

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
CITY OF NAPERVILLE)

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR
A SIGN VARIANCE**

THE UNDERSIGNED Petitioner, Gerald Realty Holdings, LLC, a Delaware limited liability company (hereinafter the “Petitioner”) respectfully petitions the City of Naperville (the “City”) to: (i) grant a sign variance from Section 6-16-5:2.2 of the City’s Municipal Code (the “Sign Code”) to permit the installation of a replacement NISSAN dealership identification sign located near the easterly boundary line of the property on Ogden Avenue, commonly known as Gerald Nissan of Naperville, which is legally described on **Exhibit A** (the “Property”); and (ii) grant such other variances, departures or deviations as may be necessary to permit the installation of the sign as depicted on the sign plan and elevations attached herewith as **Exhibit B**.

In support of this Petition, the Petitioner represents to the City as follows:

1. The Petitioner and Owner of the Property is Gerald Realty Holdings, LLC, a Delaware limited liability company;
2. The Property consists of approximately eight and sixty-one hundredths (8.61) acres located at 1575 W. Ogden Avenue;
3. The Property is currently used as a new and pre-owned Nissan automobile dealership;
4. The easterly boundary of the Property along Ogden Avenue currently features a red and silver double-sided, twenty-five feet (25’) in height and nine feet, nine inch (9’- 9”) in width, “NISSAN” LED illuminated pylon sign with a sign area of two hundred forty-seven and a half

(247.6) square feet (“Existing Pylon Sign”) attached herewith as **Exhibit B-1**;

5. In accordance with the Nissan Dealer Identity Program, Nissan Corporation has updated its logo and image branding, requiring all franchise operators to update their dealership branding, which requires modifications to the existing signage plan at the Property, including the Existing Pylon Sign;

6. In accordance with the NISSAN Dealer Identity Program, the Existing Pylon Sign will be replaced (among other signs) with a new, red and metallic silver double-sided, twenty-five feet (25’) in height and seven feet, nine and three-eighth inches (7’- 9 3/8”) in width, “NISSAN” LED illuminated pylon sign with a sign area (Nissan logo square) of sixty-eight and 93/100 (68.93) square feet and maximum pylon signage of approximately one hundred ninety-six and 25/100 (196.25) square feet, to be placed in the same location as the Existing Pylon Sign (“New Pylon Sign”);

7. The Property is zoned B3 within the City of Naperville’s General Commercial District classification;

8. The surrounding uses are:

- a. North: City of Naperville – Zoning “B3”: Mercedes-Benz of Naperville automobile dealership;
- b. East: City of Naperville – Zoning “B3” Mixed use retail center anchored by Hertz Car Rental Naperville;
- c. South: City of Naperville – Zoning “B3”: Woody Buick GMC automobile dealership; and
- d. West: City of Naperville - Zoning “B3”: Vacant parking lot owned by Petitioner.

9. Code Section 6-16-5:2.2 regulates signs on properties being used for commercial

purposes, regardless of zoning; and,

10. Petitioner requests variances from Code Section 6-16-5:2.2 for approval to allow the installation of the above-mentioned New Pylon Sign and associated landscaping in connection with the Nissan Dealer Identity Program and a two (2) phase improvement project at the Property involving an investment of approximately Six Million and No/100 Dollars (\$6,000,000.00). Petitioner's request meets the requirements for a zoning variance under the Naperville Municipal Code and is appropriate based on the following:

**A VARIANCE FROM SIGN CODE SECTION 6-16-5:2.2 TO PERMIT A PYLON
GROUND SIGN WITH A SIGN AREA OF 68.93 SQUARE FEET
AND A HEIGHT OF 25 FEET**

- a. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. A stated purpose of the Sign Code is to “advance the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage, and to encourage effective communication between signs and the public.” Petitioner seeks to properly identify its automobile dealership with a sign of the same height, but smaller in width and better-quality in accordance with the NISSAN Dealer Identity Program with an updated logo familiar to the public in accordance with the purpose of the Sign Code. The installation of the New Pylon Sign concurrently improves the image of the Property to make it more aesthetically pleasing, will be consistent with the updated logo/building signage and updated look of the dealership building, as well as the properties in the surrounding area, which are predominately occupied by automobile dealerships with signs reflecting their current logos.

- b. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

Strict enforcement of the Sign Code would result in practical difficulties and impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district. Other auto dealerships surrounding the Property have had to undergo branding updates with the example of the Gerald Kia dealership re-branding at 1661 Aurora Ave. The Petitioner represents a nationally recognized automotive brand that requires a certain scale of signage for brand consistency and recognition. In the event that the City strictly enforces the Sign Code, Petitioner will be left with the Existing Pylon Sign with the outdated NISSAN logo, which will not match the signage and branding update to be undertaken by Petitioner at the Property, creating an unusual condition, lacking continuity, aesthetics and create a significant advertising disadvantage compared to surrounding dealerships along Aurora Avenue and Ogden Avenue. Furthermore, stand-alone automobile dealership signage of the approximate same height is located on the property immediately adjacent to the Property along Ogden Avenue (1585 W. Ogden Avenue) as depicted on **Exhibit C** attached hereto.

The Property operates in an area with heavy traffic and congested roads, where drivers need ample warning to safely navigate to the entrance. Additionally, several other automobile dealerships are located within this area, along with competitive landscape of other businesses and buildings. A shorter free-standing sign than what the Existing Pylon Sign currently provides in height would not provide the visibility necessary within this visually heavy area, therefore, potentially causing traffic incidents and potentially deterring customers.

c. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The essential character of the neighborhood will be enhanced and preserved by further investment into the Property. The proposed New Pylon Sign is approximately twenty-five feet

(25') in height and seven feet, nine and three-eighth inches (7'- 9 3/8") in width, a sign area of sixty-eight and 93/100 (68.93) square feet, and maximum pylon signage of approximately one hundred ninety-six and 25/100 (196.25) square feet, and will not create a detriment to adjacent properties because it is smaller than the Existing Pylon Sign. Additionally, the New Pylon Sign is similar in height to the GMC car dealership sign to the south of the Property, as mentioned above. Petitioner's intent is to improve the appearance of the Property by replacement of the Existing Pylon Sign with the New Pylon Sign and associated landscaping, which also allows for additional investment in the City and will further improve the City's real estate and sales tax revenues.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: (i) grant the sign variances from Section 6-16-5:2.2 of the Sign Code to permit the installation of above-mentioned sign located on the property at the northwest corner of Aurora Avenue and Ogden Avenue, and commonly known as Gerald NISSAN of Naperville, which is legally described on **Exhibit A**; and (ii) grant such other variances, departures or deviations as may be necessary to permit the installation of the New Pylon Sign as depicted on the signage plans and elevations attached as **Exhibit B**.

RESPECTFULLY SUBMITTED this 22nd day of April, 2024.

PETITIONER:
Gerald Realty Holdings, LLC, a
Delaware limited liability company

By: *Zachary W. Blair*
Zachary W. Blair
Attorney for Petitioner

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1:

LOT 3 IN CENTERPOINT BUSINESS PARK, BEING A SUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 10, 2003 AS DOCUMENT R2003-092726, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE PLAT OF CENTERPOINT BUSINESS PARK, AFORESAID, FOR INGRESS AND EGRESS OVER AND ACROSS THE PORTIONS OF LOT 15 AS MARKED AND IDENTIFIED AS INGRESS AND EGRESS EASEMENT.

PARCEL 3:

THE NORTH ½ OF LOT 2 OF CARPENTER'S ASSESSMENT PLAT OF PART OF THE EAST ½ OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEROF RECORDED MARCH 22, 1946 AS DOCUMENT 494064, EXCEPT THAT PART OF OGDEN AVENUE TAKEN FOR RIGHT-OF-WAY, IN DUPAGE COUNTY, ILLINOIS

Property address: 1575 W. Ogden Avenue, Naperville, Illinois 60540

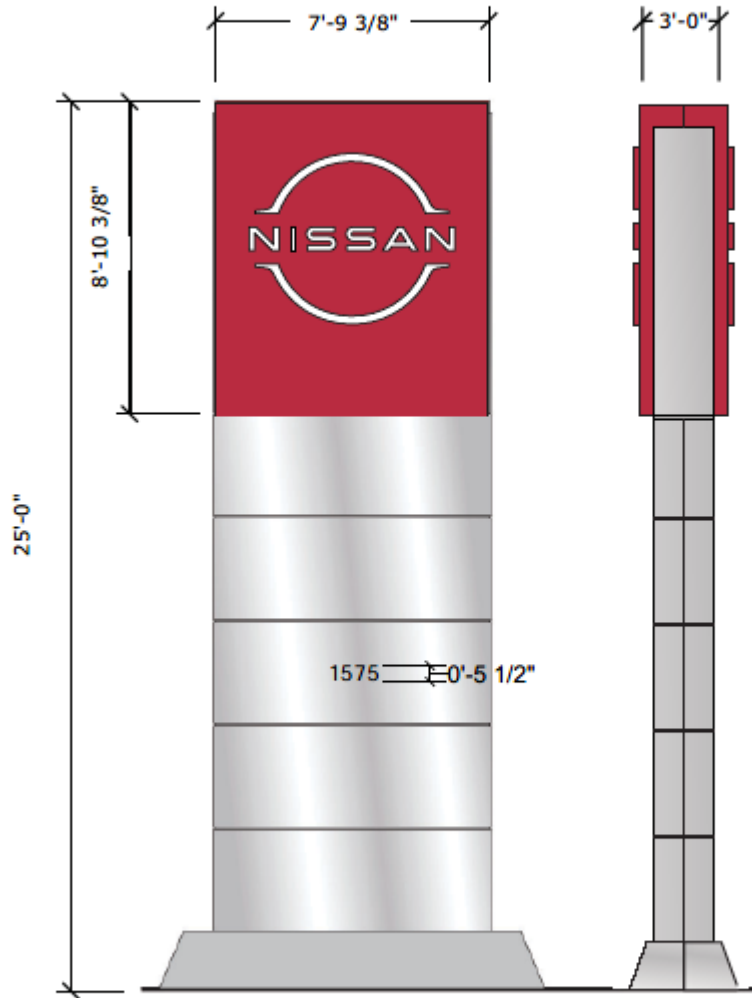
PIN: 07-22-200-027

**EXHIBIT B
SIGN PLANS AND ELEVATION FOR NEW PYLON SIGN**

**NISSAN NORTH AMERICA
Dealer Presentation Package**



2. SCHEDULE OF SIGNS



A	P69 Retro	Main Brand Pylon
	68.98 sf	Total of 1

New

Reusing existing pylon's foundation for installation

EXHIBIT B (CONT.)
SEE ATTACHED ALTA SURVEY

1 PLAN VIEW
1/4" = 1' - 0"

2 FRONT ELEVATION
1/4" = 1' - 0"

3 SIDE VIEW
1/4" = 1' - 0"

NOTES:
1.) CAULK ALL SEAMS AS REQ'D TO PREVENT LIGHT LEAK

WEIGHT:
HEAD - 1,050 LBS.
ONE LEG - 1,275 LBS.

ALL WEIGHTS INCLUDE SHIPPING STANDS.

AGI

Project Title: **NISSAN**

Date: **09.16.15**

ACI: **Bob M. SMITH**
Lead Drafter: **TLM**
Drawn By: **BMA/JGD**
Project Mgr: **A.HILL**

General Sign Specifications

Interior Exterior

Single Faced Double Faced

Non-Illuminated

Illuminated

120 Volts Amps(4-7)

Location: _____

Windload: _____

Change	Drawn By	Date	Description
1	BMA	09-16-15	ISSUED FOR PERIOD 09-16-15
2	TLM	11-02-15	ADDED NOTE AS PER DIN 23214
3	JGD	02-25-16	CORRECTED GUSSET STANDUP
4	BMA	04-03-16	ISSUED - SHIPPING STAND MOD

The document is the sole property of Architecture Graphics, Inc. and all design, manufacturing, reproduction, use and all rights regarding the same are expressly reserved. It is authorized under a non-transferable license, for a specific purpose, and the recipient, by accepting the document, agrees to indemnify and hold the licensor harmless from all claims or damages of any kind, not to be applied or reproduced in whole or in part, nor to be used in any way, without the prior written consent of the licensor. If any recipient or its agent is not a recipient of the document, the licensor shall not be responsible for any damages or claims arising from the use of the document.

Code: **09133** Type: **C**

2855 International Pkwy.
Virginia Beach, VA 23452

Sign Type: **MBS-75** PC #: **1**

EXHIBIT B-1
EXISTING PYON SIGN

**EXHIBIT C
DEPICTION OF THE SIMILARLY SIZED DEALERSHIP SIGN TO THE SOUTH**

