

**EXHIBIT 7 TO PETITION FOR DEVELOPMENT APPROVAL**

**NORCOR NAPERVILLE ASSOCIATES, LLC**

**DESCRIPTION OF CASE**

**(REVISED IN RESPONSE TO MAY 11, 2022 CITY COMMENTS)**

**THE APPLICANT**

Norcor Naperville Associates, LLC (the “Applicant”), is the owner of the shopping center known as ‘Eastgate Crossing (the “Shopping Center”) located along Iroquois Avenue and Ogden Avenue, as well as Naperville Wheaton Road and Ogden Avenue. (the “Shopping Center” or the “Property”) The Applicant makes this application for approval of certain signage variances, all as described in greater detail below.

**THE PROPERTY**

The Property is an approximately 14-acre development with frontage on Iroquois Avenue, Ogden Avenue, and Naperville Wheaton Road. The Property currently has multiple points of ingress and egress from all three right of way frontages with 4 lots and shares access, drive aisles and parking with the adjacent Costco. It is zoned B2 Community Shopping District. The Applicant currently has a petition pending with the city to develop an outlot with a pick-up lane in the parking lot of the shopping center in front of Hmart and Dollar Tree. Although the Shopping Center consists of multiple parcels with some parcels having only one tenant (Citibank, Panera, CVS), all parcels effectively make up the Shopping Center as a cohesive center under one long standing ownership group. All tenants and their associated customers have parking and access rights to all areas of the Shopping Center and all tenants participate in the operation and upkeep of the Shopping Center as a whole.

**PROPOSED SIGNAGE**

In order to identify tenants at the Shopping Center, there is an existing ground sign located at the southern main entrance to the Shopping Center along Ogden Avenue (the “M1 Sign”) which is currently legal, non-conforming as to height, sign area, style, and an electronic message board. As this sign is old and unsightly and does not conform to current signage standards, the applicant intends to demolish this existing signage but maintain an approximate location for the new M1 Sign. The sign will be replaced with a new sign in a style and an appearance that better meets the design requirements of the Ogden commercial corridor. The proposed M1 Sign includes a more modern, attractive face with stainless steel and architectural metal cladding and white signage cabinets with energy efficient LED backlighting. The new M1 Sign will be 15 feet in height from base to top of the structure (*Existing sign is 20’ in total height*), a ground base of 76” in width (*Existing sign base is 160”*), and a sign area of 50.2 square feet (*Existing sign area is 72 square feet*).

The Applicant also proposes a second sign at the corner of Iroquois and Ogden Avenues, the “M2 Sign”, which will replace a currently legal sign; non-conforming as to height, sign area, and style. The new sign will meet the ‘East Ogden Avenue Sign Standards’ including white signage cabinets with energy efficient LED backlighting.

Two more signs are proposed along Naperville Wheaton Road, the “M3 Sign” and “M4 Signs. These new signs will also meet with the ‘East Ogden Avenue Sign Standards’ including white signage cabinets with energy efficient LED backlighting.

**PROPOSED ZONING VARIANCES**

The Applicant seeks the following zoning variances with respect to the M1 sign:

1. An increase in the maximum sign area to 50 square feet instead of the maximum 45 square feet.
2. An increase in the maximum sign height to 15 feet instead of the maximum 10 feet.

The Applicant also seeks the following zoning variances with respect to signs M1, M2 and M3:

1. Allowance to display commercial signage across all tenants within the Eastgate Crossing Mall on signs M1 M2 and M3 instead of listing the businesses as off-premises from one another.

### **ADHERENCE TO ZONING VARIANCE STANDARDS FOR THE M1 SIGN**

#### **A. Increase in Maximum Sign Area**

The requested variance for the M1 Sign meets the applicable standards set forth in Section 6-3-6:2 of the City of Naperville Municipal Code as follows:

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

The proposed variance is in harmony with the general purposes and intent of the City of Naperville Zoning Ordinance (the "Zoning Ordinance"). Section 6-1-2 of the Zoning Ordinance provides that this section of the City's Municipal Code was adopted with the purpose and intent of "improving and protecting the public health, safety, comfort, convenience and general welfare of the people" of the City of Naperville. The larger, taller sign promotes the safety and convenience of the citizens of Naperville. Increasing the sign area has the effect of more clearly identifying the tenants in the shopping center and makes it easier for drivers to locate certain retailers without the hazard of slowing down considerably or making last minute lane changes which also put other drivers at risk. This is especially important with the recent addition of Costco in order to eliminate potential confusion with where to enter. As the Costco has been a recent addition and the old configuration of the Shopping Center had been in place since the 1970's, this will help to prevent confusion with shoppers who have not been to the center recently. The larger signage promotes the general welfare of the City's residents by increasing exposure to the retailers in the center creating a greater opportunity for shoppers to patronize tenants and brick and mortar businesses within the city; thus, increasing sales tax revenue, rather than driving to other destinations outside of the city. As mentioned, the Shopping Center is situated on a large 14-acre parcel. Interior tenants are set far back from Ogden Avenue. Large mature trees also screen visibility to these tenants and the CVS, Citibank and Panara buildings also significantly impair view corridors. In an increasingly digital age where online shopping is becoming much more prevalent, brick and mortar retailers rely on signage as much or even more than ever to attract shoppers. Tenant sign packages traditionally rely on both building signs and monument or street signs to attract customers. For the aforementioned reasons restricting views to the building signage, monument or street signage becomes even more important to drive customers to tenants which translates to increased sales tax revenue for the city.

In addition, the proposed variance is in harmony with the City's Comprehensive Master Plan for the East Sector (the "Plan"). At the time that the Plan was adopted in 1998, the Eastgate Crossing Mall (formerly Ogden Mall) had been developed on the Property. The Plan sought to further solidify commercial and residential development along East Ogden Avenue. Along with the Plan was the Ogden Avenue Corridor Enhancement Initiative of 2008 and the Ogden Avenue Corridor Streetscape Design Standards of 2010 that built upon one another in detailing enhancement for Ogden Avenue, providing guidance for future improvements with emphasis on projects meant to catch the public eye. By allowing signage which permits easy identification of businesses in the shopping center and ensures their long-term and sustained viability, the city promotes this core purpose of the Plan – solidifying commercial developments along East Ogden Avenue. Even with the additional signage square footage pursuant to this request, the sign is still attractive and in character with the standards and the Plan along with other updated signage along the corridor and does not present a radical deviation from other signage. It is also a significant improvement over the existing signage currently in place.

**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**

The Applicant and tenants at the Shopping Center face a significant hardship if the city strictly enforced the Zoning Ordinance. As mentioned above, visibility and view corridors for interior tenants at the Shopping Center are either impaired by mature trees or the existing outlot buildings as well as the deep, set back nature of the Center from Ogden. Brick and mortar interior tenants are at a disadvantage for these reasons at the Shopping Center and their health and viability would benefit greatly from slightly larger and more visible signage. It would also place them on more equal footing and reduce hardship relative to other tenants at surrounding centers that are closer to the street or do not have as many attractive trees surrounding their locations.

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

The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. As noted, the Applicant's existing sign is larger in size and design, but needs to be updated following the Ogden Avenue Corridor Enhancement Initiative. Ogden Avenue Corridor will continue to be a strong retail and commercial corridor. Signs of similar size are already located on the northwest side of Naperville and this sign, should the variance be granted is still substantially similar to other signage in the corridor and is substantially in character with the updated sign standards / will be very much in keeping with the character of the area and will not adversely impact nearby properties.

**B. Increase in Maximum Sign Height**

The requested variance for the M1 Sign meets the applicable standards set forth in Section 6-3-6:2 of the City of Naperville Municipal Code as follows:

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

The proposed variance is in harmony with the general purposes and intent of the City of Naperville Zoning Ordinance (the "Zoning Ordinance"). Section 6-1-2 of the Zoning Ordinance provides that this section of the City's Municipal Code was adopted with the purpose and intent of "improving and protecting the public health, safety, comfort, convenience and general welfare of the people" of the City of Naperville. The larger, taller sign promotes the safety and convenience of the citizens of Naperville. Increasing the height of the sign has the effect of improving visibility to potential customers and better identifying the tenants in the shopping center and makes it is easier for drivers to locate certain retailers without the hazard of slowing down considerably or making last minute lane changes which also put other drivers at risk. This is especially important with the recent addition of Costco in order to eliminate potential confusion with where to enter. As the Costco has been a recent addition and the old configuration of the Shopping Center had been in place since the 1970's, this will help to prevent confusion with shoppers who have not been to the center recently. The larger, more visible signage promotes the general welfare of the City's residents by increasing exposure to the retailers in the center creating a greater opportunity for shoppers to patronize tenants and brick and mortar businesses within the city; thus, increasing sales tax revenue, rather than driving to other destinations outside of the city. As mentioned, the Shopping Center is situated on a large 14-acre parcel. Interior tenants are set far back from Ogden Avenue. Large mature trees also screen visibility to these tenants and the CVS, Citibank and Panara buildings also significantly impair view corridors. In an increasingly digital age where online shopping is becoming much more prevalent, brick and mortar retailers rely on signage as much or even more than ever to attract shoppers. Tenant sign packages traditionally rely on both building signs and monument or street signs to attract customers. For the aforementioned reasons restricting views to the building signage, monument or street signage becomes even more important to drive customers to tenants which translates to increased sales tax revenue for the city.

In addition, the proposed variance is in harmony with the City's Comprehensive Master Plan for the East Sector (the "Plan"). At the time that the Plan was adopted in 1998, the Eastgate Crossing Mall (formerly Ogden Mall) had been developed on the Property. The Plan sought to further solidify commercial and residential development along East Ogden Avenue. Along with the Plan was the Ogden Avenue Corridor Enhancement Initiative of 2008 and the Ogden Avenue Corridor Streetscape Design Standards of 2010 that built upon one another in detailing enhancement for

Ogden Avenue, providing guidance for future improvements with emphasis on projects meant to catch the public eye. By allowing signage which permits easy identification of businesses in the shopping center and ensures their long-term and sustained viability, the city promotes this core purpose of the Plan – solidifying commercial developments along East Ogden Avenue. Even with the taller signage pursuant to this request, the sign is still attractive and in character with the standards and the Plan along with other updated signage along the corridor and does not present a radical deviation from other signage. It is also a significant improvement over the existing signage currently in place.

**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**

Similar to what was stated above in A., the Applicant and tenants at the Shopping Center face a significant hardship if the city strictly enforced the Zoning Ordinance. As mentioned above, visibility and view corridors for interior tenants at the Shopping Center are either impaired by mature trees or the existing outlot buildings as well as the deep, set back nature of the Center from Ogden. Brick and mortar interior tenants are at a disadvantage for these reasons at the Shopping Center and their health and viability would benefit greatly from slightly larger and taller and more visible signage. It would also place them on more equal footing and reduce hardship relative to other tenants at surrounding centers that are closer to the street or do not have as many attractive trees surrounding their locations.

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

Similar to what was stated above in A., the variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. As noted, the Applicant's existing sign is larger in size and design, but needs to be updated following the Ogden Avenue Corridor Enhancement Initiative. Ogden Avenue Corridor will continue to be a strong retail and commercial corridor. Signs of similar size are already located on the northwest side of Naperville and this sign, should the variance be granted is still substantially similar to other signage in the corridor and is substantially in character with the updated sign standards / will be very much in keeping with the character of the area and will not adversely impact nearby properties.

#### **ADHERENCE TO ZONING VARIANCE STANDARDS FOR THE M1 THRU M3 SIGN**

The requested sign variance (operation as an off-premise sign) for the M1 thru M3 Sign meets the applicable standards set forth in Section 6-3-6:2 of the City of Naperville Municipal Code as follows:

The proposed variance is in harmony with the general purposes and intent of the City of Naperville Zoning Ordinance (the "Zoning Ordinance"). Section 6-2-1 of the Zoning Ordinance provides that this section of the City's Municipal Code was adopted with the purpose and intent of "improving and protecting the public health, safety, comfort, convenience and general welfare of the people" of the City of Naperville. Signs which identify tenants across an entire shopping center promote the safety and convenience of the citizens of Naperville. By clearly identifying the tenants in the shopping center, it is easier for drivers to locate certain retailers without the hazard of slowing down considerably or making last minute lane changes which also put other drivers at risk. Finally, the signage promotes the general welfare of the City's residents by creating a greater opportunity for shoppers to patronize tenants and brick and mortar businesses within the city, thus increasing sales tax revenue, rather than driving to other destinations outside of the city.

In addition, the proposed variance is in harmony with the City's Comprehensive Master Plan for the East Sector (the "Plan"). At the time that the Plan was adopted in 1998, the Eastgate Crossing Mall had been developed on the Property. The Plan sought to further solidify commercial and residential development along East Ogden Avenue. Along with the Plan was the Ogden Avenue Corridor Enhancement Initiative of 2008 and the Ogden Avenue Corridor Streetscape Design Standards of 2010 that built upon one another in detailing enhancement for Ogden Avenue, providing guidance for future improvements with emphasis on projects meant to catch the public eye. By allowing signage which permits easy identification of businesses in the shopping center and ensures their long-term and sustained viability, the city promotes this core purpose of the Plan – solidifying commercial developments along East Ogden Avenue.

**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**

The Applicant faces a significant hardship if the city strictly enforced the Zoning Ordinance. As mentioned above, although the Shopping Center is composed of multiple parcels, it effectively operates as one Center under one ownership group. Tenants and their customers can traverse the entire center and cross shop, access and park on different parcels seamlessly. The proposed locations for the M1, M2 and M3 signs provide the best visibility to Ogden and Naperville Wheaton Road for tenants not located directly on the roads themselves such as Panera, Citibank or CVS which have their own signage directly on these thoroughfares.

When deciding to sign a new lease or renew an existing lease, tenants carefully scrutinize which locations best position their businesses to be successful. A significant factor in success is the ability to draw customers to their stores. Signage which allows for easy identification is critical to drawing those customers. If the applicant is unable to meet these tenant demands for strong business identification opportunities, it risks losing those tenants.

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

The M1, M2 and M3 signs are all in character with the neighborhood and adjacent properties. The requested variance merely allows that Shopping Center to operate as one cohesive center allowing all tenants equal signage opportunities and does not impact adjacent properties at all.

