

**PIN: 08-06-300-014**

**ADDRESS:  
55 SHUMAN BOULEVARD  
NAPERVILLE, IL 60563**

**PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170**

**RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540**

**PZC Case #19-1-024**

**ORDINANCE NO. 19 -**

**AN ORDINANCE GRANTING A SIGNAGE VARIANCE  
FROM SECTIONS 6-16-5:2.2.2.8.2 (SIGN AREA), AND 6-16-5:2.2.2.8.3 (SIGN HEIGHT)  
OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY  
LOCATED AT 55 SHUMAN BOULEVARD (MIDWEST ORTHOPAEDICS AT RUSH)**

**WHEREAS**, IPX Metrowest Investors, LLC, 200 S. Michigan Avenue, Suite 901, Chicago, IL 60604 is the owner ("Owner") of real property located at 55 Shuman Boulevard, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, Parvin-Clauss Co, on behalf of Midwest Orthopaedics at Rush, 165 Tubeway Drive, Carol Stream, IL 60188 ("Petitioner") has petitioned the City of Naperville for approval of variances from the Naperville Municipal Code in order to install a tollway sign that exceeds permissible height and square footage allowances; and

**WHEREAS**, the Subject Property is currently zoned ORI (Office, Research and Light Industry District) and is improved with a multi-tenant office building and surface parking lot; and

**WHEREAS**, in accordance with Section 6-16-5:2.2.2.8.2 (Tollway Property Allowance/Sign Area) of the Naperville Municipal Code, tollway signage is permitted a maximum sign area of one hundred and twenty (120) square feet; and

**WHEREAS**, in accordance with Section 6-16-5:2.2.2.8.3 (Tollway Property Allowance/Height) of the Naperville Municipal Code, tollway signage is permitted to have a maximum height of twenty-five (25) feet; and

**WHEREAS**, the Petitioner has indicated that tollway signage is needed to assist Midwest Orthopaedics at Rush patients in locating the facility from the Interstate 88 corridor; and

**WHEREAS**, the Petitioner has requested approval of a variance from Sections 6-16-5:2.2.2.8.2 and 6-16-5:2.2.2.8.3 of the Naperville Municipal Code in order to allow a tollway sign that is thirty-five (35) feet in height and approximately two hundred and sixty (260) square feet in size; and

**WHEREAS**, on June 5, 2019, the Planning and Zoning Commission conducted a public hearing concerning PZC 19-1-024 and recommended denial of the Petitioner's request due to a lack of understanding of what the comprehensive sign package for the site was, and the inability to review alternative signage options; and

**WHEREAS**, following the public hearing on June 5, 2019, the petitioner worked with City of Naperville staff to provide a better understanding of signage constraints on the

property and to mitigate any perceived negative impacts the signage variances would have if approved; and

**WHEREAS**, multiple changes and clarifications were made to the proposal following the public hearing on June 5, 2019, including reducing the height of the sign from forty (40) feet to thirty-five (35) feet and constructing a ten-foot berm around the base of the sign so that the sign appears to measure twenty-five (25) feet in height to passersby as depicted on the sign elevations attached to this ordinance as **Exhibit C**; and

**WHEREAS**, the petitioner has agreed to stabilize the grading of the berm with turf grass, which will be mowed by a professional landscaping company along with the rest of the subject property; and

**WHEREAS**, the petitioner has agreed not to add any additional content to the unused portions of the sign face as depicted on the sign elevations attached to this ordinance as **Exhibit C**; and

**WHEREAS**, the owner and petitioner have agreed not seek any additional tollway signage on the subject property; and

**WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit D** attached hereto; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:**

**SECTION 1:** The foregoing recitals are incorporated as though fully set forth herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance from Section 6-16-5:2.2.2.8.2 (Tollway Property Allowance/Sign Area) of the Naperville Municipal Code to allow a tollway sign to measure approximately two hundred and sixty (260) square feet in size, as depicted on the sign elevations attached to this ordinance as **Exhibit C**, is hereby granted.

**SECTION 3:** A variance from Section 6-16-5:2.2.2.8.3 (Tollway Property Allowance/Height) of the Naperville Municipal Code to allow a tollway sign to measure thirty-five (35) feet in height, as depicted on the sign elevations attached to this ordinance as **Exhibit C**, subject to the construction of a ten-foot berm around the base of the sign as depicted on the berm details attached to this ordinance as **Exhibit E**, is hereby granted.

**SECTION 4:** These variances shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

**SECTION 5:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 6:** If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

**SECTION 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk