



## Legislation Details (With Text)

<b>File #:</b>	18-147C	<b>Version:</b>	1
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	4/5/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	5/1/2018	<b>Final action:</b>	5/1/2018
<b>Title:</b>	Concur with the petitioner and the Planning and Zoning Commission and pass an ordinance approving variances to Section 6-16-3:7 (Prohibited Signs), Section 6-16-5:2.2.2 (Sign Area), and Section 6-16-5:2.2.4 (Sign Height) of the Naperville Municipal Code for the property located at 1303 Ridgeland Avenue, Naperville - PZC 17-1-147;		
	OR		
	Concur with staff and pass the ordinance approving a variance to Section 6-16-3:7 (Prohibited Signs) and denying variances to Section 6-16-5:2.2.2 (Sign Area) and Section 6-16-5:2.2.4 (Sign Height) of the Naperville Municipal Code for the property located at 1303 Ridgeland Avenue, Naperville - PZC 17-1-147		

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. Naper Ridge Ord - Option 1, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Findings of Fact, 5. Exhibit D - Sign Plan, 6. Naper Ridge Ord - Option 2, 7. Exhibit A - Legal Description, 8. Exhibit B - Site Plan, 9. Exhibit C - Findings of Fact, 10. Development Petition, 11. Disclosure of Beneficiaries, 12. Location Map, 13. Naper Ridge Plaza Brochure Marked

Date	Ver.	Action By	Action	Result
5/1/2018	1	City Council	passed with conditions	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Concur with the petitioner and the Planning and Zoning Commission and pass an ordinance approving variances to Section 6-16-3:7 (Prohibited Signs), Section 6-16-5:2.2.2 (Sign Area), and Section 6-16-5:2.2.4 (Sign Height) of the Naperville Municipal Code for the property located at 1303 Ridgeland Avenue, Naperville - PZC 17-1-147;

OR

Concur with staff and pass the ordinance approving a variance to Section 6-16-3:7 (Prohibited Signs) and denying variances to Section 6-16-5:2.2.2 (Sign Area) and Section 6-16-5:2.2.4 (Sign Height) of the Naperville Municipal Code for the property located at 1303 Ridgeland Avenue, Naperville - PZC 17-1-147

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

## **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on April 4, 2018 and voted to recommend approval of the off-premises variance (approved, 8-0), area variance (approved, 5-3), and the height variance (approved, 7-1). Staff supports the recommendation for the off-premises variance; however, staff does not support the variances for increased sign area and height.

## **BACKGROUND:**

The subject property was developed in 1994 as Lot 2 of Naper Ridge Subdivision. Lot 2 is developed with a single-story bank building and associated parking, while Lot 1 is improved with a two-story commercial building and associated parking. Located on the north side of Ridgeland Avenue, east of Naper Boulevard, the subject property has a common address of 1303 Ridgeland Avenue and is zoned OCI (Office, Commercial, and Institutional District). The East Sector Update to the Comprehensive Master Plan (1998) describes the future land use of the subject property as “commercial”; the current land use is compatible with this designation.

The petitioner, Naper Ridge LLC c/o Highland Management Associates, Inc., proposes to replace an existing off-premises ground sign on Lot 2. The proposed sign will be utilized by both Lot 1 and Lot 2 and will require variances from the Municipal Code for both sign area and height. In addition to the existing off-premises ground sign, there are currently ground signs on both Lot 1 and Lot 2; both signs are to remain on the property.

## **DISCUSSION:**

### ***Variance for Off-Premises Sign***

The petitioner is requesting to locate a ground sign on Lot 2. The proposed sign will also be utilized by Lot 1 and is therefore considered an off-premises sign. The [Municipal Code <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH16SI\\_6-16-2DE>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-2DE) defines an off-premises sign as “a sign which directs attention to a product and/or service sold, offered, created, furnished, or conducted at a location not directly associated with the property or site at which the sign is located.” Per [Section 6-16-3:7 \(Prohibited Signs\) <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH16SI\\_6-16-3PRSI>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-3PRSI), off-premises signs displaying commercial speech are not permitted.

Lot 2 has frontage on Naper Boulevard, while Lot 1 is situated on Ridgeland Avenue. Ridgeland Avenue has lower visibility and traffic volume than Naper Boulevard, which is classified as a major arterial. As such, staff finds the placement of the sign on Lot 2 appropriate. The petitioner’s responses to the standards for granting a variance for an off-premises sign are attached. Upon review, staff agrees with the petitioner’s findings and recommends their adoption by City Council.

### ***Variance for Sign Area***

The petitioner also requests a variance from [Section 6-16-5:2.2.2 \(Sign Area\) <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) to allow the proposed ground sign to exceed the maximum allowable sign area of 45 square feet. The petitioner is requesting a total sign area of 100 square feet, approximately 55 square feet larger than permitted by Code. Permitted ground sign area is based upon the posted speed limit. On a road with a posted speed limited of 40mph or less, such as Naper Boulevard, a 45 square foot ground sign is permitted.

The petitioner’s responses to the standards for granting a variance for sign area are attached; 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, standards for variance requests, and the East Sector Plan, are 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 area is based upon speed due to driver visibility. On roads with a higher posted speed limit, a larger sign is permitted to increase visibility as drivers quickly pass. The posted speed limit on Naper Boulevard is 40mph, allowing a 45 square foot sign. Staff finds that a code compliant 45 square foot sign, in conjunction with the existing ground sign located on Lot 1, will sufficiently identify the subject businesses.

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 OCI (Office, Commercial, and Institutional). The subject property is not unique from other properties in the same zoning district and strict enforcement of the sign regulations does not result in a hardship. As noted above, ground sign size is regulated by posted speed limit.

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 located on Naper Boulevard in an area that contains a mix of residential, institutional, office, and commercial uses. The majority of ground signs in the Naper Boulevard corridor meet the sign area maximum. One of the stated purposes of the Sign Code is to enhance the physical appearance of site identification harmony with the visual character of the associated street corridor. The proposed sign is approximately 55 square feet larger than what is permitted by Code and is larger than the majority of surrounding signs; therefore, the area/size of the proposed sign is not in harmony with the visual character of the Naper Boulevard street corridor.

### ***Variance for Sign Height***

The petitioner also requests a variance from [Section 6-16-5:2.2.4 \(Sign Height\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR) to allow the proposed monument sign to exceed the maximum allowable sign height of 10', plus 2' for architectural features. The petitioner is requesting a 12' tall sign, with a 9" architectural feature for a total sign height of 12'9".

The petitioner's responses to the standards for granting a variance for sign height are attached; 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, standards for variance requests, and the East Sector Plan, are 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 area is the same in all commercial and industrial districts (10', plus 2' for architectural features). Staff finds that a code compliant sign in conjunction with the requested off-premises variance, will sufficiently identify the subject business.

Additionally, one of the stated goals of the City's East Sector Plan includes encouraging development with consistent signage. The height of the sign is inconsistent with the surrounding signage, which also must comply with the height requirement of 10', plus 2' for architectural features.

### 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 OCI (Office, Commercial, and Institutional), as are the other properties in the area along Naper Boulevard. The subject property is not unique from other properties in the same zoning district and strict enforcement of the sign regulations does not result in a hardship. Per Code, the petitioner is permitted a 10' sign, plus a bonus of 2' for architectural features, for a total of height of 12'.

### 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: As noted above, one of the stated purposes of the Sign Code is to enhance the physical appearance of site identification harmony with the visual character of the associated street corridor. The proposed sign height is taller than what is permitted by Code and is taller than the surrounding signs; therefore, the height of the proposed sign is not in harmony with the visual character of the Naper Boulevard street corridor.

### **Key Takeaways**

- Naper Ridge subdivision includes Lot 1 and 2. The petitioner is requesting to install an off-premises ground sign on Lot 2, which will include advertisement for Lot 1. Staff is in support of the request for the off-premises sign.
- The petitioner is also requesting variances for the sign area and sign height. Staff does not support the proposed variances as they do not meet the standards for granting a variance.

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

The Planning and Zoning Commission considered this matter at their meeting on April 4, 2018. Charley Margosian Jr., with Highland Management Associates, spoke as the petitioner. No one from the public provided testimony on this case. The Planning and Zoning Commission discussed the potential of a new sign to improve the property and the size of the new sign in comparison to the existing sign.

The PZC closed the public hearing and voted to recommend approval of the off-premises sign variance (approved, 8-0). The PZC also voted to recommend approval of the area variance (approved, 5-3) with Commissioners Bansal, C. Hansen, and Williams casting the dissenting votes. The dissenting Commissioners found that the proposed area request far exceeded the maximum allowable signage permitted by City Code. Finally, the PZC voted to recommend approval of the

height variance (approved, 7-1). Commissioner Williams casting the dissenting vote and found there was no hardship present.

Staff concurs with the Planning and Zoning Commission's recommendation to approve the off-premises variance; however, staff does not recommend the approval of the area and height variances.

**FISCAL IMPACT:**

N/A