



## Legislation Text

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File #: 21-0151, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Option A: Concur with the Planning and Zoning Commission and the Petitioner and pass the ordinance granting a variance to permit an internally illuminated sign at 605 South Washington Street.

Option B: Concur with staff and deny the variance to permit an internally illuminated sign at 605 South Washington Street.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, Community Planner

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

The Planning and Zoning Commission (PZC) considered this matter on January 20, 2021, and voted to recommend approval of the request (approved 7-0). Staff does not concur with the PZC's recommendation.

On June 1, 2016, PZC reviewed, and denied (vote: 0 in favor; 6 opposed), a variance application to permit an existing internally illuminated sign in the Transitional Use (TU) District at 605 S. Washington St. (PZC #16-1-056). There was no public testimony and the petitioner did not move the case forward for City Council review.

The existing sign has remained at the subject property; however, the internal illumination has not been utilized since 2016.

#### **BACKGROUND:**

The subject property is located at 605 S. Washington Street, and consists of an approximately 19,060 square foot parcel. The property is improved with an office building and associated parking area, and is zoned TU. This zoning designation is consistent with the adjacent properties to the north and south. The properties to the west are zoned Office, Commercial, and Institutional District. An established residential neighborhood is located immediately west of the subject property.

#### **DISCUSSION:**

The Petitioner, Dr. Joshua Foxson, a representative of the owner, Four Fox Enterprises, LLC, requests approval of a variance for an internally illuminated sign to remain in the TU zoning district.

Per Section 6-16-6:4 of the Naperville Municipal Code, which was updated in 2017, signs on properties zoned TU can only be illuminated externally. Prior to this ordinance, the guidance for signs on properties zoned TU was included in the Downtown Design Standards. However, these standards

also noted that illumination was to be provided by direct external illumination only.

The external illumination requirement was communicated to the Petitioner's sign contractor in the summer of 2015, when an internally illuminated monument sign was originally proposed for Naperville Oral Surgery. Upon receipt of this information, the sign contractor revised the sign proposal so that internal illumination was no longer utilized. A sign permit was issued for the property with the understanding that the sign would not be illuminated. Thereafter, an internally illuminated sign was installed on the property without receiving a permit.

At this time, the Petitioner is seeking approval of a sign variance to permit the existing monument sign to maintain its nonconforming internal illumination in the TU zoning district, as was requested in the 2016 case. The sign meets all other sign code requirements with respect to setbacks, height, and size.

### **Findings of Fact**

The Petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. In an effort to uphold the intentions of the Municipal Code section concerning signs in the TU zoning district, and in consideration of the adjacent residential neighborhood to the west, staff disagrees with the Petitioner's responses to the standards for granting a sign variance and is not in support of the request, as was the position of staff in the last submittal of the request.

### **Planning and Zoning Commission**

The PZC considered this matter on January 20, 2021. Len Monson, Kuhn, Heap & Monson, presented the request. No public comment was provided during the meeting. The City received 67 people in support and 25 in opposition through the online speaker sign-up form that did not specify which case they were submitting in response to (note: the Islamic Center of Naperville was also on this agenda); therefore, it is unknown if any of these submittals were in relation to this case.

The PZC discussed the existing internally illuminated signs in the area, the hardship and the design of the existing sign. The Commission moved to adopt the findings of fact as presented by the Petitioner and approve PZC 20-1-117 (approved 7-0). Staff does not concur.

### **Key Takeaways**

- The Petitioner requests approval of a variance from Section 6-16-6:4 (Special Areas of Control: Properties Zoned Transitional Use (TU)) of the Naperville Municipal Code to permit an internally illuminated sign to remain at 605 S. Washington Street. Staff is not in support of the requested variance.
  
- The PZC supported the requested variance (vote: 7 in favor; 0 opposed).

### **FISCAL IMPACT:**

N/A