



Legislation Details (With Text)

File #: 20-798B **Version:** 1
Type: Ordinance **Status:** Failed
File created: 7/16/2020 **In control:** City Council
On agenda: 8/4/2020 **Final action:** 8/4/2020
Title: Option A: Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to allow a non-conforming pole sign located at 311 E. Ogden Avenue to be renovated - PZC 20-1-046; or

Option B: Concur with staff and deny the request for a variance to allow a non-conforming pole sign located at 311 E. Ogden Avenue to be renovated - PZC 20-1-046

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat of Survey, 4. Exhibit C - Standards, 5. Exhibit D - Proposed Sign, 6. Application, 7. Disclosure of Beneficiaries, 8. Location Map, 9. PZC Meeting Minutes 7-15-20 DRAFT

Date	Ver.	Action By	Action	Result
8/4/2020	1	City Council	denied	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Option A: Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to allow a non-conforming pole sign located at 311 E. Ogden Avenue to be renovated - PZC 20-1-046; or

Option B: Concur with staff and deny the request for a variance to allow a non-conforming pole sign located at 311 E. Ogden Avenue to be renovated - PZC 20-1-046

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered the variance request on July 15, 2020 and voted to recommend approval of the requested variance (Approved 7-2). Staff disagrees and recommends denial of the variance for the reasons outlined below.

BACKGROUND:

Located north of Ogden Avenue, east of Brainard Street, the subject property has a common address of 311 E. Ogden and is located within the boundaries of the East Ogden Avenue Corridor. The East Ogden Avenue Corridor is defined as Ogden Avenue from Washington Street east to the City's eastern boundary. The lot is currently improved with a car wash and is zoned B3 (General

Commercial District). The petitioner, Karen Dodge, is requesting a variance to the nonconforming sign regulations in order to alter an existing nonconforming pole sign.

DISCUSSION:

The petitioner is requesting approval of a variance to the nonconforming sign regulations to allow alterations to the existing pole sign. At present, the pole sign is located on a landscape island at the corner of E Ogden Avenue and N Brainard Street. The pole sign is approximately 19' 6" tall. The sign cabinet is 80 square feet in size and the petitioner desires to replace the sign cabinet with the same size sign.

The proposed pole sign does not comply with the sign code requirements on several fronts. Pole signs are defined as a type of ground sign which is supported by a pole structure extended from the ground. In 2008, pole signs were prohibited Citywide resulting in the reclassification of all existing pole signs as non-conforming structures, subject to the restrictions provided in Section 6-16-10 (nonconforming signs). These regulations restrict maintenance or alteration of nonconforming signage which appreciably extends the life of the sign. Any re-branding of nonconforming signage is not permitted administratively. By this definition, the proposed removal of the cabinet to be replaced with a new cabinet extends the life of the sign beyond what is permitted. In addition to the nonconformity, the code includes regulations on illumination. These regulations only allowing texts and graphics to be internally illuminated. Therefore, the background of the sign is not permitted to be illuminated as this sign proposes.

History of East Ogden Avenue Pole Sign Discussions

On April 17, 2018, staff requested feedback from the City Council regarding streetscape improvements along the East Ogden Avenue Corridor and presented a signage design for monument signage along the Corridor. This proposed design is the template used by City staff to review new monument signage along the Corridor to create a consistent vision.

In furtherance of enhancement to the East Ogden Avenue Corridor aesthetics, during the April 17, 2018 meeting, City Council directed staff to develop options that may be used to eliminate existing nonconforming pole signs along the Corridor. Options were then reviewed by the City Council on September 4, 2018. As a result, \$30,000 was approved for funding in the 2019 budget to create an Ogden Avenue Pole Sign Replacement Grant Program (Resolution 19-024). In addition, in order to expedite the removal of the pole signs along the Corridor, an administrative process was created to provide relief from required variances for signs which replaced the nonconforming pole signs along the East Ogden Avenue Corridor. The administrative process allows for flexibility for proposed monument signs. The flexibility includes an increase in allowable wall and monument signage, monument signs to be placed on properties which do not have 100' of frontage, and permits signs to be located within the required setbacks. All degrees of flexibility are subject to the review and approval by the Zoning Administrator. Both the administrative process and the grant program are still available options for replacement pole signs along the Corridor.

The proposed renovation of the pole sign at the subject property is not consistent with the direction provided by the City Council regarding East Ogden Avenue.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance are included in the attachments. Upon review, the Planning and Zoning Commission agrees with the petitioner's variance findings and recommend their adoption by City Council. Staff does not concur with the responses to the standards

submitted by the petitioner. Staff's comments with respect to the variance standards, based upon a review of the subject property and applicable Code provisions 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: The Naperville municipal code allows for a degree of flexibility in alterations to nonconforming signs, but does not permit the extent of changes proposed by the petitioner. While staff is supportive of revitalization to properties along the Corridor, the proposal is inconsistent with the vision for the Corridor. Staff finds an alternative design option could be proposed by the petitioner which includes removal of the pole sign and replacement with a monument that is more in line with the vision.

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: Given the information noted above, which summarizes the options provided to the property owner, staff does not find there is a hardship on the property that would allow for replacement of the nonconforming cabinet signage. The owner is provided with adequate alternative options including the Ogden Avenue Pole Sign Replacement Grant Program and the flexibility in administrative approval of sign variances for removal of the pole sign and replacement with a conforming monument sign design. Staff also notes the administrative approval of sign variances includes the allowance of additional wall sign square footage, up to 50% above the maximum permitted square footage. This equates to approximately 300 sf signage at the subject property, which would provide adequate visibility of the business.

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: Approval of the proposed pole sign variance would conflict with the East Ogden Avenue Corridor enhancement initiative and alter the essential character of the neighborhood by approving a sign which is inconsistent with other pole signs that have been removed. Since pole signs became prohibited in 2008, several existing pole signs have been removed and replaced with monument signs. These include businesses which are in close proximity to the subject property, including 300 E Ogden Avenue (directly south of the subject property) and 335 E. Ogden (otherwise known as Nicky's Hot Dogs - directly east of the subject property).

Planning & Zoning Commission Action

The Planning and Zoning Commission considered the subject variance request at their meeting on July 15, 2020. No members of the public spoke on the request. The Commission discussed the request and did not find alternative locations were available at the subject property to locate a compliant monument sign. Staff clarified alternative sign locations were not provided or researched by the petitioner nor reviewed or proposed by staff. Commissioners found there was a hardship on the property given the lack of alternative locations. The Commission moved to approve the zoning variance request (approved 7, 2). The dissenting votes were cast by Chairman Hanson who stated the petitioner did not take advantage of working with staff on the Grant Program or on finding alternative locations for the sign. Commissioner Bansal concurred and requested other sign location options be provided by the petitioner.

Key Takeaways

- The petitioner is requesting a variance to Section 6-16-10 (nonconforming signs) of the Naperville Municipal Code in order to alter the existing nonconforming pole sign at 311 E. Ogden.

FISCAL IMPACT:

N/A