

**Fox River Commons  
CR Fox River LLC  
720-944 South Route 59, Naperville, Illinois 60540**

**Description of Sign Variance Request**

CR Fox River, LLC, an affiliate of Continental Realty Corporation, is the “**Applicant**” for sign variances for the property generally located at 720-944 South Route 59 in Naperville (the “**Property**”, or the “**Center**”).

The Applicant proposes to construct three monument signs for the Fox River Commons Shopping Center signs on Route 59 and Ogden Avenue frontages. The proposed signs would replace three existing monument signs depicted on Exhibit A attached hereto.

**Property and Proposed Signs**

The Property consists of the approximately 27.26 acre<sup>1</sup> site bounded by LA Fox Avenue on the north, commercial property and a residential subdivision on the east, Ogden Avenue on the south, and IL Route 59 on the west. The Property is improved with multiple retail buildings, collectively known as Fox River Commons, the configuration of which are depicted on Exhibit B (the “**Site Plan**”) attached here to. The Property is zoned as part of the B2 Planned Unit Development Community Shopping Center District (“**B2 PUD**”).

The three proposed monument signs are depicted in detail in the Sign Plans attached hereto as Exhibit C and Survey attached hereto as Exhibit D. The key components of the signs are as follows:

- **Sign A:** Monument Sign A will be located near the northwest corner of the Property, along Route 59, just south of the intersection of Route 59 and La Fox Avenue. The sign will measure approximately 24’8” in height, 10’11” in width, and 3’0” in depth. The sign’s base and exterior materials will consist of an attractive combination of Mountain View LedgeStone veneer (or similar material), brushed aluminum, and satin black/acrylic lettering. The sign’s dual faces will consist of: (i) 17 fixed LED-lit panels for current tenants; and (ii) a state of the art color LED screen capable of displaying changing messages. The fixed panels will consist of three larger “anchor tenant” panels and 14 smaller tenant panels. The Applicant intends for the three anchor tenant panels to identify Mall of India and the future tenants of Suites 704 and 705. The sign will be surrounded by attractive and resilient new landscaping consisting of Norwegian Dwarf Spruce or similar plants.
  
- **Sign B:** Monument Sign B will be located near the southeast corner of the Property at the Ogden Avenue entrance to the Center. Sign B will be identical to Sign A in terms of its dimensions, materials, landscaping, and its combination of fixed tenant

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<sup>1</sup> The overall Center consists of approximately 40-acres of site area, however, portions of the center are owned by third parties who are not party to this application. All proposed signs are located on land owned by the Applicant. Areas shaded in grey on the Site Plan are under separate ownership.

panels and an LED screen. The fixed panels will consist of three larger/anchor tenant panels and 14 smaller tenant panels. The Applicant intends for the sign's three anchor tenant panels to identify Mall of India and the future tenants of Suites 720 and 868. One of the smaller panels will identify Outback Steakhouse.

- **Sign C:** Sign C will be located along Route 59, approximately 1075 feet south of Sign A, at the Route 59 entrance to the Center. Sign C will mirror Signs A and B in terms of overall height, width, depth, base/exterior materials, and landscaping. The sign area of Sign C will not include a changing-message screen. It will instead consist of 19 fixed LED-lit panels—including five anchor tenant panels and 14 smaller tenant panels. The Applicant intends for the anchor tenant panels to identify the Mall of India and the future tenants of Suites 704, 720, 740, and 868, and for one of the small panels to identify Outback Steakhouse.

### **Requested Variances**

The following below-listed variances are sought in connection with the proposed signs (“**Requested Variances**”).

#### **Sign A Variances:**

- A variance from Section 6-16-5:2.2.2 of the Municipal Code (Monument Sign Area) to increase the allowable area for a monument sign on Route 59 from 45 SF to 194.19 SF.
- A variance from Section 6-16-5:2.2.4 of the Municipal Code (Monument Sign Height) to increase the allowable height for a monument sign on Route 59 from 10'0" to 24'8".
- A variance from Section 6-16-5:2.2.3 of the Municipal Code (Changeable Sign Area) to increase the allowable area for a changeable copy sign on Route 59 from 22.5 SF to 36.44 SF.
- A variance from Section 6-16-5:2.2.1 of the Municipal Code (Distance Between Ground Signs) to decrease the minimum allowable distance between ground signs for a sign on Route 59 from 200'0" to 177'0".

#### **Sign B Variances:**

- A variance from Section 6-16-5:2.2.2 of the Municipal Code (Monument Sign Area) to increase the allowable area for a monument sign on Ogden Avenue from 45 SF to 194.19 SF.
- A variance from Section 6-16-5:2.2.4 of the Municipal Code (Monument Sign Height) to increase the allowable height for a monument sign on Ogden Avenue from 10'0" to 24'8".

### **Sign C Variances:**

- A variance from Section 6-16-5:2.2.2 of the Municipal Code (Monument Sign Area) to increase the allowable area for a monument sign on Route 59 from 45 SF to 194.19 SF.
- A variance from Section 6-16-5:2.2.4 of the Municipal Code (Monument Sign Height) to increase the allowable height for a monument sign on Route 59 from 10'0" to 24'8".

### **Additional Variance:**

- A variance from Section 6-16-5:2.2.1 of the Municipal Code (Number of Ground Signs) to increase the maximum number of ground signs permitted along the Property's Route 59 frontage from two to three signs.

### **Narrative Analysis**

The Fox River Commons Shopping Center has long been a vibrant retail hub serving the local community. However, in recent years, the shopping center has experienced a notable decline in both traffic and tenant occupancy. Several factors have contributed to this decline, including changing consumer preferences, increased competition from online retailers, and shifts in local demographics. As a result, a number of prominent tenants have chosen to leave the shopping center, seeking better opportunities or more favorable locations.

For example, Wal-Mart closed in late 2013/early 2014. Subsequently, Sam's Club closed in early 2018. Century Tile, Bed Bath and Beyond, Office Max, and Petland all began to close their doors and wind down operations in early 2019. It is well known that the arrival of the COVID-19 global pandemic in early-2020 further exacerbated systemic challenges in retail.

The departure of key anchor stores has had a significant impact on Fox River Commons' foot traffic and overall attractiveness. Once-popular retailers, such as a major department store and a large electronics outlet, have closed their doors, creating noticeable vacancies within the main building. Furthermore, smaller tenants in the outlying buildings have also struggled to maintain profitability, leading to a growing number of empty storefronts throughout the shopping center.

To address the challenges faced by Fox River Commons, the Applicant intends to deploy a comprehensive strategy to renew and enhance the Center's profile. The following strategies are proposed to breathe new life into the shopping center:

- **Tenant Mix Enhancement:** Conduct a thorough market analysis to identify consumer trends and preferences within the local area. Use this data to attract new, high-demand tenants that align with the evolving needs of the community. Focus on introducing a mix of experiential retailers, niche boutiques, and

entertainment options to create a unique and engaging shopping experience. Specifically, the Applicant intends to target the restaurant, soft goods, entertainment and medical categories to fill existing vacancies with users that bring long-term value and enhanced energy to the center and the surrounding communities. The Applicant strongly believes there is demand for retail space in and, utilizing its strong broker and tenant relationships, the Applicant intends to significantly enhance the tenant mix at the Property.

- **Building Renovation:** Upgrade the physical appearance of Fox River Commons to improve its aesthetic appeal, including upgrading signage, lighting (LED upgrades for existing light poles), asphalt resurfacing to create a more inviting atmosphere and roof replacements to ensure structural integrity.
- **Community Engagement:** Foster stronger ties with the local community by hosting events, collaborating with nearby organizations, and supporting local initiatives. By positioning Fox River Commons as a community-focused destination, it can regain its status as a gathering place and attract more visitors.
- **Marketing and Promotion:** Implement a comprehensive marketing and advertising campaign to rebrand and reintroduce Fox River Commons to the community. Leverage digital platforms, social media, and traditional marketing channels to increase awareness and generate excitement about the shopping center's revitalization efforts.

In furtherance of and critical to the foregoing effort is the Applicant's proposal to erect three attractive monument signs at the Center. The proposed signage supports the plan to attract new tenants and customers in the following ways:

1. **Enhanced Visibility:** The larger monument signs will have a greater visual impact and can be easily seen from a distance. By increasing the size and attractiveness of the signs, they become eye-catching focal points that draw attention to the shopping center. This heightened visibility helps in creating awareness and generating interest among potential tenants and customers who may not have been aware of the offerings at Fox River Commons.
2. **Effective Branding:** The new monument signs can incorporate a refreshed branding strategy, including the use of modern typography, colors, and imagery. This consistent branding across the signage creates a cohesive and memorable identity for the shopping center. It helps in reinforcing the image of Fox River Commons as a contemporary and appealing destination, thereby attracting new tenants who align with this vision and appealing to customers seeking an elevated shopping experience.
3. **Wayfinding and Directional Assistance:** The larger monument signs can provide clear and prominent directional information, guiding both tenants and customers to specific locations within the shopping center. This improved wayfinding helps

visitors navigate the complex more easily, reducing frustration and enhancing their overall shopping experience. The convenience and ease of finding desired stores or services within Fox River Commons can positively influence tenant satisfaction and encourage customers to stay longer, explore more, and return in the future.

4. **Increased Curbside Appeal:** By making the monument signs more attractive, they contribute to the overall aesthetic appeal of the shopping center. Well-designed signs with visually appealing elements such as landscaping, lighting, and quality materials create an inviting atmosphere. This enhanced curbside appeal not only attracts new tenants who value a visually appealing environment for their businesses but also entices customers to explore the shopping center, increasing foot traffic and potential sales for existing and new tenants alike.
5. **Marketing and Promotion:** The new monument signs can serve as effective marketing tools. With their increased visibility and attractive design, they can feature advertisements, upcoming events, or special offers. This direct exposure to passersby and potential customers helps in building awareness and driving foot traffic to the shopping center. By strategically utilizing the signs for targeted marketing campaigns, Fox River Commons can effectively communicate its revitalization efforts and showcase the new tenant mix, thereby attracting a broader customer base and increasing business opportunities for all tenants.

The Center suffers from a competitive disadvantage relative to similarly situated retail centers that have larger, more modern and visible signage. Because signage at Fox River Commons is smaller and potentially less visually appealing or impactful compared to other shopping centers in the area, such limited visibility makes it difficult for potential customers and tenants to notice and recognize the shopping center. As a result, it fails to stand out amongst competitors, impacting its ability to attract new customers and tenants. Larger signs in other shopping centers provide a significant advantage in terms of attracting attention and generating interest. These signs act as landmarks that catch the eye of passersby, potentially drawing them towards the center. In contrast, Fox River Commons' smaller signs may not capture the same level of attention, leading to missed opportunities to engage with potential customers and tenants.

In comparison to shopping centers with larger signs, Fox River Commons may appear outdated or less appealing to potential customers and tenants. The size and design of signage contribute to the overall aesthetic appeal and create an impression of modernity and attractiveness. If the existing signs are smaller or less visually appealing, this may create the impression that the shopping center is not keeping up with current trends or lacks investment in its overall appearance. Further, shopping centers with larger signs tend to benefit from higher brand awareness and recognition. The visibility and prominence of these signs make them more memorable, allowing potential customers and tenants to easily recall the shopping center's name and associated offerings. In contrast, the smaller signs at Fox River Commons may result in lower brand awareness, making it more challenging to establish a strong presence in the market and attract new customers and tenants.

Finally, other shopping centers in the area that already have larger signs may attract a larger customer base and have a more diverse tenant mix. This competitive advantage can lead to higher foot traffic, increased sales, and a broader range of shopping options. Fox River Commons, with its smaller signs, may struggle to compete with these more visible and attractive alternatives, further exacerbating the decline in foot traffic and tenant occupancy.

In conclusion, the smaller and less visually appealing signs at Fox River Commons Shopping Center put it at a disadvantage compared to other similarly situated shopping centers that already have larger signs. The limited visibility, missed opportunities, perception of outdated-ness, lower brand awareness, and competitive disadvantage all contribute to the challenges faced by Fox River Commons in attracting new customers and tenants. Addressing this disadvantage by replacing the current signage with the proposed larger and more attractive monument signs can help level the playing field, increase visibility, enhance the shopping center's appeal to both customers and potential tenants, and contribute to the long term success of the Center.

## Responses to Variance Standards

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

The requested sign variances are in harmony with the general purpose and intent of the Naperville zoning ordinance by fulfilling the objectives identified in Section 6-1-2 of the ordinance. The requested variances advance the following objectives of the code:

Lessening Congestion: By granting the sign variances, Fox River Commons can improve its visibility, making it easier for customers to locate and access the shopping center. This can help reduce congestion on public streets as customers can efficiently find the desired stores within the shopping center, minimizing the need for excessive searching or driving around.

Avoiding Undue Concentration of Population: The sign variances support a balanced distribution of commercial activity by attracting new tenants to Fox River Commons. This can prevent undue concentration of businesses in other areas, promoting a more diversified and distributed commercial landscape across the city.

Preventing Overcrowding and Blight: The revitalization efforts facilitated by the requested sign variances contribute to preventing the development of blight and slums. By attracting new tenants and customers, the shopping center can ensure proper maintenance, avoid the deterioration of buildings, and create a vibrant and well-maintained commercial space.

Providing Light, Air, and Open Spaces: The sign variances do not directly impact the provision of light, air, and open spaces. However, by revitalizing Fox River Commons, the proposed signs can lead to the improvement and maintenance of the shopping center's physical environment, creating a more pleasant and inviting space for tenants, customers, and the general public.

Conserving Building Value and Encouraging Appropriate Land Use: Granting the sign variances enables the shopping center to revitalize and adapt to the changing retail landscape, thus conserving the value of existing buildings. It also encourages the appropriate use of land by attracting a mix of tenants that align with the zoning and the surrounding commercial context.

Protecting Areas from Incompatible Uses: The sign variances, while not directly related to incompatible uses, contribute to the protection of the shopping center from decline and disinvestment. This, in turn, helps maintain the area's integrity and ensures that land allocated to commercial use remains appropriate and does not become susceptible to incompatible uses.

Preventing Non-compliant Additions or Remodeling: The sign variances do not involve additions, alterations, or remodeling of existing buildings or structures that would not comply with the restrictions of the zoning ordinance. They specifically pertain to signage improvements to enhance the visibility and revitalization of the shopping center.

Rational Relationship Between Uses: The requested sign variances support a rational pattern of relationship between business and commercial uses by attracting new tenants and customers to Fox River Commons. This creates a symbiotic relationship that benefits both the shopping center and the surrounding businesses and enhances the overall commercial landscape.

Controlling Nuisance-Producing Uses: The sign variances do not directly address controlling nuisance-producing uses. However, by revitalizing the shopping center, the proposed signs can help mitigate any existing nuisance factors associated with the decline of the center, such as vacancy and lack of maintenance.

The requested sign variances are also consistent with the purposes and intents of the Naperville Land Use Master Plan adopted in 2022 (the “**Plan**”) in that the Plan acknowledges that Naperville had a 7% vacancy rate in its retail market as of 2019, slightly above the preferred standard of 5%. By obtaining the sign variances, Fox River Commons Shopping Center can improve its visibility and attractiveness, making it more appealing to potential tenants. This revitalization effort aligns with the Plan's goal of monitoring and responding to the long-term needs of retail users, as it addresses the issue of retail vacancy in the city.

The requested sign variances support the promotion of retail growth by enhancing the visibility of Fox River Commons Shopping Center. Increased visibility can attract more customers and encourage retail businesses to establish or expand their presence in the shopping center, contributing to the overall retail growth of the city.

By granting the sign variances, the City can help Fox River Commons recover and improve its competitiveness within the retail market. The enhanced visibility provided by larger signs can help the shopping center attract more tenants, increase foot traffic, and create a more vibrant retail environment. This supports the Plan's intent to maintain Naperville's market competitiveness and further strengthen its position as a retail destination.

The Naperville Land Use Master Plan emphasizes the city's commitment to monitor and respond to the potential long-term needs of retail users. By granting the sign variances, the City can demonstrate its responsiveness to the specific needs of Fox River Commons Shopping Center. The revitalization efforts facilitated by the variances align with the Plan's recognition of the importance of adapting to changing retail dynamics and providing the necessary support for retail businesses to thrive.

The Plan acknowledges the need for updating zoning codes and policies, particularly the planned unit development (PUD) regulations, to better accommodate retail



developments. The requested sign variances demonstrate a proactive approach in aligning with this objective. They recognize that larger and more attractive signage can be a crucial factor in attracting customers and tenants to the shopping center. By granting the variances, the City is effectively updating its policies to reflect the changing needs and dynamics of the retail sector.

In conclusion, the requested sign variances at Fox River Commons Shopping Center are consistent with the purposes and intents of the Naperville Land Use Master Plan adopted in 2022. They address the issue of retail vacancy, promote retail growth, support market competitiveness, and demonstrate the City's commitment to monitoring and responding to the long-term needs of retail users. By improving visibility and revitalizing the shopping center, the variances align with the Plan's goals and contributes to the overall retail vitality and success of Naperville.

**2. Strict enforcement of the zoning ordinance 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.**

Without the requested sign variances, practical difficulties and exceptional hardships would result due to special and unusual conditions not generally found on other properties in the same zoning district as the subject Property.

Fox River Commons Shopping Center exhibits unique circumstances or conditions that differentiate it from other properties within the same zoning district. These conditions include the ongoing decline in tenant occupancy, the departure of key anchor stores, and the resulting need to revitalize the shopping center to ensure its long-term viability. These conditions are not common or typical for all properties in B2 PUD zoning district.

Strict enforcement of the zoning ordinance, which limits the size or design of signage, would pose practical difficulties for Fox River Commons in attracting new tenants and customers. Given the challenging retail environment and increased competition, the shopping center requires a greater visual presence to effectively compete and attract attention. Without the requested sign variance, it would be challenging to overcome the practical difficulties of limited visibility and the inability to adequately promote the revitalization efforts.

The absence of larger and more attractive signage due to strict adherence to the zoning ordinance would impose exceptional hardships on Fox River Commons. The decline in tenant occupancy and foot traffic, coupled with the departure of key anchor stores, presents significant challenges for the shopping center's viability and future success. The requested sign variances represent an opportunity to overcome these exceptional hardships by improving visibility, attracting new tenants, and generating increased customer interest and engagement.

Fox River Commons' size, layout, and location within the zoning district also contribute to the special and unusual conditions that warrant the requested sign variance. The specific

configuration of the shopping center, such as its large main buildings and outlying buildings, may require larger signage to effectively communicate the presence of different stores and services. The need for exceptional signage to overcome these unique property considerations further justifies the requested variance.

In conclusion, the requested sign variances at Fox River Commons Shopping Center if granted would alleviate practical difficulties and exceptional hardships resulting from to special and unusual conditions not generally found on other properties in the same zoning district. The unique circumstances of the shopping center, including the decline in tenant occupancy, the need for revitalization, and the specific property considerations, justify the variances as a means to overcome these challenges and ensure the long-term success and viability of Fox River Commons.

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

The requested sign variances align with this standard for granting a zoning variance, as the variances will not alter the essential character of the neighborhood and will not be a detriment to adjacent property in any regard.

Fox River Commons Shopping Center is located in a predominantly commercial area, where signage is a common and essential aspect of businesses. The requested sign variances are consistent with the current use of the property and the surrounding commercial uses. They acknowledge the need to adapt to the competitive retail environment and aligns with the expectations for commercial properties in the area.

By adding enhanced signage through the requested variances, Fox River Commons aims to bring new life and activity to the commercial area. This revitalization effort will benefit the neighborhood by attracting new tenants and customers, generating increased foot traffic, and potentially boosting economic activity in the vicinity. The enhanced visibility of the shopping center will contribute to the overall appeal and vitality of the area.

The requested sign variances, if granted, will not alter the essential character of the neighborhood. Signage is a common and expected feature of commercial areas, and by aligning with the prevailing norms, the variances will not introduce any substantial changes that would significantly deviate from the existing character of the neighborhood. The focus is on improving the existing shopping center rather than fundamentally altering its purpose or appearance.

The revitalization of Fox River Commons through the requested sign variances is expected to have a positive impact on adjacent properties. The increased visibility and attractiveness of the shopping center can create a spillover effect, potentially driving more customers to nearby businesses. This increased foot traffic can benefit adjacent property owners by enhancing their exposure and potentially leading to increased business opportunities for them as well.

In conclusion, the requested sign variances at Fox River Commons Shopping Center align with the standard for granting a zoning variance. The requested relief will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. The property's location in a commercial area, the consistency with current and surrounding uses, the potential for bringing new life and activity to the area, and the minimal impact on the neighborhood's character all support the argument that the requested variances will be beneficial to the area and its stakeholders.

**Exhibit A**  
**Existing Monument Signs**



**Sign A**



**Sign B**

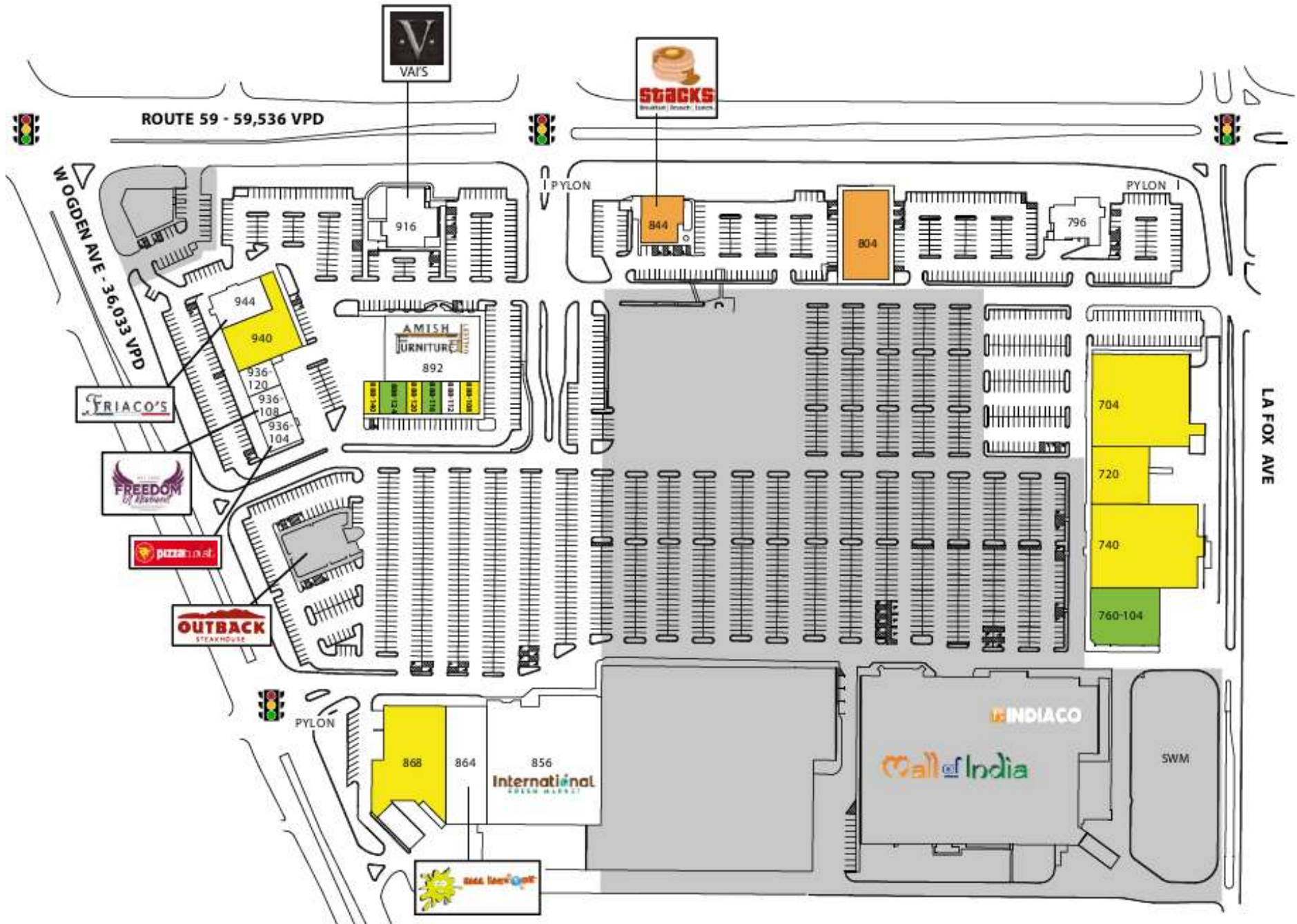


**Sign C**



# Exhibit B

## Fox River Commons Site Plan



**Exhibit C**

**Sign Plans**



**PROJECT:**



704-944 Illinois Rte. 59  
Naperville, IL 60540

**CUSTOMER APPROVAL:**  
DATE

AUTHORIZED SIGNATURE

REPRESENTATIVE  
Lisa Staszak / LS

DRAWN BY  
Bill Goodwyn

DATE  
3.8.23

SCALE

SHEET NO.  
1 of 6

ESTIMATE / JOB NUMBER  
11733

FILE NAME  
CRC11733

**REVISIONS:**

1	3.29.23
2	4.18.23
3	5.2.23
4	5.25.23
5	6.14.23 - location A
6	
7	
8	

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

SIGN A

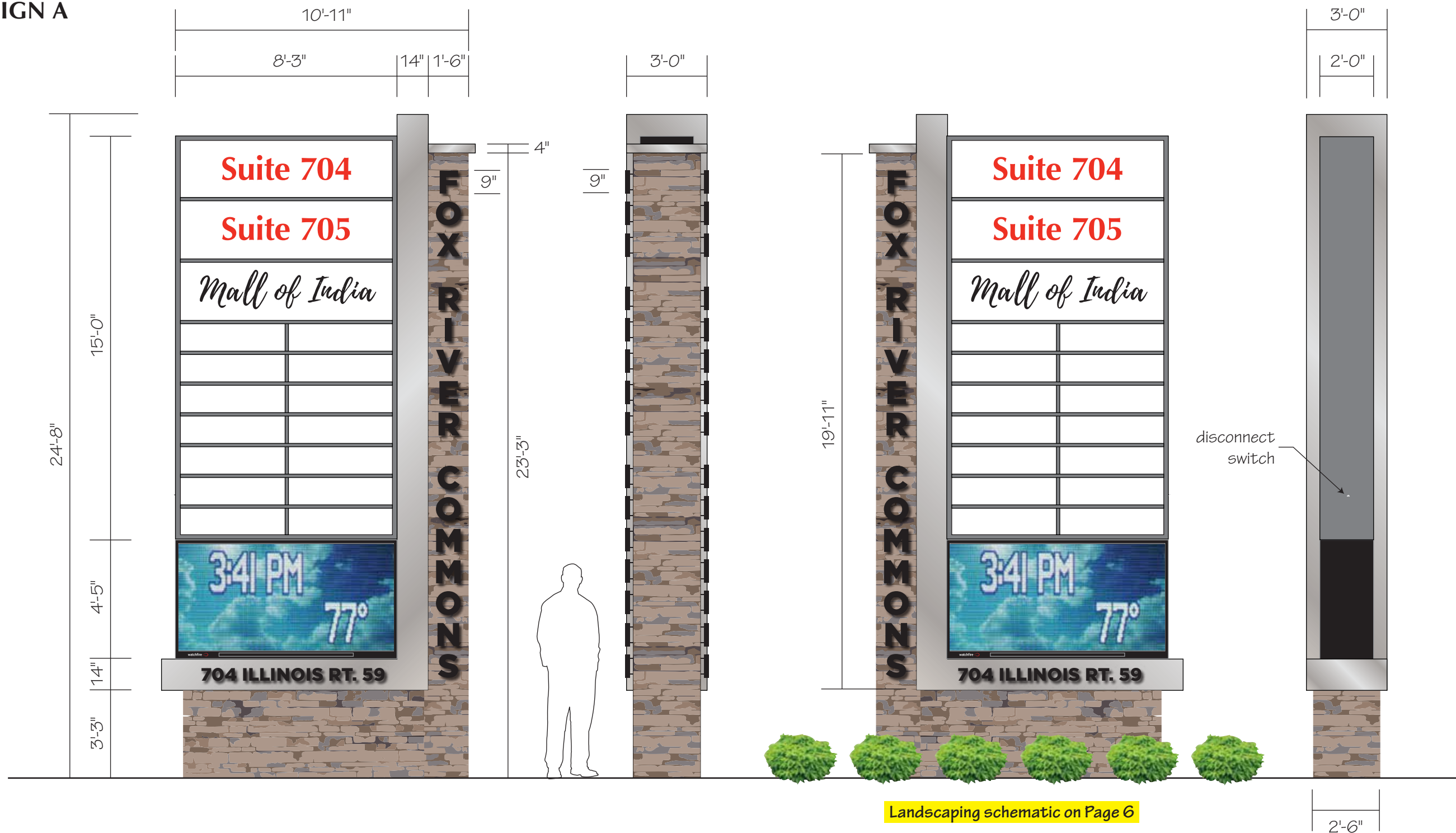
SIGN C

SIGN B





**SIGN A**



**(1) 24'-8" x 10'-8" x 3'-0" Deep Double Face LED-illuminated Tenant Monument**

**EMC:** double face 4'-5" tall x 8'-3" wide (4'-0" x 8'-0" viewable) 10mm (30 x 180 matrix) full-color Watchfire EMC with lifetime broadband communication

**Tenant cabinet:** fabricated aluminum painted PMS 439 C Grey, satin finish, tenant panels are 3/16" White acrylic w/ graphics to be determined (background will be opaque, graphics will illuminate)

**Illumination:** White LED modules and low-voltage power supplies

**L cabinet:** fabricated aluminum painted MP 413425P Brushed Aluminum, satin finish, w/ 1/2" thick Satin Black FCO acrylic

**Power:** (2) 20Amp @ 120Volt electrical circuits run to site by others

**Base and pier:** reinforced CMU block core w/ Mountain View Stone Rustic LedgeStone veneer (or similar) applied, aluminum cap painted MP 413425P Brushed Aluminum, satin finish

**Fox River Commons:** 1" thick FCO acrylic, painted Satin Black, 1" projection stud-mount on satin aluminum spacers

**Mounting:** (2) 8" x 8" x .31 square steel tubes set in 3'-0" diameter x 8'-9" deep concrete footings

**Landscaping:** (16) Norwegian Dwarf Spruces (approx. 3'-0" x 3'-0" x 3'-0" mature) in a 13'-6" x 20'-0" natural cypress mulch bed (269 SF per code)

Landscaping schematic on Page 6

**Parvin-Clauss**  
SIGN COMPANY

Design • Fabrication • Installation • Maintenance

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Tel/630-510-2020 • Fax/630-510-2074  
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www.parvinclauss.com

**PROJECT:**



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REPRESENTATIVE

Lisa Staszak / LS

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Bill Goodwyn

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1/4" = 1'

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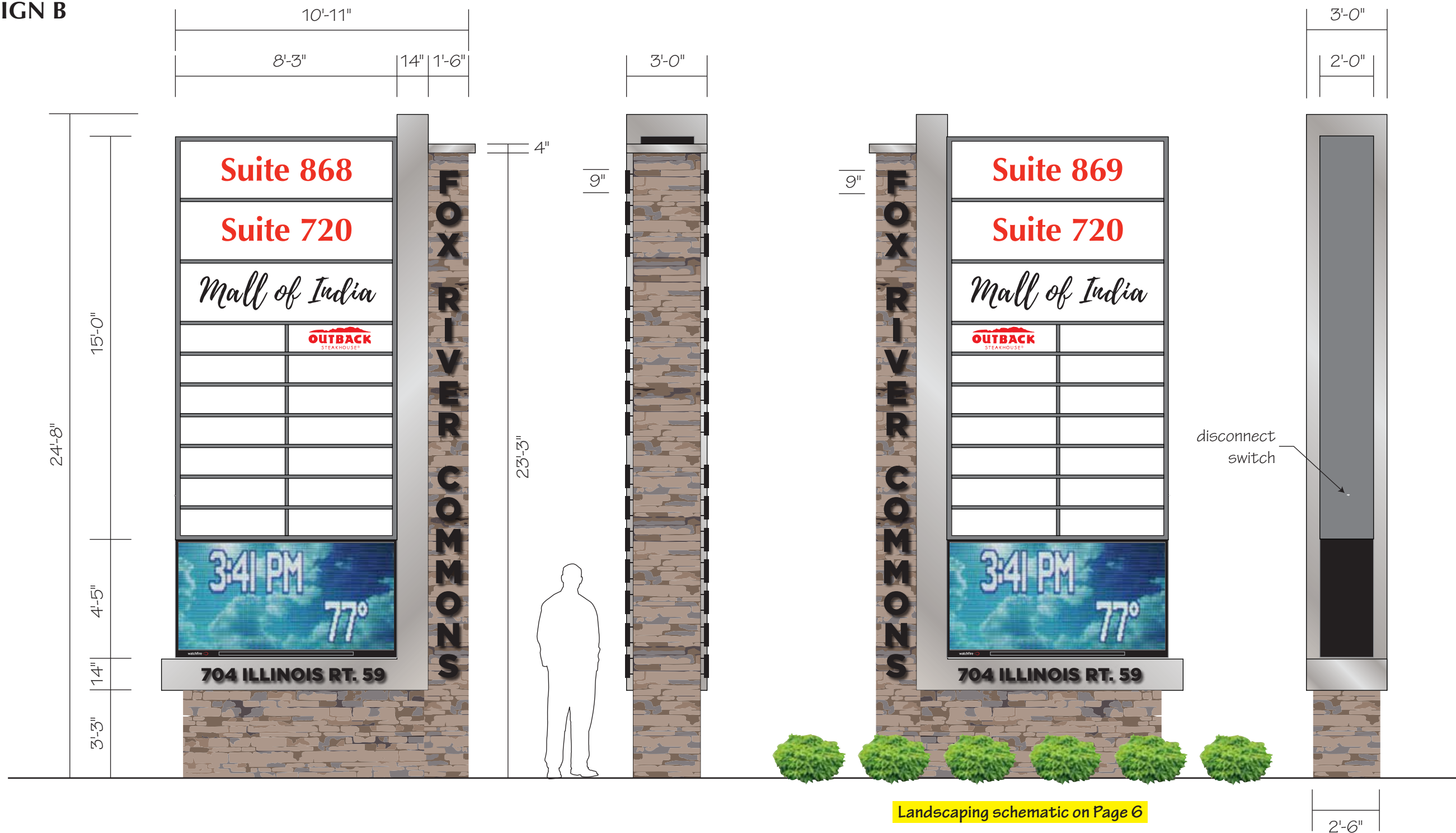
This sign is built to UL Standards for operation in North America.

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**SIGN B**



**(1) 24'-8" x 10'-8" x 3'-0" Deep Double Face LED-illuminated Tenant Monument**

**EMC:** double face 4'-5" tall x 8'-3" wide (4'-0" x 8'-0" viewable) 10mm (30 x 180 matrix) full-color Watchfire EMC with lifetime broadband communication

**Tenant cabinet:** fabricated aluminum painted PMS 439 C Grey, satin finish, tenant panels are 3/16" White acrylic w/ graphics to be determined (background will be opaque, graphics will illuminate)

**Illumination:** White LED modules and low-voltage power supplies

**L cabinet:** fabricated aluminum painted MP 413425P Brushed Aluminum, satin finish, w/ 1/2" thick Satin Black FCO acrylic

**Power:** (2) 20Amp @ 120Volt electrical circuits run to site by others

**Base and pier:** reinforced CMU block core w/ Mountain View Stone Rustic LedgeStone veneer (or similar) applied, aluminum cap painted MP 413425P Brushed Aluminum, satin finish

**Fox River Commons:** 1" thick FCO acrylic, painted Satin Black, 1" projection stud-mount on satin aluminum spacers

**Mounting:** (2) 8" x 8" x .31 square steel tubes set in 3'-0" diameter x 8'-9" deep concrete footings

**Landscaping:** (16) Norwegian Dwarf Spruces (approx. 3'-0" x 3'-0" x 3'-0" mature) in a 13'-6" x 20'-0" natural cypress mulch bed (269 SF per code)

**Parvin-Clauss**  
SIGN COMPANY

Design • Fabrication • Installation • Maintenance

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Tel/630-510-2020 • Fax/630-510-2074  
e-mail/signs@parvinclauss.com  
www.parvinclauss.com

**PROJECT:**



704-944 Illinois Rte. 59  
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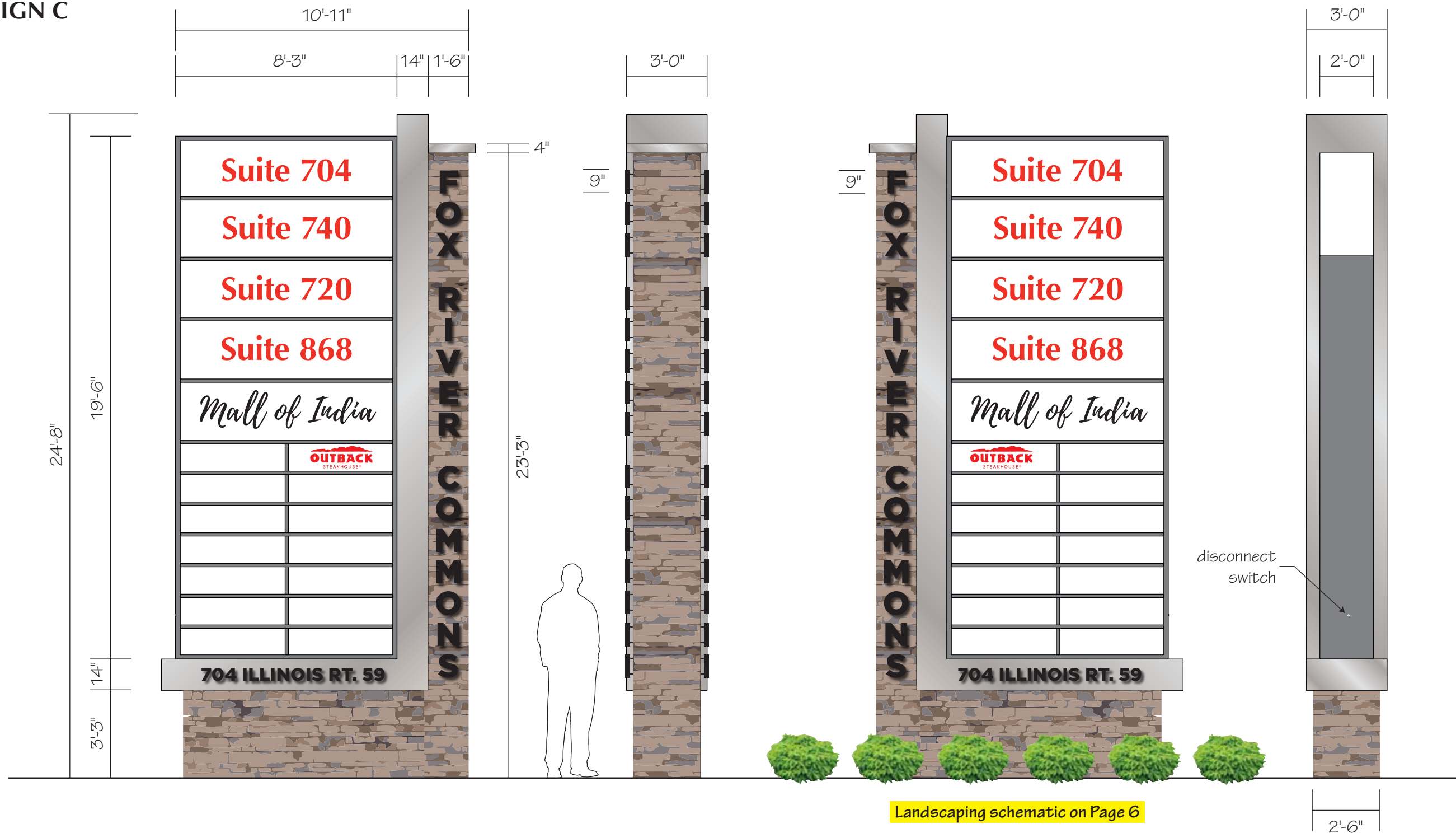


This sign is built to UL Standards for operation in North America.

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**SIGN C**



Landscaping schematic on Page 6

**(1) 24'-8" x 10'-8" x 3'-0" Deep Double Face LED-illuminated Tenant Monument**

- Tenant cabinet:** fabricated aluminum painted PMS 439 C Grey, satin finish, tenant panels are 3/16" White acrylic w/ graphics to be determined (background will be opaque, graphics will illuminate)
- Illumination:** White LED modules and low-voltage power supplies
- L cabinet:** fabricated aluminum painted MP 41342SP Brushed Aluminum, satin finish, w/ 1/2" thick Satin Black FCO acrylic
- Power:** (2) 20Amp @ 120Volt electrical circuits run to site by others
- Base and pier:** reinforced CMU block core w/ Mountain View Stone Rustic LedgeStone veneer (or similar) applied, aluminum cap painted MP 41342SP Brushed Aluminum, satin finish
- Fox River Commons:** 1" thick FCO acrylic, painted Satin Black, 1" projection stud-mount on satin aluminum spacers
- Mounting:** (2) 8" x 8" x .31 square steel tubes set in 3'-0" diameter x 8'-9" deep concrete footings
- Landscaping:** (16) Norwegian Dwarf Spruces (approx. 3'-0" x 3'-0" x 3'-0" mature) in a 13'-6" x 20'-0" natural cypress mulch bed (269 SF per code)

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SIGN COMPANY

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e-mail/signs@parvinclauss.com  
www.parvinclauss.com

**PROJECT:**



704-944 Illinois Rte. 59  
Naperville, IL 60540

**CUSTOMER APPROVAL:**  
DATE

AUTHORIZED SIGNATURE

REPRESENTATIVE  
Lisa Staszak / LS

DRAWN BY  
Bill Goodwyn

DATE  
3.8.23

SCALE  
1/4" = 1'

SHEET NO.  
4 of 6

ESTIMATE / JOB NUMBER  
11733

FILE NAME  
CRC11733

**REVISIONS:**

1	3.29.23
2	4.18.23
3	5.2.23
4	5.25.23
5	6.14.23
6	
7	
8	

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



This sign is built to UL Standards for operation in North America.

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**PROJECT:**



704-944 Illinois Rte. 59  
Naperville, IL 60540

**CUSTOMER APPROVAL:**

DATE

AUTHORIZED SIGNATURE

REPRESENTATIVE

Lisa Staszak / LS

DRAWN BY

Bill Goodwyn

DATE

3.8.23

SCALE

1/4" = 1'

SHEET NO.

5 of 6

ESTIMATE / JOB NUMBER

11733

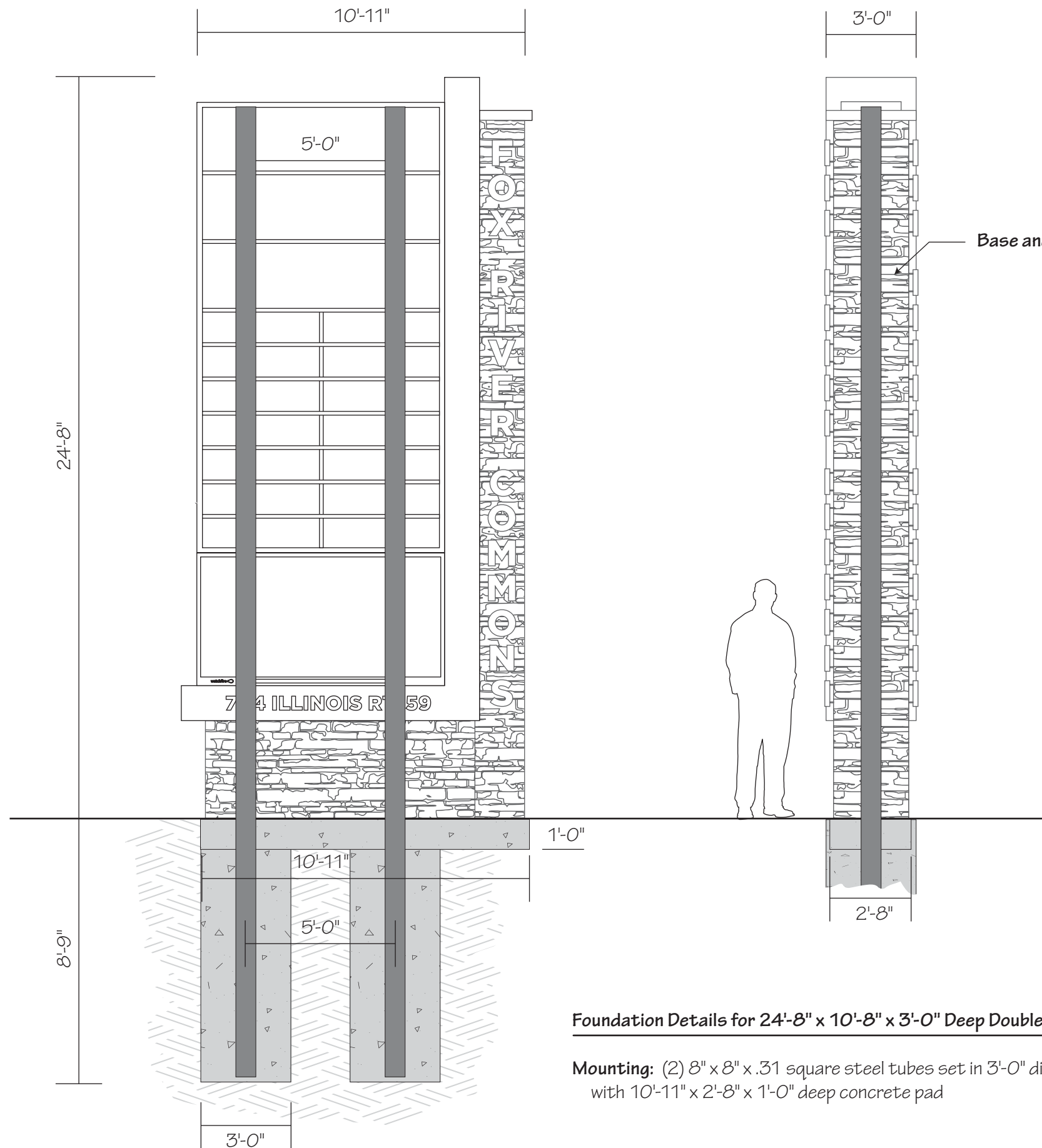
FILE NAME

CRC11733

**REVISIONS:**

1	3.29.23
2	4.18.23
3	5.2.23
4	5.25.23
5	6.14.23
6	
7	
8	

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



Base and pier: reinforced CMU block core w/ Mountain View Stone Rustic Ledge stone veneer (or similar) applied

**Foundation Details for 24'-8" x 10'-8" x 3'-0" Deep Double Face LED-illuminated Tenant Monuments (Typ.)**

**Mounting:** (2) 8" x 8" x .31 square steel tubes set in 3'-0" diameter x 8'-9" deep concrete footings, with 10'-11" x 2'-8" x 1'-0" deep concrete pad





**PROJECT:**



704-944 Illinois Rte. 59  
Naperville, IL 60540

**CUSTOMER APPROVAL:**  
DATE

AUTHORIZED SIGNATURE

REPRESENTATIVE  
Lisa Staszak / LS

DRAWN BY  
Bill Goodwyn

DATE  
3.8.23

SCALE  
1/4" = 1'

SHEET NO.  
6 of 6

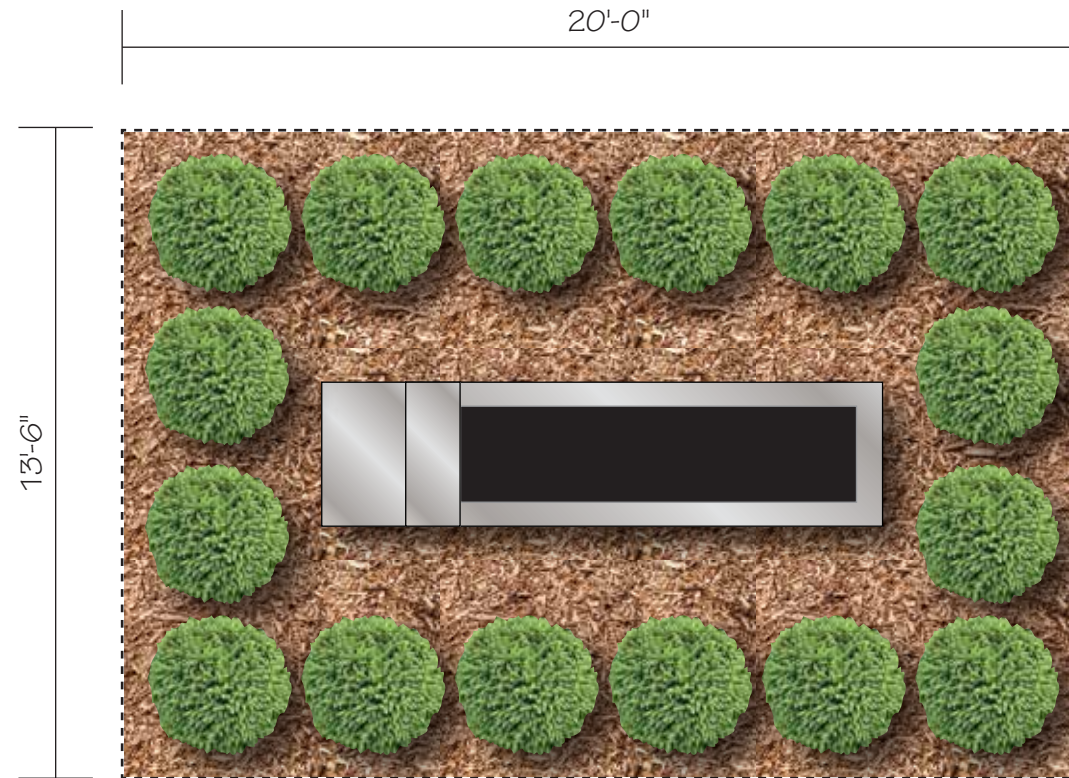
ESTIMATE / JOB NUMBER  
11733

FILE NAME  
CRC11733

**REVISIONS:**

- 1 3.29.23
- 2 4.18.23
- 3 5.2.23
- 4 5.25.23
- 5 6.14.23
- 6
- 7
- 8

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**Landscaping for (3) 24'-8" x 10'-8" x 3'-0" Deep Double Face LED-illuminated Tenant Monuments**

**Landscaping:** (16) Norwegian Dwarf Spruces (approx. 3'-0" x 3'-0" x 3'-0" mature) in a 13'-6" x 20'-0" natural cypress mulch bed (269 SF per code)



**Exhibit D**

**Survey**



Commercial Real Estate  
Due Diligence Management  
3465 South Arlington Rd Suite E#183  
Akron, OH 44312  
866.290.8121  
www.amnational.net

### ALTA/NSPS Land Title Survey

### COOK COUNTY SURVEYS

FOX RIVER COMMONS  
704-944 ILLINOIS ROUTE 59  
NAPERVILLE, IL 60563  
COUNTY OF DUPAGE

#### Surveyor's Certification

TO: AMERICAN NATIONAL INSURANCE COMPANY, A TEXAS INSURANCE COMPANY, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR ON FOX RIVER, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY; CRT CHICAGO PORTFOLIO ACQUISITION, LLC, A DELAWARE LIMITED LIABILITY COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 9, 11a, 13, 14, 16, 17, AND 19 OF TABLE A PERTAINING TO THE FIELD WORK WAS COMPLETED ON APRIL 26, 2022.



James L. Harpole, PLS  
Illinois Professional Land Surveyor No. 035-4046  
Expires: 11-30-2024  
Date of Survey: 08/09/2022  
Date of Last Revision: 08/18/2022  
Network Reference #20220300-4

SURVEYED BY:  
JULIE LAND  
SURVEYING, INC.  
910 GENOVA STREET  
SHOREWOOD, IL 60404  
815.729.4500  
jland@survey.com



Sheet 1 of 4

### Legal Description

#### PARCEL 1:

LOT 1 IN FOX RIVER COMMONS ASSESSMENT PLAT NO. TWO, BEING AN ASSESSMENT PLAT IN PART OF THE SOUTHWEST QUARTER OF SECTION 22 AND PART OF THE NORTHWEST QUARTER OF SECTION 27, ALL IN TOWNSHIP 36 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED DECEMBER 11, 1996 AS DOCUMENT R96-198444, IN DU PAGE COUNTY, ILLINOIS.

#### PARCEL 2:

NON-EXCLUSIVE EASEMENT(S) FOR THE BENEFIT OF PARCEL 1 FOR ROADWAYS, WALKWAYS, INGRESS AND EGRESS, PARKING OF MOTOR VEHICLES, AND LOADING AND UNLOADING OF COMMERCIAL AND OTHER VEHICLES AS SET FORTH IN EASEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING LAND RECORDED MAY 16, 1989 AS DOCUMENT R89-057392.

#### PARCEL 3:

NON-EXCLUSIVE EASEMENT(S) FOR THE BENEFIT OF PARCEL 1 FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AS SET FORTH AND DEFINED IN EASEMENT AGREEMENT DATED AUGUST 30, 1990 AND RECORDED NOVEMBER 14, 1990 AS DOCUMENT R90-155704.

ABOVE LEGAL DESCRIPTION IS THE PROPERTY DESCRIPTION IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NUMBER NCS-1114082-CH2, BEARING AN EFFECTIVE DATE OF JULY 28, 2022.

### Legend of Symbols & Abbreviations

UTILITY POLE	MANHOLE	P.O.C. POINT OF COMMENCEMENT
TRANSFORMER	STORM STRUCTURE (CLOSED)	P.S.B. POINT OF BEGINNING
UTILITY STRUCTURE	STORM STRUCTURE (OPEN)	SEWER
TRAFFIC SIGNAL	CURB INLET	FEED INLET
SOAK WALK	VALVE VAULT	WALK/DECKING
SEA WALK	FLARED END SECTION	SF. SQUARE FEET
SEA WALK	NEW LINE	PREC. RECORD REARM/RESTRICTION
ELECTRIC METER	—T— TELEPHONE/CATV LINE	TOP OF FINISHED FLOOR
GAS METER	—G— GAS LINE	TOP OF FINISH
LINE MOUNT	—E— ELECTRIC LINE	ALL PUBLIC UTILITY CASHEM
AUTO SPRINKLER	CHIM- OVERHEAD BRICK	P.A.G. PUBLIC UTILITY CASHEM
WATERING WELL	—STM— STORM SEWER	D.E. DRAINAGE EASEMENT
GROUND LIGHT	—SM— SANITARY SEWER	I. IAC LIGHT
ROLLING	—X— CHAIN LINK FENCE	R. RADIUS LENGTH
B-B BOX	—D— STORAGE FORCE	G.O. GROUND LENGTH
SEA	—L— LEAD PAUL	D.D. DRIVE DRIVE
FLAT POLE	CONCRETE SURFACE	COMPOSITE METAL PIPE

### Zoning Notes

ZONING INFORMATION	DATE	STATUS
...	...	...

### Significant Observations

THERE ARE NONE

### Vicinity Map



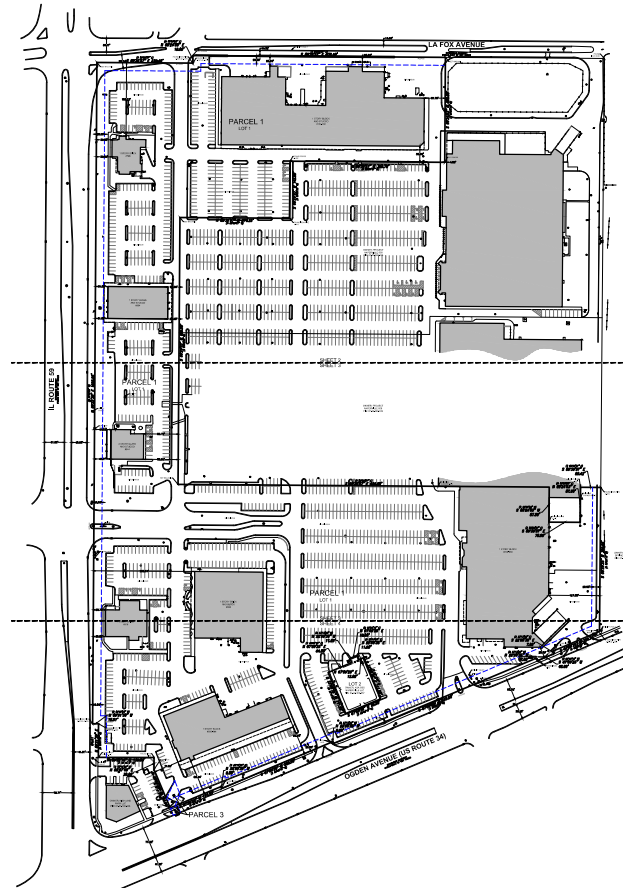
(NOT TO SCALE)

### Notes Corresponding to Schedule B

- EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND ("ECR") DATED MAY 11, 1989, BETWEEN WAL-MART PROPERTIES, INC. AND FIRST UNITED TRUST COMPANY, TRUSTEE UNDER TRUST NUMBER 10093, RECORDED MAY 16, 1989 AS DOCUMENT R89-057392, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN, FIRST AMENDMENT TO EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND DATED SEPTEMBER 8, 1994 AND RECORDED SEPTEMBER 22, 1994 AS DOCUMENT R94-198982, SECOND AMENDMENT TO EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND DATED MAY 6, 2002 AND RECORDED MAY 30, 2002 AS DOCUMENT R2002-142271, ITEM IS BLANKET AND NOT SHOWN.
- COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BY FIRST CHICAGO TRUST COMPANY OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 10, 1988 AND KNOWN AS TRUST NUMBER 10093, DATED JULY 26, 1990 RECORDED SEPTEMBER 4, 1990 AS DOCUMENT R90-150315, AND THE TERMS AND PROVISIONS CONTAINED THEREIN, ITEM IS BLANKET AND NOT SHOWN.
- EASEMENTS, RESTRICTIONS, BUILDING LINES) AND OTHER MATTERS AS SHOWN ON PLAT OF SUBDIVISION RECORDED JANUARY 29, 1990 AS DOCUMENT R90-012324, AND TOGETHER WITH ANY PROVISIONS RELATING THERETO, ITEM CONTAINS NO EASEMENTS OR BUILDING LINES AND IS NOT SHOWN.
- UTILITY PARKING AND ACCESS EASEMENTS AS SET FORTH AND DEFINED IN EASEMENT AGREEMENT DATED AUGUST 30, 1990 BY FIRST CHICAGO TRUST COMPANY OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 10, 1988 AND KNOWN AS TRUST NO. 10093, AND MOBIL OIL CORPORATION RECORDED NOVEMBER 14, 1990 AS DOCUMENT R90-155704, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN, ITEM IS PARTIALLY WITHIN THE DEDICATED RIGHT OF WAY AND IS SHOWN.
- EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE IN FAVOR OF THE CITY OF NAPERVILLE, ILLINOIS BELL TELEPHONE, NORTHERN ILLINOIS GAS, JONES INTERCABLE, THEIR SUCCESSORS AND ASSIGNS AS SET FORTH IN GRANT OF EASEMENT DATED SEPTEMBER 17, 1990 AND RECORDED JANUARY 29, 1991 AS DOCUMENT R91-039801, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN, PUBLIC ROADWAY AND SIDEWALK EASEMENT LIES IN THE EXISTING RIGHT OF WAY AND IS NOT SHOWN.
- EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE IN FAVOR OF THE CITY OF NAPERVILLE, ILLINOIS BELL TELEPHONE, NORTHERN ILLINOIS GAS, JONES INTERCABLE, THEIR SUCCESSORS AND ASSIGNS AS SET FORTH IN GRANT OF EASEMENT DATED SEPTEMBER 17, 1990 AND RECORDED JANUARY 29, 1991 AS DOCUMENT R91-039802, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN, ITEM IS BLANKET AND NOT SHOWN.
- TERMS, PROVISIONS AND CONDITIONS OF FOX RIVER COMMONS ASSESSMENT PLAT NO. ONE RECORDED SEPTEMBER 21, 1993 AS DOCUMENT R93-212458, ITEM IS BLANKET AND NOT SHOWN.
- PERPETUAL NON-EXCLUSIVE EASEMENTS FAVOR OF OUTBACK STEAKHOUSE OF FLORIDA, INC. FOR INGRESS AND EGRESS, PARKING OF MOTOR VEHICLES, ROADWAYS AND WALKWAYS, LOADING AND UNLOADING, AS SET FORTH AND DEFINED IN ACCESS AND PARKING EASEMENT AGREEMENT DATED SEPTEMBER 8, 1994 AND RECORDED SEPTEMBER 22, 1994 AS DOCUMENT R94-198987, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN, ITEM IS BLANKET AND NOT SHOWN.
- TERMS, PROVISIONS AND CONDITIONS OF FOX RIVER COMMONS ASSESSMENT PLAT NO. TWO RECORDED DECEMBER 11, 1996 AS DOCUMENT R96-198444, ITEM IS BLANKET AND NOT SHOWN.
- EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE IN FAVOR OF THE CITY OF NAPERVILLE AND PUBLIC UTILITY COMPANIES AS SET FORTH IN GRANT OF EASEMENT DATED APRIL 14, 1997 AND RECORDED AUGUST 4, 1997 AS DOCUMENT R97-112728, AND RE-RECORDED SEPTEMBER 7, 2000 AS DOCUMENT R2000-139053, AND RECORDED APRIL 5, 2004 AS DOCUMENT R2004-08609, AND THE TERMS, PROVISIONS AND CONDITIONS CONTAINED THEREIN, ITEM IS SHOWN.

ABOVE SCHEDULE B ITEMS PER FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NUMBER NCS-1114082-CH2, BEARING AN EFFECTIVE DATE OF JULY 28, 2022.  
ALL SURVEY RELATED ITEMS ARE LISTED ABOVE.

NOT TO SCALE



AREA: 1,187,563.61 SF ± OR 27.26 ACRES ±

### General Notes

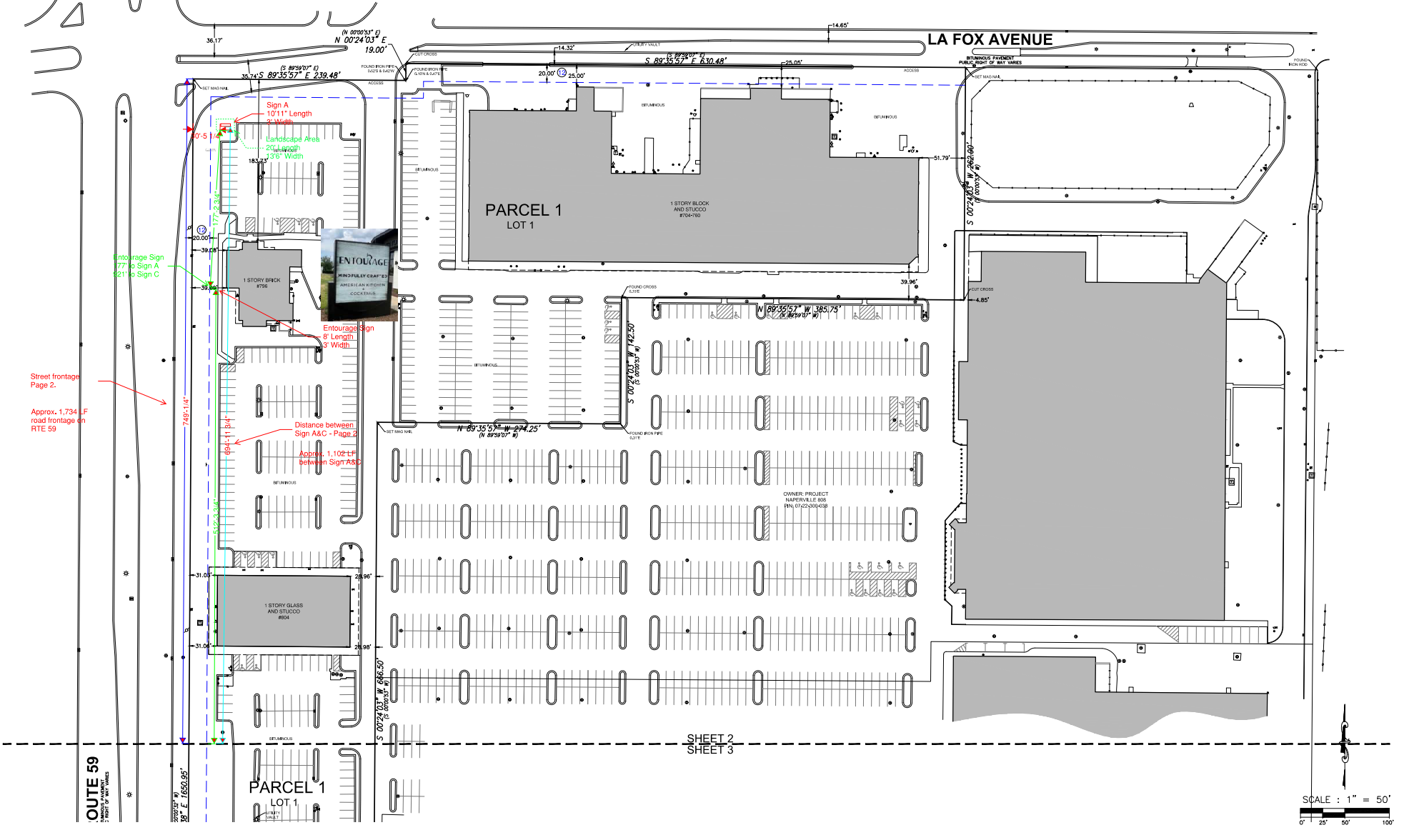
- (MIN1) ALL FIELD MEASUREMENTS MATCH RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/NSPS SPECIFICATIONS.
- (MIN2) THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
- (MIN3) ALL STREETS SHOWN ARE PUBLIC RIGHT OF WAY, UNLESS OTHERWISE NOTED.
- (MIN4) ASSUMED BEARINGS- THE EAST RIGHT OF WAY LINE OF IL ROUTE 59 TO BE NORTH 00 DEGREES 22 MINUTES 38 SECONDS EAST.
- (MIN5) AT THE TIME OF THIS SURVEY THERE IS NO RECORD OR OBSERVED EVIDENCE OF A CEMETERY OR BURIAL GROUND.
- (MIN6) AT THE TIME OF THIS SURVEY, THE ADDRESS WAS POSTED AS 704-944 IL ROUTE 59.
- (MIN7) THE SUBJECT PROPERTY HAS ACCESS TO AND FROM IL ROUTE 59, US ROUTE 34 (OGDEN AVENUE) AND LA FOX AVENUE WHICH ARE PUBLIC DEDICATED RIGHT OF WAYS.
- (MIN8) IN REGARDS TO TABLE "A" ITEM 16, AT THE TIME OF THIS SURVEY, THERE WAS NO VISIBLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- (MIN9) IN REGARDS TO TABLE "A" ITEM 17, AT THE TIME OF THIS SURVEY, THERE WAS NO RECENT STREET OR SIDEWALK CONSTRUCTION OR PROPOSED RIGHT OF WAY CHANGES PROVIDED.
- (MIN10) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES. ILLINOIS UTILITIES A ONE-CALL UTILITY LOCATOR J.U.L.I.E. AT 800-823-0123.
- (MIN11) CLIENT REQUESTED NOTES:
  - AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SUBJECT PROPERTY BEING USED AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.
  - AT THE TIME OF THIS SURVEY, NO WETLAND MARKERS WERE OBSERVED.
  - THE PROPERTY DESCRIPTION CLOSURES MATHEMATICALLY.
  - WE FIND NO GAPS OR OVERLAPS.

**FLOOD NOTE:**  
BY GRANTEE NOTING ONLY, THIS PROPERTY IS IN ZONING... X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 1704-001391, WHICH BEARS AN EFFECTIVE DATE OF 08/01/2019 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA BY CONTACT DATED 06/09/2022 TO THE NATIONAL FLOOD INSURANCE PROGRAM HAS BEEN DETERMINED. HAS LEARNED THIS COMMUNITY DOES CURRENTLY PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR INQUIRY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.



Commercial Real Estate  
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Akron, OH 44312  
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Sheet 2 of 4



Street frontage  
Page 2.

Approx. 1,734 LF  
road frontage on  
RTE 59

ROUTE 59  
UNIMPROVED PAVEMENT

PARCEL 1  
LOT 1

SHEET 2  
SHEET 3

SCALE : 1" = 50'  
0' 25' 50' 100'



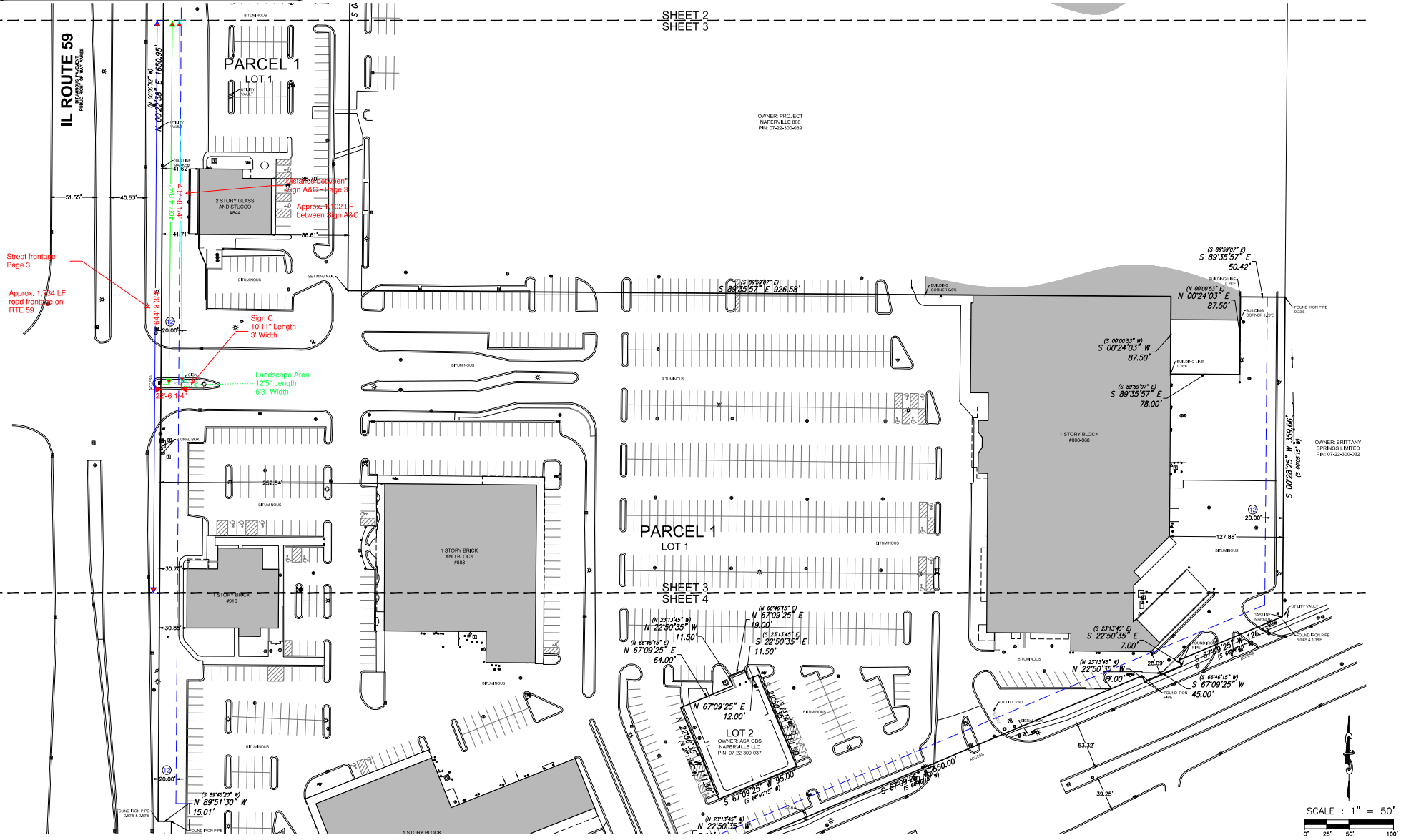
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Sheet 3 of 4

SHEET 2  
SHEET 3

OWNER PROJECT  
NAPEVILLE B08  
PIN: 07-22-300-039

OWNER BRITTANY  
SPRINGFIELD  
PIN: 07-22-300-032



Street frontage  
Page 3

Approx. 1,734 LF  
road frontage on  
RTE 59

2 STORY GLASS  
AND STUCCO  
#854

Sign C  
10'11" Length  
3' Width

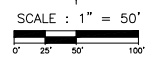
Landscape Area  
125' Length  
63' Width

PARCEL 1  
LOT 1

SHEET 3  
SHEET 4

LOT 2  
OWNER: ASA DBS  
NAPEVILLE LLC  
PIN: 07-20-000001

1 STORY BLOCK  
#808-808







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Sheet 4 of 4

