

**CITY OF ELMHURST**

**ORDINANCE NO. ZO - 23 - 2022**

**An Ordinance Granting a Sign Variation to the Property  
Commonly Known as 140 N. Robert Palmer Drive, Elmhurst, Illinois**

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**WHEREAS**, the City of Elmhurst has heretofore adopted an ordinance entitled “Elmhurst Zoning Ordinance” (the “Zoning Ordinance”); and

**WHEREAS**, Section 22.23, entitled "Variations," of the Zoning Ordinance sets forth the authority and standards of the granting of variations to the Zoning Ordinance; and

**WHEREAS**, Eduard Garcia of Landmark Design Group, LLC, (the “Applicant”), on behalf of the owner WF Elmhurst CC, LLC, has submitted a Variation Application for certain property legally described as follows:

LOTS 2 AND LOT 4 IN ELMHURST CITY CENTRE, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT R93-272971, IN DU PAGE COUNTY, ILLINOIS.

P.I.N.s: 06-01-131-004; 06-01-131-002

Commonly known as 140 North Robert Palmer Drive, Elmhurst, Illinois 60126 (the “Subject Property”); and

**WHEREAS**, the Subject Property, which is the subject of the application, is located within the CBC Central Business Core District, the regulations of which permit a variation from limitation of a maximum of one (1) ground sign per three hundred feet (300’) of zoning lot frontage; and

**WHEREAS**, on September 27, 2022, the Zoning Board of Appeals conducted a public hearing at the City of Elmhurst City Hall, 209 North York Street, Elmhurst, Illinois 60126, in connection with the aforesaid application, after proper notice of said hearing was duly given; and

**WHEREAS**, on September 27, 2022, after considering all the evidence and testimony presented during the public hearing, the Zoning Board of Appeals deliberated and on October 3, 2022 rendered its decision, recommending approval of the Applicant’s requested variations; and

**WHEREAS**, on October 11, 2022, the Development Planning and Zoning Committee of the City Council met to review the Zoning Board of Appeals report dated October 3, 2022, and on October 12, 2022 issued its report recommending approval of the aforesaid Variation Application; and

**WHEREAS**, all applicable requirements of Section 22.23, entitled “Variations,” of the Zoning Ordinance relating to the granting of variations have been met, including but not limited to the determinations provided in Section 22.23(e) of the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

**Section 1:** The facts and statements contained in the preamble clauses to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2:** The City Council adopts the following findings of fact:

- The plight of the owner is due to unique circumstances. *The Commission agreed that the plight of the owner is due to unique characteristics. Tenants within the City Centre walkway are not visible from nearby streets; therefore, they are limited in being able to direct patrons to their business. It was also discussed that a ground sign that lists tenant names results in less sign clutter than multiple wall signs affixed to the exterior of the walkway.*
- The variations, if granted, will not alter the essential character of the neighborhood. *The Commission agreed that granting the requested variation will not alter the essential character of the neighborhood. It was noted that there was a wooden ground sign in the immediate area that was removed during reconstruction of the sidewalk and stairs, and a ground sign that matches the building materials and colors used on the associated commercial building would fit into the characteristics of the site.*

- The property in question cannot yield a reasonable return or provide the owner or tenants a reasonable enjoyment of the property if permitted to be used only under the conditions allowed by the regulations in its zone. *The Commission agreed that the Subject Property cannot yield a reasonable return or provide the owner or tenants a reasonable enjoyment of the Subject Property if permitted to be used only under the conditions allowed by the regulations in its zone. The Commission agreed that a lack of signage puts the businesses within the walkway at a disadvantage. Furthermore, the maximum sign area for the site is not being exceeded as part of this request.*

**Section 3:** The following ground sign variation of the Zoning Ordinance is hereby granted, permitting the construction of a ground sign, subject to the condition that the variation hereby granted be in accordance with the testimony and evidence submitted to, and the recommendations of the Zoning Board of Appeals, as follows:

A variation from Paragraph 3 of Section 22.268(c), entitled “Number of Signs Permitted Per Lot,” of Section 22.268, entitled “District regulations – CBC and CBOC Districts,” of Article XI, entitled “Signs,” of the Zoning Ordinance, to permit the construction of a new ground sign within 300 feet of an existing ground sign on the same zoning lot.

**Section 4:** The City Clerk is directed to transmit a copy of this Ordinance to the Chair of the Zoning and Planning Commission, the City Planner and the Applicant.

**Section 5:** All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

**Section 6:** This Ordinance shall be in full force and effect after its passage and publication according to law.

**ADOPTED** this 7<sup>th</sup> day of November, 2022, pursuant to a roll call vote as follows:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSTENTION:** \_\_\_\_\_

**APPROVED** by me this 7<sup>th</sup> day of November, 2022.

\_\_\_\_\_  
Scott M. Levin, Mayor of the City of  
Elmhurst, DuPage and Cook Counties,  
Illinois

**ATTESTED** and filed in my office,  
this \_\_\_\_\_ day of November, 2022.

\_\_\_\_\_  
Jackie Haddad-Tamer, Clerk of the City of Elmhurst,  
DuPage and Cook Counties, Illinois

## **COUNCIL ACTION SUMMARY**

**SUBJECT:** An Ordinance Granting a Sign Variation to the Property Commonly Known as 140 N. Robert Palmer Drive, Elmhurst, Illinois

**ORIGINATOR:** City Attorney

### **DESCRIPTION OF SUBJECT MATTER:**

Pursuant to the recommendation of the Development, Planning and Zoning Committee, the City Attorney prepared an ordinance granting a sign variation to permit the installation of a ground sign within 300 feet of an existing ground sign on the same zoning lot for the property located at 140 N. Robert Palmer Drive.