



## Legislation Text

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**File #:** 19-587B, **Version:** 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance approving variances for a tollway sign located at 55 Shuman Boulevard (Rush Naperville Clinic) - PZC 19-1-024

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

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

The Planning and Zoning Commission considered this matter on June 5, 2019 and voted to recommend denial of the request, consistent with staff's recommendation (Denied 7-0). Following this meeting, and in response to additional collaboration that occurred between staff and the petitioner, staff is now supportive of the request.

#### **BACKGROUND:**

The subject property is located at 55 Shuman Boulevard, at the northwest corner of Washington Street and Shuman Boulevard. The property is currently improved with a multi-story office building and surface parking lot. It is zoned ORI (Office, Research and Light Industry District) and is approximately 11.36 acres in size. The East Sector Update to the Comprehensive Master Plan (1998) describes the future land use of the subject property as "Office/Research and Development"; the existing building and tenants are compatible with this designation.

The petitioner proposes a new tollway corridor sign along the subject property's northern property line to increase visibility for Midwest Orthopaedics at Rush along Interstate 88 (I-88). To do so, the petitioner requests approval of a variance to allow a tollway sign that exceeds the maximum sign height allowance of 25 feet; and, a variance to allow a tollway sign that exceeds the maximum sign area of 120 square feet.

#### **DISCUSSION:**

##### ***Planning & Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on June 5, 2019. No members of the public commented during the Public Hearing. The Planning and Zoning Commission inquired about the berm on the north side of the subject property and opportunities for the petitioner to propose additional wall signage instead of ground signage for visibility along the I-88 corridor. The Planning and Zoning Commission expressed interest in having the petitioner continue to work with staff to identify if any modifications could be made to the proposed tollway corridor signage. Following brief comments, the Planning and Zoning Commission closed the public hearing, moved to adopt the findings of fact as presented by staff, and deny PZC 19-1-024 (denied 7-0).

### ***Changes following Planning and Zoning Commission Meeting***

The petitioner's original proposal included variances to both sign height and sign area. At the public hearing before the City's Planning and Zoning Commission, the petitioner requested approval to allow a tollway sign to measure 40 feet in height (25 feet is permissible by Code), and approximately 260 square feet in size (120 square feet is permissible by Code). Due to the property's setback from I-88, staff recognized that signage exceeding City Code requirements may be beneficial and justifiable to improve visibility for the property, but was not in support of the requests due to a lack of understanding of how the signage would impact Rush, what the comprehensive sign package for the site was, and the inability to review alternative signage options.

Following the Planning and Zoning Commission's recommendation of denial, the petitioner has worked with staff to provide a better understanding of signage constraints on the property and to mitigate any perceived negative impacts the signage variances would have if approved. Multiple changes and clarifications were made to the proposal including:

1. The sign height was reduced to 35 feet as opposed to the initial proposal of 40 feet, reducing the requested height variance from 15 feet to 10 feet. To lessen the impact of the height variance, the petitioner offered to construct a ten-foot berm around the base of the sign so that the sign will appear to measure 25 feet in height to passersby, which is consistent with Code allowances. Furthermore, the ten-foot berm is equal in height to an existing berm on the property. Staff finds these proposed modifications acceptable.
2. The size of the sign face remains unchanged, but the petitioner provided additional justification for why the sign area was necessary. The petitioner attests that an approximately 260 square foot sign face is required to accommodate the Midwest Orthopaedics at Rush logo and the length of the word Orthopaedics. Visual testing photos from I-88 were used to confirm the requested text size; and, smaller font sizes were determined to be unreadable from I-88 due to the sign's significant setback and high traffic speeds along the tollway corridor. The petitioner also noted that while the total sign face is larger Code allowances, the actual lettering falls within the allowable sign area at 98.20 square feet. Staff finds this justification acceptable.
3. The petitioner and owners of the 55 Shuman property have confirmed that additional wall signage oriented towards I-88 is not possible due to existing sign/tenant leases, and a lack of façade areas that are unencumbered by windows.
4. The petitioner and owners of the 55 Shuman property have agreed that no additional sign content will be proposed for the vacant portions of the sign face.
5. The owners of the 55 Shuman property have agreed that no further tenants will be offered ground signage on the site.
6. The Naperville Office Park Owners Association (which the subject property is a part of) has reviewed the revised plans and approved them.
7. The petitioner indicates that signage along I-88 is imperative to assist Midwest Orthopaedics at Rush patients in locating the facility.

### ***Updated Sign Height Variance***

Midwest Orthopaedics at Rush seeks to install tollway signage for visibility along the I-88 corridor; however, due to the I-88 frontage being encumbered by existing topographical conditions and mature

trees, the petitioner requests approval of a variance from [Section 6-16-5:2.2.2.8.3 \(Tollway Property Allowance/Height\)](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](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR)> of the Naperville Municipal Code to allow a tollway sign to exceed the maximum permitted height of 25 feet.

The petitioner proposes a sign that is 35 feet in height to ensure visibility from the highway. The requested variance would allow the proposed sign to measure 10 feet taller than Code regulations. Specific conditions that impose hardships on the property include:

- NICOR owns land directly adjacent to I-88, resulting in a significantly larger setback for the subject property and any proposed ground signage oriented towards the I-88 corridor than most properties in the ORI zoning district.
- The existing property is encumbered by a 30' Public Utility and Drainage Easement along the northern property line, adjacent to I-88. This easement, combined with Nicor's land, results in an even larger signage setback requirement.
- There is a significant grade change from the northern property line down into the site to where the proposed sign will be located. Sign visibility test studies determined that due to the grade change and the significant setback from I-88, the proposed sign height must exceed 25' to be visible from the highway.

The petitioner indicates that a sign installed at less than 35 feet in height would not be visible from the highway and has provided an exhibit to illustrate this finding.

#### *Findings of Fact*

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

#### **Updated Sign Area Variance**

The petitioner seeks approval of a variance from [Section 6-16-5:2.2.2.8.2 \(Tollway Property Allowance/Sign Area\)](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](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR)> of the Naperville Municipal Code to allow a tollway sign to exceed the maximum permitted area of 120 square feet to improve visibility for Midwest Orthopaedics at Rush along I-88. The petitioner proposes signage that is approximately 260 square feet in size to accommodate the layout of the business name and ensure readability to passersby traveling at fast speeds along the tollway corridor. The requested variance would allow the proposed sign to total 140 square feet larger than what is currently permissible by Code.

To justify the sign area variance, visual testing photos from I-88 were used. Based on the Midwest Orthopaedics at Rush branded image, the petitioner finds that smaller font sizes would not be visible for drivers traveling at highway speeds. Additionally, the word Orthopaedics dictates the length of the sign that is needed. While the total sign face is larger than what Naperville allows, the actual lettering falls within the allowed signage, calculated at 98.20 square feet.

#### *Findings of Fact*

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

***Key Takeaways***

- The petitioner requests variances from Sections 6-16-5:2.2.2.8.2 (Tollway Property Allowance/Sign Area), and 6-16-5:2.2.2.8.3 (Tollway Property Allowance/Height) to install a tollway sign that measures 35 feet tall and approximately 260 square feet in size on the subject property.
- Staff is supportive of the variance requests due to the modifications and clarifications the petitioner has provided following the public hearing before the Planning and Zoning Commission.

***Related Files***

- N/A