



## Legislation Text

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File #: DC-O-0017-23, Version: 1

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### ORDINANCE

Zoning Petition ZONING-23-000005 Clear Channel Outdoor, LLC.

WHEREAS, a public hearing was held on February 8, 2023 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 an electronic message center sign on the south face of an existing billboard sign, on the property hereinafter described:

TRACT 16 (EXCEPT THAT PART FALLING WITHIN CONDEMNATION CASE C59-1234 FILED OCTOBER 10, 1969) IN FIRST ADDITION TO THE HILLS OF ITASCA, BEING A SUBDIVISION OF PART OF THE EAST ½ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 14, 1946 AS DOCUMENT NUMBER 493563, 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 February 8, 2023 does find as follows:

#### FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to change out the existing south static sign face to an LED/electric sign face, on a sign that has existed for at least 30 years.
- B. That petitioner testified that the existing sign face is 20' x 60' in size and is static lighted.
- C. That petitioner testified that proposed new LED sign face will be smaller than the existing sign, approximately 17' x 59' in size.
- D. That petitioner testified that the proposed sign would comply with all light standards of the County and would include light sensors to adjust with the weather and time to automatically dim the sign face.
- E. That petitioner testified that the proposed sign would have ten (10) second duration/refresh times.
- F. That petitioner testified that the existing sign is angled away from Rohlwing Road due to the sign's purpose of contacting drivers on I-355.

#### STANDARDS FOR CONDITIONAL USES:

*\*Per Section 37-1413.5*

1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional

Use 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 Conditional Use will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed LED billboard sign face will not impair the adequate supply of light and air to the adjacent properties. Furthermore, that the proposed billboard sign face will be smaller in size than the existing south billboard sign face.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed LED billboard sign face 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 static billboard sign face, 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 LED billboard sign face 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 LED billboard sign face.
  - 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 LED billboard sign face.
  - 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 replacing the existing billboard sign face with an LED sign face, that the proposed sign face will conform to all Building Codes and IDOT regulations, and therefore will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER’S DEVELOPMENT FACT SHEET

<b>GENERAL ZONING CASE INFORMATION</b>	
<b>CASE #/PETITIONER</b>	<b>ZONING-23-000005 Clear Channel Outdoor</b>
<b>ZONING REQUEST</b>	Conditional Use to allow an electronic message the south face of an existing billboard sign.
<b>OWNER</b>	ROBERT HOELTERHOFF, 105 W. CHICAGO NO 2 FL IL 60654/ AGENT: CLEAR CHANNEL OUTDOOR, LI LEGAL DEPT., 2325 EAST CAMELBACK ROAD, SU PHOENIX, AZ 85016/ BRIAN ARMSTRONG, LUETK BRADY, GARNER & ARMSTRONG, LLC., 105 E. IRV ROAD, ITASCA, IL 60143

<b>ADDRESS/LOCATION</b>		VACANT ROHLWING ROAD, ITASCA, IL 6 LOCATED SOUTHWEST OF ROHLWING R 355 (VETERANS MEMORIAL FREEWAY)	
<b>PIN</b>		02-13-412-009	
<b>TWSP./CTY. BD. DIST.</b>		BLOOMINGDALE	DISTRICT 1
<b>ZONING/LUP</b>		B-2 GENERAL BUSIN	OFFICE LOW
<b>AREA</b>		0.23 ACRES (10,019 SQ. FT.)	
<b>UTILITIES</b>		NA	
<b>PUBLICATION DATE</b>		DAILY HERALD: JANUARY 24, 2023	
<b>PUBLIC HEARING</b>		WEDNESDAY, FEBRUARY 8, 2023	
<b>ADDITIONAL INFORMATION:</b>			
Building:	No Objections.		
DUDOT:	Our office has no jurisdiction in this matter.		
Health:	Our office has no jurisdiction in this matter.		
Stormwater:	Our office has no jurisdiction in this matter.		
Public Works:	No Objections. "We have sewer and water in the general area - but this it."		
<b>EXTERNAL:</b>			
Village of Bloomingdal	<i>No Comments Received.</i>		
Village of Addison:	<i>No Comments Received.</i>		
City of Wood Dale:	<i>No Comments Received.</i>		
Village of Itasca:	Our office has no jurisdiction in this matter. "Outside the Village of Itas boundary."		
Bloomington Township	<i>No Comments Received.</i>		
Township Highway:	Our office has no jurisdiction in this matter.		
Bloomington Fire Dist	No Objections.		
Sch. Dist. 10:	<i>No Comments Received.</i>		
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the i in this notice and due to the sizable distance between the subject propert property, we do not have any specific comments. Thank you."		

**LAND USE**

Location	Zoning	Existing Use	LUP
Subject	B-2 General Business	Sign	OFFICE LOW
North	I-355 and beyond R-4 SF RES	I-355 and beyond House	Unclassified
South	B-2 General Business	Vacant	OFFICE LOW
East	Rohlwing Road and beyond R-4 SF RES	House	0-5 DU AC
West	I-355 and beyond R-4 SF RES/R-6 GEN RES	I-355 and beyond House	Unclassified

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on February 8, 2023, recommends to approve the following zoning relief:

Conditional Use to allow an electronic message center sign on the south face of an existing billboard sign.

**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-23-00005 Clear Channel Outdoor** dated February 8, 2023.
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**

WHEREAS, the County Board Development Committee on March 21, 2023, 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 an electronic message center sign on the south face of an existing billboard sign.

**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-23-00005 Clear Channel Outdoor** dated February 8, 2023.
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.

**Development Committee VOTE (to Approve): 3 Ayes, 2 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 an electronic message center sign on the south face of an existing billboard sign, on the property hereinafter described:

TRACT 16 (EXCEPT THAT PART FALLING WITHIN CONDEMNATION CASE C59-1234 FILED OCTOBER 10, 1969) IN FIRST ADDITION TO THE HILLS OF ITASCA, BEING A SUBDIVISION OF PART OF THE EAST ½ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 14, 1946 AS DOCUMENT NUMBER 493563, 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-23-00005 Clear Channel Outdoor** dated February 8, 2023.
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:
  - c. 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.
  - d. 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.

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; ROBERT HOELTERHOFF, 105 W. CHICAGO NO 2 FLR, CHICAGO, IL 60654/ AGENT: CLEAR CHANNEL OUTDOOR, LLC., ATTN: LEGAL DEPT., 2325 EAST CAMELBACK ROAD, SUITE 250, PHOENIX, AZ 85016/ BRIAN ARMSTRONG, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 105 E. IRVING PARK ROAD, ITASCA, IL 60143; and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 28th day of March 2023 at Wheaton, Illinois.

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DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

ATTEST:

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JEAN KACZMAREK, COUNTY CLERK