



Legislation Details (With Text)

**File #:** 21-0070      **Version:** 1  
**Type:** Public Hearing      **Status:** Agenda Ready  
**File created:** 1/11/2021      **In control:** Planning and Zoning Commission  
**On agenda:** 1/20/2021      **Final action:** 1/20/2021  
**Title:** Conduct the public hearing to consider a variance for an internally illuminated sign at 605 S. Washington Street - PZC #20-1-117

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Sign Elevation and Site Plan, 3. Responses to Standards for Granting a Zoning Variance, 4. Disclosure of Beneficiaries, 5. Legal Description, 6. Sign Image (1 of 4), 7. Sign Image (2 of 4), 8. Sign Image (3 of 4), 9. Sign Image (4 of 4), 10. 6.1.2016 PZC minutes, 11. Location Map

Date	Ver.	Action By	Action	Result
1/20/2021	1	Planning and Zoning Commission	approved	Pass

**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the public hearing to consider a variance for an internally illuminated sign at 605 S. Washington Street - PZC #20-1-117

**DEPARTMENT:** Transportation, Engineering and Development

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

**ENTITLEMENTS REQUESTED:**

A variance to [Section 6-16-6:4 \(Special Areas of Control: Properties Zoned Transitional Use \(TU\)\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-6SPARCO) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH16SI\\_6-16-6SPARCO](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-6SPARCO)> has been requested to:

- Permit an existing internally illuminated sign at 605 S. Washington St.

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC #20-1-117 was published in the Daily Herald on January 4, 2021.

In 2016, PZC #16-1-056, a variance application to permit an existing internally illuminated sign in the Transitional Use District at 605 S. Washington St. was reviewed by the Planning and Zoning Commission on June 1st and was denied (vote: 0 in favor; 6 opposed). There was no public testimony during the meeting. The minutes from this meeting have been included as an attachment. 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 (Transitional Use). 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.

### **Key Takeaways**

- The Petitioner requests approval of a variance from 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.