



Legislation Details (With Text)

File #: 19-1171B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 12/5/2019 **In control:** City Council

On agenda: 12/17/2019 **Final action:** 12/17/2019

Title: Option A: Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving variances for the northwest monument sign, southeast monument sign, and the tower identity sign for the subject property located at 1504-1516 N. Naper Boulevard (Tower Crossing Shopping Center) - PZC 19-1-104; or

Option B: Concur with staff and pass the ordinance approving the variances for the southeast monument sign and the tower identity sign and deny the requested variances for the northwest monument sign for the subject property located at 1504-1516 N. Naper Boulevard (Tower Crossing Shopping Center) - PZC 19-1-104

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance - Option A, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Standards, 5. Exhibit D - Proposed Signs, 6. Ordinance - Option B, 7. Exhibit A - Legal Description, 8. Exhibit B - Site Plan, 9. Exhibit C - Standards, 10. Exhibit D - Proposed Signs, 11. Development Petition, 12. Disclosure of Beneficiaries, 13. Location Map, 14. 12.4.19 PZC Minutes

Date	Ver.	Action By	Action	Result
12/17/2019	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Option A: Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving variances for the northwest monument sign, southeast monument sign, and the tower identity sign for the subject property located at 1504-1516 N. Naper Boulevard (Tower Crossing Shopping Center) - PZC 19-1-104; or

Option B: Concur with staff and pass the ordinance approving the variances for the southeast monument sign and the tower identity sign and deny the requested variances for the northwest monument sign for the subject property located at 1504-1516 N. Naper Boulevard (Tower Crossing Shopping Center) - PZC 19-1-104

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered PZC 19-1-104 on December 4th and made the following motions: approve variances for the installation of the development identification sign (approved 5,0); approve variances for the installation of a monument sign at the southeast corner

(approved 5,0); deny variances for the installation of a monument sign at the northwest corner of the subject property (failed 4,1). Staff is supportive of the requested variances for the installation of the development identification sign and the monument sign at the southeast corner, but is not in support of the requested variances for the monument sign at the northwest corner of the subject property for the reasons indicated below.

BACKGROUND:

The subject property is located at 1504-1516 N. Naper Boulevard, at the northeast corner of Ogden Avenue and N. Naper Boulevard. The property is currently improved with a shopping center and surface parking lot. The subject property is comprised of five lots and can be accessed from N. Naper Boulevard and Ogden Avenue. It is zoned B3 (General Commercial District) and is approximately 8.1 acres in size.

The owner and petitioner, Napleton Investment Partnership L.P., proposes to install new signage and remove and alter the existing signage at the subject property. This entitlement request is being made in an effort to update the signage at the shopping center concurrently with building façade improvements at the site. The following signage changes are proposed: install a development identification sign on the building's tower feature, alter the existing monument sign at the N. Naper Boulevard entrance, remove the existing monument sign located at the Ogden Avenue entrance, and install a new monument sign at the southeast corner of the site along Ogden Avenue. In order to do so, variances from the Municipal Code are required for orientation, size, height, location, and setback for the proposed signage.

DISCUSSION:

The petitioner requests multiple variances for each ground sign located near the Ogden Avenue entrance and at N. Naper Boulevard entrance and a variance to the development identification signage requirements in order to install a sign on the building's tower feature. The requested variances for each sign are further described below as the following: tower identity sign (sign to be located on the building's tower feature), southeast corner monument Sign (sign to be located at the southeast corner of the site, near the Ogden Avenue entrance), and northwest corner monument sign (monument sign located at the northwest corner of the site, at the N. Naper Boulevard entrance).

Tower Identity Sign

The Tower Crossing shopping center has a tower feature that is visible from the N. Naper Boulevard entrance. The owner and petitioner has recently submitted building permits to update the existing façade within the shopping center which include altering the tower feature. The plan for the tower feature is to strip down the tower to reveal the underlying steel structure. The structure will be primed, painted and a raceway will be attached to the steel frame. The sign letters will then be attached to the raceway.

The purpose of the sign is to identify "Tower Crossing" shopping center. Given the purpose of the sign, staff finds the proposed sign is considered to be a development identification sign. The Naperville Sign Code assumes development identification signs on commercial properties to be of a monument sign type with a maximum area of 32 square feet and a maximum height of 10' from grade. While the proposed tower-mounted sign will not be designed as a monument sign, it is nonetheless a development identification sign and will accordingly require variances to Section 6-16-5:2.4 of the Code to permit its installation as designed. The proposed tower-mounted sign will be 183 square feet in area.

Findings of Fact

Staff is in support of the proposed variances to Section 6-16-5:2.4 of the Municipal Code in order to install a development identification sign that is not of monument sign type. The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, staff and the Planning and Zoning Commission agree with the petitioner's Findings and recommends their adoption by the City Council.

Southeast Corner Monument Sign

A monument sign currently exists at the Ogden Avenue entrance to the shopping center. The petitioner proposes to remove this sign and replace the sign in an alternate location along Ogden Avenue further east, near the entrance to the adjacent property to the east of the subject property.

The proposed sign will be of a monument type and will be 10' tall with an additional 2' of architectural features. The square footage of the proposed signage is approximately 18.7 square feet in size and the sign will be oriented diagonal to the eligible frontage. The proposed sign complies with the Sign Code regulations for height and square footage requirements.

Three variances are required in order to install the proposed signage. The variances are as follows:

- The Sign Code regulations require a monument sign to be oriented perpendicular to the eligible frontage (Ogden Avenue). A variance to Section 6-16-5:2.2.1 is required to allow the sign to be installed diagonally to Ogden Avenue; and
- The Sign Code prohibits the installation of off-premise signs which display commercial speech. The proposed sign will be installed on 1508 N. Naper Boulevard and will display signage for the shopping center which is on a separate lot. A variance to Section 6-16-3:7 is required in order to install off-premise signage which displays commercial speech; and
- The Sign Code requires monument signs to be setback 40' from the interior property line. A variance to Section 6-16-5:2.2.5.3 in order to locate the proposed signage approximately 12' from the interior property line.

Staff finds it is justifiable to install a monument sign at the proposed location in order to improve visibility for the property and easily identify the Ogden Avenue entrance to drivers. In addition, the proposed monument sign will be in compliance the Sign Code requirements for height and square footage. For these reasons, staff is in support of the proposed variances in order to install the southeast corner monument sign.

Findings of Fact

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

Northwest Corner Monument Sign

A monument sign currently exists on the subject property at the N. Naper Boulevard entrance. This sign is an existing nonconforming sign and is therefore, subject to the nonconforming regulations of the Municipal Code (Section 6-16-10). These regulations allow for ordinary repairs and maintenance to be made to existing signage that is nonconforming, but state that no structural alterations or other similar work, which appreciably extend the normal life of the sign can be made. The proposed work to the existing sign exceeds the limitations as stated in the nonconforming signage regulations, thereby triggering the need for variances.

The sign is approximately 22' 7" tall and contains signage on three sides. The north and south side of the sign will have approximately 78.8 sf of signage, the west side will have approximately 21.5 sf of signage, the east side will have no signage. Four variances are required for the proposed alterations made to the existing sign. The variance requests are as follows:

- The Sign Code regulations require a monument sign to be oriented perpendicular to the eligible frontage (N. Naper Boulevard). A variance to Section 6-16-5:2.2.1 is required to allow for approximately 21.5 sf of signage on the west side of the sign which is not oriented perpendicular to N. Naper Boulevard; and
- A variance to Section 6-16-5:2.2.2 to allow the proposed signage on the north and south side to exceed the permitted maximum square footage of 45 sf. The north side and south side of the sign will have approximately 78.8 sf of signage (Note: The proposed electronic message board is 18 sf, this is below the maximum 23 square feet that is permitted); and
- The Sign Code prohibits the installation of off-premise signs which display commercial speech. The proposed sign will be installed on at the entrance of N. Naper Boulevard and will display signage for the shopping center which is on a separate lot. A variance to Section 6-16-3:7 is required in order to install off-premise signage which displays commercial speech; and
- A variance to Section 6-16-5:2.2.4 to allow the proposed sign to exceed the maximum height of 10 feet for monument signs, with an additional 2 feet permitted for architectural features. The proposed sign will be 22' 7" in height.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Staff does not concur with the responses to the standards submitted by the petitioner. Staff's comments with respect to the proposed findings for the requested variance, based upon a review of the subject property, applicable Code provisions and standards for variance requests are as follows:

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

Staff Comments: A stated purpose of the Sign Code is to provide safe navigation of signage through discernable identification that does not create distractions, obstructions, and hazards. Staff finds that even with the variance to exceed the height and square footage maximums, it is still difficult to discern the separate tenant panels on the proposed sign. A sign of this height and square footage is not found to be in harmony with the general purpose and intent of the City's sign regulations.

Variance Standard #2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and 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 several other properties along Ogden Avenue and N. Naper Boulevard. Commercial properties within the City of Naperville are permitted to have monument signage up to 10 feet in height, with an additional 2 foot allowance for architectural features. A monument sign measuring 22' 7" in height (equivalent to a 50% increase above the permissible height) is not consistent with the City's signage goals. The Sign Code also establishes regulations for the square footage for signs based upon the speed limit of the adjacent roadway. Therefore, general enforcement of the sign regulations does not result in a hardship. Additional signage alternatives may exist that are in better harmony with the general

purpose and intent of the City's sign regulations.

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: The subject property is improved with a commercial shopping center that is visible to passersby on Ogden Avenue and N. Naper Boulevard. One of the stated purposes of the Sign Code is to enhance the physical appearance of site identification to be in harmony with the visual character of the associated street corridor. Staff finds that even with the requested variances, it is difficult to discern the separate tenant panels on the proposed sign. The proposed sign is 22' 7" (50%) taller than what is permitted by Code and is taller than other signs observed in the vicinity; therefore, the size of the proposed sign is not in harmony with the essential character of the neighborhood.

Planning and Zoning Commission

The Planning and Zoning Commission conducted the public hearing for PZC 19-1-104 at their meeting held on December 4, 2019. No members of the public provided testimony. The PZC inquired about staff's opposition to the northwest corner monument sign; in response, staff noted concerns with the overall height and size of the proposed sign finding the sign does not meet the general purpose and intent of the City's sign regulations as proposed. Commissioner Bansal concurred with staff's recommendation finding the proposed northwest monument sign was too large and out of compliance with the City Code. Commissioner Margulies noted his support for all variances, as requested, finding the proposed signage to be a positive improvement to the shopping center.

Following discussion, the PZC made the following motions: approve variances for the installation of the development identification sign (approved 5,0); approve variances for the installation of a monument sign at the southeast corner (approved 5,0); deny variances for the installation of a monument sign at the northwest corner of the subject property (failed 4,1). Staff concurs with the positive recommendation provided for the development identification sign and the southeast corner monument sign, but remains in opposition to the requested variances for the proposed northwest corner monument sign.

Key Takeaways

- The petitioner requests multiple variances to the orientation, size, height, location, and setback in order to install a development identity sign on the building's tower feature, alter the existing monument sign at the N. Naper Boulevard entrance and install a new monument sign at the southeast corner of the site along Ogden Avenue.
- The PZC is in support of the variances as request for the tower identity sign, the southeast corner monument sign, and the northwest corner monument sign.
- Staff is in support of the requested variance for the tower identity sign and the requested variances for the proposed southeast corner monument sign, but is not in support of the requested variances for the proposed northwest corner monument sign.

FISCAL IMPACT:

N/A