

Ordinance

DC-O-0015-22

WHEREAS, a public hearing was held on January 26, 2022 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:

1. Variation to increase the overall height of the new relocated advertising sign, from the permitted 20 feet overall height (OAH) to approximately 55 feet OAH;
2. Variation to increase the sign square footage from the permitted 50 square feet to approximately 672 square feet per face (1,344 square feet total);
3. Variation to reduce the front lot line (Roosevelt Road ROW) setback of the proposed billboard sign from the permitted 15 feet setback to approximately 10 feet (front edge of the billboard sign); and
4. Conditional Use to permit the installation of a back-to-back 14' x 48' LED digital display panels (electronic message center sign) on each side of the newly re-located sign structure, on the property hereinafter described:

LOTS 6, 7, AND 8 (EXCEPT THAT PART OF SAID LOTS TAKEN BY CONDEMNATION IN CASE #88ED29) IN BLOCK 5 IN GLENBARD ACRE HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 8, 1923, AS DOCUMENT 162673, 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 January 26, 2022 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to relocate an existing billboard sign, reduce the overall height of the subject sign, and change out the static billboard panels to LED/electronic message center panels.
- B. That petitioner testified that the subject property was approved to relocate the existing sign in a previous zoning case (Z19-077 Lamar Advertising), however following approval, petitioner and the landowner renegotiated the lease and determined a different location on the subject property.
- C. That petitioner testified that they are reducing the overall height of the billboard sign from existing 92.7 feet to approximately 55 feet.
- D. That petitioner testified that due to the existing cell towers on the subject property and OSHA Halo requirements regarding cell towers, they are unable to operate on the existing billboard, requiring petitioner to relocate and update to the proposed billboard, which requires the proposed Variations and Conditional Use.

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- E. That Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and unique circumstance in carrying out the strict letter of regulations of the Zoning Ordinance, as the existing billboard sign does not meet current zoning regulations and OSHA requirements in relation to cell towers, and that to remove and replace the existing billboard would require the proposed zoning relief.

STANDARDS FOR VARIATIONS AND CONDITIONAL USES:

**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 proposed billboard sign will not impair the adequate supply of light and air to the adjacent properties. Furthermore, that the proposed billboard will be lower in height than the existing billboard on the subject property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed billboard sign 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 they are replacing the existing billboard sign, which will be an added improvement to the surrounding area.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed billboard sign and LED panels will conform to all current building codes and IDOT regulations, including permitted refresh times for electronic message center signs.
 - 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 proposed billboard sign.
 - 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 proposed billboard sign
 - g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that they are relocating and replacing the existing billboard sign, that the proposed sign will conform to all Building Code and IDOT regulations, 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	ZONING-22-000004 (Z21-108) Lamar Advertising	
ZONING REQUEST	1. Variation to increase the overall height of the new relocated advertising sign, from the permitted 20 feet overall height (OAH) to approximately 55 feet OAH; 2. Variation to increase the sign square footage from the permitted 50 square feet to approximately 672 square feet per face (1,344 square feet total); 3. Variation to reduce the front lot line (Roosevelt Road ROW) setback of the proposed billboard sign from the permitted 15 feet setback to approximately 10 feet (front edge of the billboard sign); and 4. Conditional Use to permit the installation of a back-to-back 14' x 48' LED digital display panels (electronic message center sign) on each side of the newly re-located sign structure.	
OWNER	LAMAR ADVERTISING, 9900 GEORGIA STREET, CROWN POINT, IN 46307/ AGENT: SEAN PETTIT, 9900 GEORGIA STREET, CROWN POINT, IN 46307 AND PHIL LUETKEHANS, 105 EAST IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	1075 E. ROOSEVELT ROAD, GLEN ELLYN, IL 60137	
PIN	05-24-202-027; 05-24-202-028; 05-24-202-029	
TWSP./CTY. BD. DIST.	Milton	District 4
ZONING/LUP	B-2 General Business	Local Commercial
AREA	0.41 acres (17,860 sq. ft.)	
UTILITIES	N/A	
PUBLICATION DATE	Daily Herald: January 11, 2022	
PUBLIC HEARING	Wednesday, January 26, 2022	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Comments Received.	
DUDOT:	No Comments Received.	
Health:	No Comments Received.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Lombard:	No Comments Received.	

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Village of Glen Ellyn:	Objects. See attached documentation.
Milton Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Glenbard Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 89:	<i>No Comments Received.</i>
Forest Preserve:	"The Forest Preserve District of DuPage County Staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you."

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	15 FT	APPROX. 60 FT	APPROX. 10 FT
Height:	20 FT	APPROX. 92 FT	APPROX. 55 FT
Size of Sign:	50 SQ. FT.	APPROX. 672 SQ. FT. PER FACE/ 1,344 SQ. FT. TOTAL	APPROX. 672 SQ. FT. PER FACE/ 1,344 SQ. FT. TOTAL

LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-2 General Business	Vacant/ Billboard	Local Commercial
North	Roosevelt Road and beyond Village of Glen Ellyn	Commercial	Village of Glen Ellyn
South	R-4 SF RES	Place of Assembly	
East	B-2 General Business	Vacant/ Billboard	Local Commercial
West	I-355/ROW and beyond R-4 SF RES	Transportation	

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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on January 26, 2022, recommends to approve the following zoning relief:

1. Variation to increase the overall height of the new relocated advertising sign, from the permitted 20 feet overall height (OAH) to approximately 55 feet OAH;
2. Variation to increase the sign square footage from the permitted 50 square feet to approximately 672 square feet per face (1,344 square feet total);
3. Variation to reduce the front lot line (Roosevelt Road ROW) setback of the proposed billboard sign from the permitted 15 feet setback to approximately 10 feet (front edge of the billboard sign); and
4. Conditional Use to permit the installation of a back-to-back 14' x 48' LED digital display panels (electronic message center sign) on each side of the newly re-located sign structure.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #ZONING-22-000004 (Z21-108) **Lamar Advertising** dated January 26, 2022.
2. That the Conditional Use zoning relief shall expire after fifteen (15) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. 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.
4. 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 February 15, 2022, 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:

1. Variation to increase the overall height of the new relocated advertising sign, from the permitted 20 feet overall height (OAH) to approximately 55 feet OAH;
2. Variation to increase the sign square footage from the permitted 50 square feet to approximately 672 square feet per face (1,344 square feet total);
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 - b. The structure is voluntarily removed.
3. 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.
4. 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:

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1. Variation to increase the overall height of the new relocated advertising sign, from the permitted 20 feet overall height (OAH) to approximately 55 feet OAH;
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LOTS 6, 7, AND 8 (EXCEPT THAT PART OF SAID LOTS TAKEN BY CONDEMNATION IN CASE #88ED29) IN BLOCK 5 IN GLENBARD ACRE HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 8, 1923, AS DOCUMENT 162673, IN DUPAGE COUNTY, ILLINOIS; and

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 #**ZONING-22-000004 (Z21-108) Lamar Advertising** dated January 26, 2022.
2. That the Conditional Use zoning relief shall expire after fifteen (15) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. 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.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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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; LAMAR ADVERTISING, 9900 GEORGIA STREET, CROWN POINT, IN 46307/ AGENT: SEAN PETTIT, 9900 GEORGIA STREET, CROWN POINT, IN 46307 AND PHIL LUETKEHANS, 105 EAST IRVING PARK ROAD, ITASCA, IL 60143; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 22nd day of February, 2022 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 15
NAYS 0
ABSENT 3