Chapter 30, Section 30-208.b, to allow a 21.4 sf fully digital drive-through menu board, where fully electronic menu board signage is not allowed.
2. A variation from Chapter 30, Section 30-208.c, to allow a 7.17 sf fully digital drive-through pre-sell menu board, where fully electronic pre-sell menu board signage is not allowed.
3. A variation from Chapter 30, Section 30-208.a.4.c, to allow a drive-through menu board and pre-sell menu board to be located in front of the building, where they are required to be located in the side or rear yard away from the primary street frontage.
4. A variation from Chapter 30, Section 30-208.a.4.d, to allow a menu board and pre-sell menu board to be oriented towards the public right-of-way, where they are not allowed to face the street.

The existing Portillo’s restaurant located at 806 W. Dundee Road is proposing to replace their existing conventional printed drive-through menu board with a new fully electronic menu board display, as well as to install a new fully electronic pre-sale menu board along their existing drive-through lane. The electronic menu board is proposed to be installed in the same location as the existing menu board, which faces and is visible from Dundee Road. The new pre-sell menu board will be located along the existing drive-through lane and it will also face and be visible from Dundee Road. There is one existing speaker bollard, which is proposed to remain.

The petitioner has submitted a letter addressing the hardship criteria, which states that the proposed fully digital menu boards are necessary to comply with menu format updates taking place at all Portillo’s locations so that Corporate can remotely control items and pricing across the country. The petitioner feels that this will not provide a competitive advantage, but will be similar to electronic menus at McDonald’s and other similar businesses.

The petitioner has confirmed through a written acknowledgement that their use of the signs will comply with the operational standards set forth in Chapter 30, Section 30-705(h), which states that the electronic signs will display static images only (without scrolling, fading, flashing, animation, video, or sound), auto-dimming photocell technology to control brightness to .3 footcandles maximum above ambient lighting conditions, no off-premises advertising, and only permitted to be illuminated during the hours that the business is open.

Overall, Staff does not object to the use of fully electronic menu boards since they allow for easier menu updates and they are generally smaller than conventional menu boards. Similar fully electronic menu boards have been previously approved in Arlington Heights for McDonald’s and Burger King. However, the McDonald’s and Burger King electronic menu boards are located at the rear of the building as required by code. Since Portillo’s electronic menu board signs will be in front of their building and visible from Dundee Road, it is important that the operation of the signs be used for drive-through menu displays only, and not used to display other advertisements, such as video commercials, when the drive-through is not in use. Additionally, Staff recommends that new/additional landscaping be provided to improve screening of the electronic menu boards from the street.

Staff recommends approval to the Village Board of the requested sign variations for Portillo's at 806 W. Dundee Road, with the following conditions:

1. Provide new/additional landscaping to be approved prior to issuance of a permit to improve screening of the electronic menu boards from the street.
2. The electronic menu boards will display drive-through menu signage only, and will not be used to display any other advertisements.
3. Use of the electronic displays shall comply with all operational standards for electronic signs as set forth in Chapter 30, Section 30-705.h, which includes static displays only (no scrolling, fading, flashing, animation, video, or sound), auto-dimming photocell technology to control brightness to .3 footcandles maximum above ambient lighting conditions, no off-premises advertising, and only permitted to be illuminated during the hours that the business is open.

Mr. Whitehead said that Portillo's is updating these menu boards at their 77 locations so they can operate the boards from their central office. The menu boards will remain the same, with no changes made during the day, and will have no breakfast menu similar to other drive-thru restaurants. Both menu boards are dimmable and the main menu board is 15 sf less than the existing 36 sf menu board. The pre-sell menu board will be on a 45 degree angle and will not directly face Dundee Road.

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

The commissioners summarized their comments. **Commissioner Fitzgerald** was in support of replacing the existing drive-thru menu board with the new digital board, and although he did not love the new pre-sell digital menu board, he felt not much else could be done with it as proposed, and having it at a 45 degree angle would help with the direction of traffic on Dundee. He also liked the idea of adding evergreen material in front of the sign, as suggested by Staff.

Commissioner Kingsley agreed with Commissioner Fitzgerald's comments. She said these sign updates are a good change for the restaurant, and if the petitioner follows the four conditions that Staff is recommending, it will help.

Acting Chair Eckhardt agreed with the comments given by the other commissioners. The commissioners are all in support of adding landscaping at the pre-sell menu sign, and he suggested the motion include a requirement that the petitioner submit a response to the landscaping comments.

Commissioner Fitzgerald asked if this commission is allowed to require evergreen landscaping to be approved by Staff, and **Mr. Hautzinger** said yes.

A MOTION WAS MADE BY COMMISSIONER FITZGERALD, SECONDED BY COMMISSIONER KINGSLEY, TO RECOMMEND TO THE VILLAGE BOARD OF TRUSTEES, APPROVAL OF THE FOLLOWING SIGN VARIATIONS FOR PORTILLO'S LOCATED AT 806 W. DUNDEE ROAD:

1. A VARIATION FROM CHAPTER 30, SECTION 30-208.B, TO ALLOW A 21.4 SF FULLY DIGITAL DRIVE-THROUGH MENU BOARD, WHERE FULLY ELECTRONIC MENU BOARD SIGNAGE IS NOT ALLOWED.
2. A VARIATION FROM CHAPTER 30, SECTION 30-208.C, TO ALLOW A 7.17 SF FULLY DIGITAL DRIVE-THROUGH PRE-SELL MENU BOARD, WHERE FULLY ELECTRONIC PRE-SELL MENU

BOARD SIGNAGE IS NOT ALLOWED.

3. A VARIATION FROM CHAPTER 30, SECTION 30-208.A.4.C, TO ALLOW A DRIVE-THROUGH MENU BOARD AND PRE-SELL MENU BOARD TO BE LOCATED IN FRONT OF THE BUILDING, WHERE THEY ARE REQUIRED TO BE LOCATED IN THE SIDE OR REAR YARD AWAY FROM THE PRIMARY STREET FRONTAGE.
4. A VARIATION FROM CHAPTER 30, SECTION 30-208.A.4.D, TO ALLOW A MENU BOARD AND PRE-SELL MENU BOARD TO BE ORIENTED TOWARDS THE PUBLIC RIGHT-OF-WAY, WHERE THEY ARE NOT ALLOWED TO FACE THE STREET.

THIS RECOMMENDATION IS SUBJECT TO COMPLIANCE WITH THE DRAWINGS RECEIVED 4/27/23, SAMPLE MENU DISPLAYS AND MANUFACTURER SPECIFICATIONS RECEIVED 6/9/23, FEDERAL, STATE, AND VILLAGE CODES, REGULATIONS, AND POLICIES, AND THE ISSUANCE OF ALL REQUIRED PERMITS, AND THE FOLLOWING:

1. A REQUIREMENT TO PROVIDE LANDSCAPING TO HELP SOFTEN THE PRE-SELL MENU BOARD FROM THE STREET, TO BE APPROVED BY STAFF PRIOR TO ISSUANCE OF A PERMIT.
2. THE ELECTRONIC MENU BOARDS WILL DISPLAY DRIVE-THROUGH MENU SIGNAGE ONLY, AND WILL NOT BE USED TO DISPLAY ANY OTHER ADVERTISEMENTS.
3. USE OF THE ELECTRONIC DISPLAYS SHALL COMPLY WITH ALL OPERATIONAL STANDARDS FOR ELECTRONIC SIGNS AS SET FORTH IN CHAPTER 30, SECTION 30-705.H, WHICH INCLUDES STATIC DISPLAYS ONLY (NO SCROLLING, FADING, FLASHING, ANIMATION, VIDEO, OR SOUND), AUTO-DIMMING PHOTOCCELL TECHNOLOGY TO CONTROL BRIGHTNESS TO .3 FOOTCANDLES MAXIMUM ABOVE AMBIENT LIGHTING CONDITIONS, NO OFF-PREMISES ADVERTISING, AND ONLY PERMITTED TO BE ILLUMINATED DURING THE HOURS THAT THE BUSINESS IS OPEN.
4. 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; KINGSLEY, AYE; ECKHARDT, AYE.
ALL WERE IN FAVOR. MOTION CARRIED.