

Ordinance

DC-O-0074-21

WHEREAS, a public hearing was held on July 21, 2021 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use to allow LED Panel on the west face of an existing billboard, on the property hereinafter described:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 485.30 FEET TO THE CENTER LINE OF DIEHL ROAD; THENCE NORTH 86 DEGREES 09 MINUTES WEST ALONG SAID CENTER LINE 998.48 FEET FOR A POINT OF BEGINNING; THENCE NORTH 06 DEGREES 05 MINUTES EAST 456.88 FEET TO THE SOUTH LINE OF ILLINOIS TOLL HIGHWAY; THENCE SOUTH 85 DEGREES 46 MINUTES WEST ALONG SAID SOUTH LINE 518.94 FEET TO THE CENTER OF EOLA ROAD; THENCE SOUTH 08 DEGREES 33 MINUTES ALONG SAID CENTER LINE 527.52 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART THEREOF CONVEYED TO THE COUNTY OF DUPAGE BY DOCUMENT NOS. R94-195124 AND R2005-044430) IN DUPAGE COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 485.30 FEET TO THE CENTER LINE OF DIEHL ROAD; THENCE NORTH 86 DEGREES 09 MINUTES WEST ALONG SAID CENTER LINE 651.50 FEET FOR A PLACE OF BEGINNING; THENCE NORTH 6 DEGREES 05 MINUTES EAST 506.62 FEET TO THE SOUTH LINE OF ILLINOIS TOLL HIGHWAY; THENCE SOUTH 85 DEGREES 46 MINUTES WEST ALONG SAID CENTER LINE 384.86 FEET TO THE CENTER LINE OF DIEHL ROAD; THENCE SOUTH 86 DEGREES 09 MINUTES EAST LAONG SAID CENTER LINE 875.50 FEET TO THE PLACE OF BEGINNING, EXCEPT THE WEST 5 ACRES THEREOF AND EXCEPT THAT PART CONVEYED TO COUNTY OF DUPAGE BY DOCUMENT NO. R2005-061179, IN DUPAGE COUNTY, ILLINOIS.; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on July 21, 2021 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to change out the west face of an existing static billboard sign to an LED Panel.
- B. That petitioner testified that the subject property is located in an industrial area, south of I-88, and that the subject billboard has existed for at least thirty (30) years.
- C. That petitioner testified that the east LED sign face and sign Variations were approved in 2012 with zoning petition Z12-052.
- D. That petitioner testified that they are not changing the pole location or size of the billboard, and that the only change to be made is to convert the west static face of the billboard sign to an LED panel.
- E. That Hearing Officer finds that petitioner has demonstrated evidence for a Conditional Use to allow LED Panel on the west face of an existing billboard, as the subject billboard has

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existed for at least thirty (30) years and that the only zoning request is the conversion from a static sign panel to an LED panel on the west side.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Hearing Officer finds that petitioner **has demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the billboard sign location and size will not change, and therefore will not impair the adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the billboard sign panel will be built pursuant to all current building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that billboard sign location and size will not change, and therefore will not diminish the value of land and buildings.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the billboard sign location and size will not change, and that the proposed LED sign panel will conform to all current building codes and IDOT regulations, including permitted refresh times.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the billboard sign conversion.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the billboard sign conversion.
 - g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the billboard sign location and size will not change, and therefore does not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

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PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z21-053 Lamar	
ZONING REQUEST	Conditional Use to allow LED Panel on the west face of an existing billboard.	
OWNER	C. ROBERT AND DONALD A. ANDERSON AS BENEFICIARIES OF WSB TRUST #9056, 31W504 DIEHL ROAD, NAPERVILLE, IL 60563/ APPLICANT: LAMAR ADVERTISING, SHAWN PETTIT, 1770 W. 41 ST AVENUE, GARY, IN 46408	
ADDRESS/LOCATION	31W504 DIEHL ROAD, NAPERVILLE, IL 60563	
PIN	07-05-303-016 & 07-05-303-017	
TWSP./CTY. BD. DIST.	Naperville	District 5
ZONING/LUP	I-2 General Industrial	Office Low
AREA	3.3 acres (143,748 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: July 6, 2021	
PUBLIC HEARING	Wednesday, July 21, 2021 via Zoom	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of Aurora:	<i>No Comments Received.</i>	
City of Naperville:	<i>No Comments Received.</i>	
Naperville Township:	<i>No Comments Received.</i>	

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Township Highway:	<i>No Comments Received.</i>
Naperville	<i>No Comments Received.</i>
Sch. Dist. 204:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	I-2 General Industrial	Industrial	Office Low
North	I-88 and beyond I-1 Light Industrial	Northern IL Gas	TUI
South	Diehl Road and beyond I-2 General Industrial	ComEd	Office Low
East	I-2 General Industrial	Industrial	Office Low
West	I-2 General Industrial	Industrial	Office Low

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on July 21, 2021, recommends to approve the following zoning relief:

Conditional Use to allow LED Panel on the west face of an existing billboard.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**Z21-053 Lamar** on July 21, 2021.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to development on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

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WHEREAS, the County Board Development Committee on August 3, 2021, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use to allow LED Panel on the west face of an existing billboard.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-053 Lamar on July 21, 2021.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to development on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use to allow LED Panel on the west face of an existing billboard, on the property hereinafter described:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 485.30 FEET TO THE CENTER LINE OF DIEHL ROAD; THENCE NORTH 86 DEGREES 09 MINUTES WEST ALONG SAID CENTER LINE 998.48 FEET FOR A POINT OF BEGINNING; THENCE NORTH 06 DEGREES 05 MINUTES EAST 456.88 FEET TO THE SOUTH LINE OF ILLINOIS TOLL HIGHWAY; THENCE SOUTH 85 DEGREES 46 MINUTES WEST ALONG SAID SOUTH LINE 518.94 FEET TO THE CENTER OF EOLA ROAD; THENCE SOUTH 08 DEGREES 33 MINUTES ALONG SAID CENTER LINE 527.52 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART THEREOF CONVEYED TO THE COUNTY OF DUPAGE BY DOCUMENT NOS. R94-195124 AND R2005-044430) IN DUPAGE COUNTY, ILLINOIS.

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The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**Z21-053 Lamar** on July 21, 2021.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to development on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; C. ROBERT AND DONALD A. ANDERSON AS BENEFICIARIES OF WSB TRUST #9056, 31W504 DIEHL ROAD, NAPERVILLE, IL 60563/ APPLICANT: LAMAR ADVERTISING, SHAWN PETTIT, 1770 W. 41ST AVENUE, GARY, IN 46408; and Township Assessor, Naperville Township, 139 Water Street, Naperville, IL 60540.

Enacted and approved this 10th day of August, 2021 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 17
NAYS 0
ABSENT 1