



## Legislation Details (With Text)

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**Title:** Receive the staff report for 419-423 S. Washington Street and 400 S. Main Street (JC Licht/Walgreens) - PZC 21-1-105 (Item 1 of 4)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Petition for Development Approval, 2. Disclosure of Beneficiaries, 3. Response to Standards, 4. Plat of Survey, 5. Sign Exhibit, 6. Location Map, 7. PZC Minutes

Date	Ver.	Action By	Action	Result
9/6/2022	1	City Council	received	

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the staff report for 419-423 S. Washington Street and 400 S. Main Street (JC Licht/Walgreens) - PZC 21-1-105 (Item 1 of 4)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) conducted the public hearing regarding the petitioner's requests on March 2, 2022 and voted to recommend approval (approved 8-0). Staff concurs.

#### **BACKGROUND:**

The subject property consists of approximately 2.13 acres located at the northwest corner of Washington Street and Aurora Avenue. It is zoned B5 (Secondary Downtown) and is currently improved with two commercial buildings and associated parking lots.

The City's Downtown Washington Street Bridge Replacement Project (Washington Project) will include replacing the Washington Street Bridge and improving Washington Street on the east side of the subject property. As part of this project, the City will need to acquire a portion of the subject property to create additional space for planned roadway improvements (including adding a right-turn lane from Washington Street to Aurora Avenue and widening the sidewalk). The City's acquisition of property will result in the removal of an existing, nonconforming ground sign along the subject property's Washington Street frontage. In response, the petitioner requests approval of a sign variance to allow the existing, nonconforming sign to be relocated on the subject property. Concurrently, the petitioner proposes rezoning the subject property from B5 to B4 for consistency with the Downtown 2030 Plan.

## **DISCUSSION:**

### ***Sign Variance***

The existing sign on the subject property measures approximately 12 feet in height and 32.5 square feet in area. [Section 6-16-3 \(Prohibited Signs\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH16SI\\_6-16-3PRSI](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-3PRSI) of the Naperville Municipal Code prohibits ground signs in the Downtown Central Business District, therefore the sign is categorized as an existing, nonconforming condition. The City's Washington Project involves acquisition of land along the subject property's east property line, including the landscaped area the existing sign is located on, which requires the sign to be removed and relocated. Absent the Washington Project and associated property acquisition, the sign would be allowed to remain as-is in accordance with [Section 6-16-10 \(Nonconforming Signs\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH16SI\\_6-16-10NOSI](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-10NOSI) of the Municipal Code. The need for the sign variance is a result of City-initiated roadway improvements and is not a result of any action taken by the petitioner.

One of the goals of the City's Sign Ordinance is to advance the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage, and to encourage effective communication between signs and the public. The petitioner has identified that the pole sign is necessary to maintain visibility for the existing businesses fronting Washington Street.

Engineering has reviewed the proposed location of the sign and finds it to be acceptable and to comply with required sight lines. Planning is supportive of the variance and believes it ensures adequate site identification is maintained. Staff notes that any new or future changes in signage proposed will be required to comply with the City's sign regulations then in effect.

### ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings and recommends their adoption by City Council.

### ***Rezoning***

The petitioner is also requesting to rezone the subject property from B5 (Secondary Downtown) to B4 (Downtown Core). At this time, no redevelopment plans have been submitted for the subject property; however, the subject property is within the limits of the Downtown Central Business District, and the B4 zoning district is consistent with the recommendations of the Downtown 2030 Plan.

Several different zoning districts and land uses abut the subject property, as outlined in the table below:

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	<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>
<b>North</b>	B4	Dupage River, restaurants and retail
<b>East</b>	B5	Restaurant, North Central College parking
<b>South</b>	R2, OCI	Bank and single-family attached residential
<b>West</b>	R2, B4, B5	Offices, retail, restaurants and hotel

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The intent of the B4 zoning district is to accommodate the retail, service, and office uses which are characteristic of a major retail area of the City, that is the central core of the central business district. Existing land uses on the subject property include retail on the ground level, and general services on upper floors. Staff finds the proposed zoning to be an appropriate designation given the existing land uses and the recommendations of the Downtown 2030 Plan.

If the property is rezoned to B4, future redevelopment plans (if and when submitted in the future) will be reviewed for compliance with the B4 district requirements, as well as the Downtown 2030 plan. Provided that said redevelopment plans comply will all City Code requirements, Planning and Zoning Commission and City Council review of these plans will not be required in the future.

### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Map Amendment can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings and recommends their adoption by City Council.

### **City Council Considerations**

#### *Resolution Acknowledging Existing Conditions (Resolution)*

Currently, there are several existing, nonconforming conditions on the subject property. As part of the entitlements, the petitioner requests City Council pass a resolution affirming the applicability of

Title 6 (Zoning Regulations) Chapter 10 (Nonconforming Uses) for the subject property, to ensure that existing, nonconforming improvements will be allowed to remain, even though they do not comply with Code. Resolutions of this type have been previously prepared for other private properties which have been impacted by right-of-way acquisition.

New improvements or redevelopment of the subject property will be required to comply with the underlying zoning district's requirements.

#### ***Parking Reconfiguration***

The City's Washington Project requires the City to acquire a portion of the subject property to allow for the planned bridge and roadway improvements. The acquisition will impact up to nine (9) parking spaces in the parking lot on the eastern portion of the existing parking lot, which may result in the elimination of up to five (5) parking spaces. The petitioner has worked with staff to redesign the parking lot with one of two reconfiguration options: (i) install angled parking spaces along Washington Street with a zero-foot setback and allow a one-way drive aisle of 14.7 feet in width; or (ii) install parallel parking spaces along Washington Street with a zero-foot setback and allow a two-way drive aisle of 20.5 feet in width. Both options constitute nonconforming conditions identified in the Resolution since the requirements of the "Naperville Design Manual for Public Improvements" cannot be met due to the lot size of the Subject Property.

Staff is in support of either reconfiguration option. Construction of the parking reconfiguration shall occur within the timeframe set forth in the Washington Street Project Reimbursement Agreement [419 -423 S. Washington Street] to be presented to City Council on the same date as the resolution affirming the applicability of Title 6 (Zoning Regulations) Chapter 10 (Nonconforming Uses) for the subject property.

#### ***Planning and Zoning Commission Action***

The PZC considered this matter on March 2, 2022. Patti Bernhard, Rosanova & Whitaker, Ltd., spoke on behalf of the petitioner and provided details on the request. There was no public testimony. After limited discussion, the PZC closed the public hearing and voted to recommend approval of the petitioner's requests (approved 8-0). Staff concurs with the recommendation.

#### **RELATED FILES**

1. Pass the ordinance approving a variance to Section 6-16-3 (Prohibited Signs) to allow for the relocation of an existing, nonconforming ground sign - PZC 21-1-105 (Item 2 of 4)
2. Pass the ordinance rezoning the subject property from B5 (Secondary Downtown District) to B4 (Downtown Core District) - PZC 21-1-105 (Item 3 of 4)
3. Adopt the resolution affirming the applicability of Section 6-2-19 (Existing Buildings and Structures) and Section 6-9-1:1.6 (Off-Street Parking/Scope and Application) to the subject property following acquisition of additional right-of-way for the Downtown Washington Street Bridge Replacement Project - PZC 21-1-105 (Item 4 of 4)