



Legislation Details (With Text)

File #: 18-471C **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/2/2018 **In control:** City Council

On agenda: 9/4/2018 **Final action:** 9/4/2018

Title: Pass the ordinance approving a setback variance from Section 6-16-5:2.2.5.1 and deny the request for a height variance from Section 6-16-5:2.2.4 of the Naperville Municipal Code in order to install a monument sign for the Speedway gas station located at 631 N. Route 59, Naperville - PZC 18-1-010

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A -Legal Description, 3. Exhibit B- Plat of Survey, 4. Exhibit C- Standards, 5. Application, 6. Proposed Sign, 7. Location Map, 8. Ordinance 14-167 from 11-05-2014, I8 regarding SPEEDWAY, LLC, 9. 8.1.18 PZC Minutes DRAFT, 10. 6.6.18 PZC Minutes

Date	Ver.	Action By	Action	Result
9/4/2018	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a setback variance from Section 6-16-5:2.2.5.1 and deny the request for a height variance from Section 6-16-5:2.2.4 of the Naperville Municipal Code in order to install a monument sign for the Speedway gas station located at 631 N. Route 59, Naperville - PZC 18-1-010

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on June 6, 2018 and August 1, 2018. No members of the public provided testimony. The PZC concurred with staff’s recommendation and voted to recommend approval of the setback variance request (6-0) and approval to deny the height variance request (6-0). Staff concurs with the PZC’s recommendation.

BACKGROUND:

The petitioner, Eric Nuebling, on behalf of Speedway LLC, proposes to install a monument sign on the subject property located at the northwest corner of Route 59 and North Aurora Road for the Speedway gas station. The proposed sign will require two variances from the Municipal Code for sign height and setback. The subject property has a common address of 631 N. Route 59 and is zoned B3 (General Commercial District).

On November 5, 2014, a variance was approved by City Council for the installation of a monument sign on the subject property (Ordinance 14-167 can be found in the attachments). The variance approved a reduction in the required 10’ setback from Route 59 to 8’. The proposed sign was code

compliant with the sign code regulations in terms of height. The monument sign was never constructed and the variance has since expired.

DISCUSSION:

Case History

The original public hearing for PZC 18-1-010 was opened at the June 6, 2018 Planning and Zoning Commission meeting (PZC). At that time, the petitioner was requesting three variances from the Municipal Code for sign style, height and setback. Staff was not in support of the proposal, finding it did not meet the standards for granting a variance. No members of the public spoke on behalf of the case and the public hearing was closed. The PZC found the petitioner faced a hardship in regards to the setback variance. However, the PZC requested the petitioner continue working with staff regarding the style and height of the sign. The majority of the PZC was not in favor of a pole style sign and preferred the height of the sign was reduced from 20'. No vote on the sign proposal was taken.

2nd PZC Public Hearing on Revised Request

The petitioner submitted revised plans based upon feedback from the PZC and staff at the June 6, 2018 PZC meeting which included an increase in sign setback, decrease in sign height, and a revision in sign style from a pole sign to a monument sign. The revised request required only two variances from the Municipal Code for sign setback and sign height. It should be noted that because the PZC closed the public hearing on June 6th but directed the petitioner to work on further revisions, required notice had to be re-issued by the petitioner and staff for the August 1st PZC public hearing on this item.

Setback Variance

The revised request included an increase in sign setback from 1.51' to 2' from Route 59. Per Code, a monument sign is required to be setback 10' from a major arterial road. Therefore, a variance to Section 6-16-5:2.2.5.1 in order to construct a sign that is setback 2' from Route 59 is required. Upon review of the revised sign setback, staff concurred with the petitioner that, given the recent IDOT taking, there is not adequate room on the property for the sign to comply with the setback requirements. Accordingly, staff supports the proposed variance to reduce the sign setback to 2'.

Height Variance

The revised request included a decrease in sign height from 20' to 16'. The maximum permitted sign height is 10', plus 2' for architectural features by Code. Therefore, a variance to Section 6-16-5:2.2.4 is required in order to construct a 12' tall monument sign. Upon review, the PZC did not support the request for a height variance, finding the height requirement should be applied consistently across the Route 59 corridor and no hardship existed.

Following the PZC's denial of the height variance, the petitioner submitted a revised sign design which decreased the overall sign height from 16' to 12'.

The petitioner's responses to the standards for granting a variance for sign height are attached. Staff continues to not support the proposed height variance, based upon a review of the subject property, applicable Code provisions, and standards for variance requests as follows:

Variance Standard #1: The variance is in harmony with the general purpose and intent of the Zoning Regulations and the adopted comprehensive master plan.

Staff Comments: The purpose of the City's sign code includes advancing the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage. Permitted sign height is the same in all commercial and industrial districts (10', plus 2' for architectural features). Staff finds that a code compliant sign in terms of height would provide adequate signage to promote visibility of the business.

Variance Standard #2: Strict enforcement of the Zoning Regulations would result in practical difficulties or impose exceptional hardships due to special or unusual conditions which are not generally found on other properties in the same zoning district.

Staff Comments: The subject property is zoned B3 (General Commercial District), as are the other properties in the area along Route 59. Per Code, the petitioner is permitted a 10' tall monument sign, plus a bonus of 2' for architectural features, for a total of height of 12'. The proposal calls for a sign that is 12' tall with no additional architectural features, this sign will be 2' taller than what is permitted by code. The subject property is not unique from other properties in the same zoning district and staff finds strict enforcement of the code requirements would not result in a hardship.

Variance Standard #3: The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

Staff Comments: One of the stated purposes of the Sign Code is to enhance the physical appearance of site identification that is in harmony with the visual character of the associated street corridor. The proposed sign height is approximately 2' taller than what is permitted by Code. Given that the majority of the surrounding signs comply with the maximum sign height, the proposed sign is not in harmony with the visual character of the Route 59 street corridor.

Planning and Zoning Commission Action

The Planning and Zoning Commission considered this matter at their meeting on August 1, 2018. No members of the public provided testimony. The Planning and Zoning Commission supported the setback variance request finding the IDOT taking to be a sufficient hardship. The PZC did not support the request for a height variance to 16', finding the height requirement should be applied consistently across the Route 59 corridor and no hardship existed. The PZC voted to recommend approval of the setback variance (6-0) and denial of the height variance (6-0). Should the City Council concur with the petitioner's request for a height variance, the attached ordinance can be amended from the dais.

Key Takeaways

- The petitioner is requesting to install monument sign for the Speedway located at 631 N. Route 59. The sign is approximately 12' in height and is setback 2' from the property line. Variances are required for the sign height and location.
- Staff and the PZC recommend approval of the setback variance and denial of the height variance.

FISCAL IMPACT:

N/A