

Surrounding Zoning and Land Use:

North: C/R Conservation/Recreation District; developed as Southland Park

South: Unincorporated DuPage County zoned B2 General Commercial; developed as Highland Manor Motel

East: B4 Corridor Commercial District; developed as a mixed use retail commercial/multiple family residential building

West: B4 Corridor Commercial District; developed as a commercial use (Cash Store) and a legal non-conforming residence.

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on December 21, 2005:

1. Petition for Public Hearing.
2. Response to Standards (previously incorporated into PC 06-04).
3. Topographic Survey prepared by Gentile & Associates, Inc. and dated April 4, 2005.
4. Building permit # 20552 for the existing sign, dated January 19, 1972.
5. Photos of the subject sign.

DESCRIPTION

The Plan Commission considered and recommended approval of PC 06-04 at the February 20, 2006 Plan Commission meeting. This approval allows the current property owner, McDonald's Corporation, to redevelop the subject property with a new fast-food restaurant building with a double drive-through facility, subject to conditions.

In staff discussions with the petitioner, McDonald's expressed a concern regarding legal status of the existing free-standing sign on the property. In review of the initial petition, staff noted that the sign did not meet the current provisions of the Lombard Sign Ordinance. Staff originally sought to have the sign come into compliance with the Sign Ordinance with the redevelopment of the site. However, the petitioner was only amenable to this provision if they could incorporate an automatic changeable sign cabinet within the overall freestanding sign, which would require

additional relief. As staff did not support this option, the petitioner requested that the existing sign be allowed to remain on the premises and not be subject to future amortization provisions. As the signage relief was not included as part of the initial petition, an additional public hearing must be held to address this request.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on the petition.

Public Works Utilities

Public Works have no comments on the petition.

Private Engineering

The Private Engineering Services Division has no comments on this petition.

Planning

Compatibility with the Sign Ordinance

The petitioner's existing sign has the following non-conforming characteristics:

	Permitted	Existing
Freestanding Sign Size	Max. 125 sq. ft., 25 ft. high	192 sq. ft., 25 ft. high
Setback from center line of adjacent right-of-way	75 feet	Approx. 53.5' from the center line to the edge of the existing sign
Clear line of sight provisions	Must be outside of area	Within area

The existing free-standing sign was erected on the property in 1972 and was approved as part of building permit 20552. As the Sign Ordinance has been since amended to reduce to overall size of such signage, the sign currently has legal non-conforming status. As a non-conforming sign, the sign cannot be expanded or extended without zoning relief. It also cannot be replaced with a new sign unless the new sign meets all code provisions.

The Village has also adopted amortization provisions for such signage. Upon receipt of a notice from the Village stating that the signage is legal nonconforming and subject to the Village's amortization provisions, the property/business owner shall have seven years from the date of the ordinance to bring the sign into compliance with code, or seek relief to allow for the signage to remain on the premises. Rather than letting the seven year period start for the existing sign, the petitioner is seeking approval at this time to allow for the existing sign to remain on the premises.

The existing sign calculates to one-hundred ninety two (192) square feet in sign area, as determined by the Sign Ordinance. The petitioner notes that the majority of the sign area consists of the “arch” elements and includes a fair amount of open space within the arches, which decreases the overall visual prominence of the sign.

The Sign Ordinance requires freestanding signage to be located at least 75 feet off of the centerline of a state right-of-way (i.e., Roosevelt Road). The petitioner’s existing plat of survey shows that the sign is located 53.5 feet from the right-of-way center line. The survey shows that if the sign was located per code, it would be placed within the exit drive aisle. As a practical matter, such placement would not be appropriate as it would have limited visibility and would interfere with the parking and access drive areas.

Lastly, the existing sign is located within the clear line of sight area. Staff notes that the existing sign is a pole sign and the bulk of the sign area is above the perceived line of sight. As such, it may not create as great of a visual impediment as monument signage.

Staff notes that many existing signs are not in compliance with all provisions of Village Code. It is not substantially out of character with other signage erected along Roosevelt Road. Staff can support the relief to allow for the existing sign to remain, but relief should be tied to the existing sign and should not run with the property in perpetuity.

Compatibility with the Zoning Ordinance

Restaurants are listed as permitted uses within the B4 Corridor Commercial District and drive-through services are listed as conditional uses. The existing sign is in character with the commercial nature underlying zoning for the property.

Compatibility with the Comprehensive Plan

The Comprehensive Plan calls for this area to be developed with Community Commercial uses. While the Plan encourages bringing such signage into compliance with Code, particularly along commercial corridors like Roosevelt Road, staff believes that allowing the existing sign to remain on the premises without amortization provisions would not negatively impact the overall development patterns and desired goals of the Plan. However, staff recommends that the relief be only tied to the existing sign and shall not pertain to any future free-standing signage for the property.

Compatibility with the Surrounding Land Uses

The subject property is bordered on three sides by commercially-zoned properties. Generically speaking, the existing sign is not out of character with other types of free-standing signage along Roosevelt Road. However, to ensure that all business uses eventually come into compliance with code, staff recommends that the relief be tied to the existing sign only.

FINDINGS AND RECOMMENDATIONS

Staff concurs with the findings expressed by the petitioner in their standards for variations. Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested relief **complies** with the standards required by the Lombard Zoning and Sign Ordinances; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 06-11, subject to the following condition:

1. The relief granted as part of this petition shall only apply to the existing free-standing sign approved by the Village as part of building permit number 20552, dated January 19, 1972. Any repair of the sign greater than fifty percent (50%) of the value of the sign or any future modification, expansion, replacement of the sign shall be subject the full provisions of Section 153 of the Village Code.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:WJH