



Legislation Details (With Text)

**File #:** 21-1121      **Version:** 1

**Type:** Report      **Status:** Agenda Ready

**File created:** 8/26/2021      **In control:** Planning and Zoning Commission

**On agenda:** 9/1/2021      **Final action:** 9/1/2021

**Title:** Consider the Petitioner’s appeal to the portions of the Downtown Design Standards (2011) that prohibit painting of the existing masonry surface and covering more than 25% of the façade with an accent color at the subject property located at 8 West Jefferson Avenue, Naperville

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Appeal Letter, 2. Building Permit Plan Submittal, 3. Page from Downtown Design Standards, 4. 8 W Jefferson Avenue Prior Facade Street View, 5. Location Map

| Date     | Ver. | Action By                      | Action | Result |
|----------|------|--------------------------------|--------|--------|
| 9/1/2021 | 1    | Planning and Zoning Commission | denied | Pass   |

**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Consider the Petitioner’s appeal to the portions of the Downtown Design Standards (2011) that prohibit painting of the existing masonry surface and covering more than 25% of the façade with an accent color at the subject property located at 8 West Jefferson Avenue, Naperville

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, AICP

**ENTITLEMENTS REQUESTED:**

- The Petitioner is requesting an appeal to the [Downtown Design Standards](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-dpa-2011) (<https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-dpa-2011>) in order to permit the building located at 8 West Jefferson Avenue to remain painted green.

**BOARD/COMMISSION REVIEW:**

Per Code, official notice in the newspaper is not required.

**BACKGROUND:**

The subject property is located west of the intersection of Jefferson Avenue and Washington Street and has a common address of 8 West Jefferson Avenue. It is improved with an approximately 760 square-foot tenant space currently occupied by Kerwell. The Petitioner, Kerry E. Aiyash, Founder and President of Kerwell, requests approval to allow the masonry façade to remain painted green. Per the Petitioner, they were not aware of the Downtown Design Standards and painted the façade without approval (see attached letter).

**DISCUSSION:**

***Permit Drawings***

The Petitioner submitted a permit regarding proposed changes to the façade located at 8 W. Jefferson Avenue, which included changes to the existing door and glass storefront. As detailed in the attached drawings, the existing masonry façade was to remain unchanged; no portion of the masonry façade was proposed for painting. As shown in the attached street view image, the masonry façade was previously unpainted when occupied by the former jewelry tenant.

### ***Complaint Received***

On July 29, 2021, City staff received a question about whether Kerwell had received approval to paint their façade green. City staff again reviewed the permit drawings and confirmed that the City had not authorized any painting of the façade. The City's Code Enforcement Team then contacted the Petitioner requesting that the violation be corrected. In response, on August 22, 2021, the Petitioner submitted a letter requesting an appeal to the Downtown Design Standards in order to permit the façade to remain painted green.

### ***Downtown Design Standards***

The Downtown Design Standards were developed in 2011 as a companion document to the Naperville Downtown 2030 Plan and are intended to serve as the single controlling design reference for the City's downtown. The document establishes standards for building placement, scale, and style for both new and remodeled buildings in the downtown.

The Design Standards state that paint should not be applied to a masonry surface that was not previously painted. Painting natural masonry is discouraged due to durability concerns with the paint, such as peeling and chipping. If painting is permitted, the Design Standards do not allow more than 25% of the façade, excluding windows and doors, to be a bright or dark hue as an accent color. Staff considers the green color applied to a majority of the façade to be an accent color.

### ***Staff Recommendation***

In accordance with the Downtown Design Standards, staff would not have permitted the façade of this building to be painted had that been sought. Given this property's central location in the downtown, the long-term maintenance concerns resulting from painted brick, and the non-neutral color of the painted façade, staff recommends that the Petitioner's request to maintain the existing green paint be denied.

To rectify the current non-conforming condition, staff recommends that the Petitioner take the necessary steps, such as sandblasting, to remove the existing paint and return the façade to its prior natural masonry condition. If after attempting to remove the paint, the Petitioner is unsuccessful (as confirmed by the Chief Building Official), staff recommends that the Petitioner repaint the façade a neutral color consistent with the Downtown Design Guidelines. The proposed neutral color would be subject to review and approval by the Zoning Administrator prior to its application.

### ***PZC Action***

Per the Naperville Municipal Code, the Planning and Zoning Commission is the body to review appeals to the Downtown Design Standards. PZC determinations are considered final, unless the petitioner appeals the PZC's decision to the City Council.

### ***Key Takeaways***

- The Petitioner is appealing the Downtown Design Standards (2011) in order to permit the building located at 8 West Jefferson Avenue to remain painted green. The Petitioner commits

to maintaining the building.

- Staff does not support the requested appeal.