



Legislation Details (With Text)

**File #:** 17-630      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 8/10/2017      **In control:** City Council

**On agenda:** 9/19/2017      **Final action:** 9/19/2017

**Title:** Pass the Ordinance granting variances from Section 6-16-5:2.2.2 (Sign Area) and from Section 6-16-5:2.2.4 (Sign Height) to allow for the installation of a ground sign at the subject property located at 1568 W. Ogden Avenue, Naperville, PZC 17-1-079.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance - Variance, 2. Exhibit A - Legal Description, 3. Exhibit B - Sign Location, 4. Exhibit C - Standards, 5. Exhibit D - Sign Elevation, 6. 9.6.17 PZC Minutes DRAFT, 7. 8.16.17 PZC Minutes, 8. Sign Rendering\_PZC\_9.6.17, 9. Standards\_Area Variance\_PZC\_9.6.pdf, 10. Application\_PZC\_8.16.17, 11. Legal Description\_PZC\_8.16.17, 12. Standards\_Height Variance\_PZC\_8.16.pdf, 13. Standards\_Area Variance\_PZC\_8.16.pdf, 14. Sign Rendering\_PZC\_8.16.17, 15. Survey\_PZC\_8.16.17, 16. Location Map\_PZC\_8.16.17

Date	Ver.	Action By	Action	Result
9/19/2017	3	City Council	passed	
9/6/2017	2	Planning and Zoning Commission	accept	Pass
8/16/2017	2	Planning and Zoning Commission	continued	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the Ordinance granting variances from Section 6-16-5:2.2.2 (Sign Area) and from Section 6-16-5:2.2.4 (Sign Height) to allow for the installation of a ground sign at the subject property located at 1568 W. Ogden Avenue, Naperville, PZC 17-1-079.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 17-1-079 on August 16, 2017 and on September 6, 2017 and voted to recommend approval of the case (Approved, 7-0). Staff concurs.

**BACKGROUND:**

The petitioner, Patel Brothers/SignMax, seeks to install a ground sign at the subject property which requires variances from both the Municipal Code sign height and area regulations. The petitioner will be re-using an existing footing and poles from the previous sign on the subject property. At the August 16, 2017 Planning and Zoning Commission meeting, the petitioner proposed a 17' tall monument sign with 120 square feet of sign area. Staff and the PZC raised concern with the total area of the sign. Commissioners Fessler and Williams also expressed concern with the overall

height of the sign. The PZC requested that the petitioner work with staff to modify the sign and continued PZC 17-1-079 to the September 6, 2017 meeting. Further information regarding the petitioner's modifications can be found under the discussion below.

The subject property is zoned B3 PUD (General Commercial District - Planned Unit Development) and is approximately 8 acres in size. Located on the east side of Ogden Avenue, south of Jefferson Avenue, the subject property has a common address of 1568 W. Ogden Avenue. The property is currently improved with single-story commercial building and surface parking lot. The East Sector Update to the Comprehensive Master Plan (1998) describes the future land use of the subject property as "Commercial"; the proposed land use is compatible with this designation.

## **DISCUSSION:**

### ***Area Variance***

The petitioner requests a variance from [Section 6-16-5:2.2.2 \(Sign Area\)](#) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH16SI\\_6-16-5SICOINPR](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR) to allow the proposed monument sign to exceed the maximum allowable sign area of 45 square feet. The petitioner is requesting a total sign area of 90 square feet, approximately 45 square feet larger than permitted by Code. The petitioner has reduced the sign area by 30 square feet from the previous sign proposal of 120 square feet.

Permitted ground sign area is based upon the posted speed limit. On a road with a posted speed limited of 40mph or less, such as this section of Ogden Avenue, a 45 square foot ground sign is permitted. On nearby sections of Ogden Avenue, such as the area south of Feldott Lane, the speed limit is 45mph and a 90 square foot ground sign is permitted. Staff has worked closely with the petitioner to refine their request to align the proposed ground sign with the intent and regulations of the Municipal Code. Staff finds that the proposed ground sign, while larger than permitted, allows for clear identification of the subject business and is compatible with signs in the larger Ogden Avenue corridor.

The petitioner's responses to the Standards for Granting a Variance are attached. Upon review, staff agrees with the petitioner's Findings pertaining to sign area and recommends their adoption by City Council.

### ***Height Variance***

[Section 6-16-5:2.2.4 \(Sign Height\)](#) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH16SI\\_6-16-5SICOINPR](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR) of the Municipal Code permits a maximum height of 10' for ground signs, with a 2' allowance for architectural features. The petitioner requests a variance to allow a 16' tall sign, plus an additional 1' of architectural features, for a total sign height of 17'. The location of the proposed ground sign is approximately 5 to 5.5' lower than that Ogden Avenue. Visibility of the monument sign is diminished by the grade differential; therefore, the petitioner seeks to increase the height of sign to maintain visibility for drivers on Ogden Avenue. The petitioner did not reduce the height from the previous proposal. The petitioner's responses to the Standards for Granting a Variance are attached. Staff continues to agree with the petitioner's Findings pertaining to sign height and recommends their adoption by City Council.

### ***Key Takeaways***

- The petitioner requests variances from the Municipal Code height and area regulations to

install a 17', 90 square foot ground sign on an existing footing and poles on the subject property.

- Staff finds the requested variances meet the standards for granting a variance and are compatible with signs in the Ogden Avenue Corridor.

***Planning and Zoning Commission***

The Planning and Zoning Commission opened the public hearing to consider PZC 17-1-006 on August 16, 2017 and continued the hearing until September 6, 2017 to allow the petitioner time to work with staff to revise the proposal. At the September 6, 2017 meeting Jose Hernandez, with SignMax, spoke on behalf of the petitioner. No one from the public provided testimony. The Planning and Zoning Commission found the proposed revisions to the sign were compatible with ground signs in the area and were in support of the request (Approved, 7-0). Staff concurs with the recommendation of the Planning and Zoning Commission.

**FISCAL IMPACT:**

N/A