

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, Mid-America Asset Management, an Illinois corporation (hereinafter the “Petitioner”) respectfully petitions the City of Naperville (the “City”) to: (i) grant sign variances from Sections 6-16-3, 6-16-5:2.4.2, and 6-16-5:2.2.1 of the City’s Municipal Code (the “Sign Code”) to permit the replacement of an existing monument sign located on the southeast corner of Washington Street and Chicago Avenue for the property commonly known as River Square, 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 elevations attached hereto as **Exhibit B**.

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

1. The Owner of the Property is CR River Square, LLC, an Illinois limited liability company (hereinafter “Owner”);
2. The Property was built in the 1980s with little aesthetic improvements over the past few decades;
3. The Owner wishes to proceed with enhancements to improve the overall look of the Property;
4. Petitioner is the property manager of the Property and has the Owner’s authorization to proceed with this sign variance request;
5. The Property currently functions as a mixed-use dining and shopping plaza and is currently in the process of obtaining governmental approvals to improve the exterior façade;

6. The Property has an existing monument sign that is approximately 83 square feet, one-sided, and the location of the proposed sign will not change;

7. The Property is zoned B-4, Downtown Core District;

8. The surrounding uses are:

a. North: B-4, Downtown Core District and B-5, Secondary Downtown District

b. East: CU – North Central College

c. South: B-5, Secondary Downtown District

d. West: B-4, Downtown Core District and B-5, Secondary Downtown District

9. The City’s Sign Code Section 6-16-3 states Ground Signs in the Downtown Central Business District are prohibited and existing ground signs shall continue to be used and maintained in accordance with Section 6-15-10 of the Code;

10. Petitioner seeks to replace the existing monument sign on the Property;

11. The requested relief to replace the existing monument sign meets the requirements for a zoning variance under the Naperville Municipal Code, Sections 6-16-3, 6-16-5:2.4.2, and 6-16-5:2.2.1 and is appropriate based on the following factors:

A VARIANCE TO PERMIT A MONUMENT SIGN IN THE B-4 ZONING DISTRICT

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

The variances are 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.” The Property is located on the southeast corner of Washington St. and Chicago Avenue, which is a heavily traveled intersection located in Downtown

Naperville in need of adequate signage. The Property is approximately 2.94 acres and consists of multiple tenants ranging from dine-in & fast-casual restaurants to commercial offices, all of which have the same address of 22 E. Chicago Avenue. For this very reason, a 32 square foot wall sign would be inadequate site identification given the unique configuration of the Property and the existing wall signs serving as identification for the multiple tenants located within the plaza. Moreover, limiting the proposed ground sign to 32 square feet under the development identification sign requirements would also result in improper identification of the Property. The Property has been identified by an 83 square foot ground sign for the past few decades. At approximately 44 square feet, Petitioner's proposed sign is significantly smaller than the existing sign and a 32 square foot sign would be inadequate on such a busy intersection in the downtown sector. Petitioner seeks to properly identify the address for this multi-use plaza in the downtown district and concurrently improve the image of the Property to make it more aesthetically pleasing and consistent with the nature of Downtown Naperville. Installing the proposed monument sign pursuant to the Code would not allow for adequate site identification as the sign would be perpendicular to Chicago Avenue thereby failing to reach all travelers in this intersection. The existing sign and its orientation on the corner of Washington St. and Chicago Avenue has fulfilled the purpose of the Sign Code by providing adequate site identification over the past several years and therefore, the Petitioner seeks to position the proposed monument sign accordingly. Lastly, the proposed monument sign will also help the Petitioner to brand the shopping center as the "River District" as a downtown destination and hopefully improve occupancy rates.

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. The configuration of the Property is not a condition created by the Petitioner because the Property was constructed in the 1980s as is generally unique in our Downtown sector. Many of the properties located in Downtown Naperville are not constructed with large accessory parking lots, fronting two major arterial roads, and therefore, they do not require monument signs. Petitioner believes the existing sign serves a significant purpose and eliminating the monument sign would result in hardships involving proper identification of the Property. Monument signs are generally not compatible with the layout of the more traditional properties developed in the Downtown Core B-4 district, but the subject Property is unique since its layout is similar to a retail center where monument signs are more commonly needed. The addition of a wall sign identifying the entire Property would otherwise get lost among the existing wall signs used to identify the tenants within the plaza. Therefore, the continued use of a monument sign separate and apart from the existing wall signs is necessary to ensure continued proper identification of the plaza. The proposed sign will also maintain the existing configuration of the current sign. Repositioning the proposed sign to be perpendicular to Chicago Avenue per the Sign Code Requirements would not allow the signage to maximize its reach among this heavily traveled intersection and therefore, the proposed sign shall be positioned in the same manner as the existing sign in order to avoid an identification hardship.

Since there is an existing sign that dates back to the 1980s, Petitioner's request is to replace the existing sign in order to improve the dated appearance of the Property and compliment the soon-to-be completed enhancements consistent with the Downtown Naperville ambience, while maintaining the existing location and monument sign of the Property.

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 this important retail center. The existing monument sign is approximately 83 square feet (one sided) and has not created a detriment to adjacent properties. At approximately 44 square feet, the proposed sign is significantly smaller and meets all height, setback, and sight line requirements for development identification signs set forth in the Sign Code. Moreover, the proposed sign will be oriented in the exact same manner as the existing sign thereby not altering the character of the neighborhood. The Sign Code also requires 60 square feet of landscaping at the base of the proposed sign and the Petitioner plans to install approximately 300 square feet of landscaping at the base of the proposed sign thereby meeting and far-exceeding the Sign Code requirements to ensure the proposed sign is appealing and appropriate in Downtown Naperville.

The Property's current appearance is noticeably "tired" in comparison to the nearby properties and does not integrate well with the essential character of Downtown Naperville. Petitioner's intent is to improve the appearance of the Property to make it more compatible with the adjacent properties and therefore, will not cause a detriment to nearby properties and will ensure compatibility with the essential character of Downtown Naperville.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: (i) grant sign variances from Sections 6-16-3, 6-16-5:2.4.2, and 6-16-5:2.2.1 of the Sign Code to permit the replacement of an existing monument sign to remain located on the southeast corner of Washington Street and Chicago Avenue for the property commonly known as River Square, and (ii) grant such other variances, departures, deviations or other relief which is deemed necessary to approve the installation of the proposed sign as depicted on the plans submitted herewith.

RESPECTFULLY SUBMITTED this 9th day of April, 2020.

PETITIONER:

Mid-America Asset Management, an
Illinois corporation

A handwritten signature in black ink that reads "Caitlin E. Paloian". The signature is written in a cursive style with a large initial "C" and a distinct "E" and "P".

By: _____

Caitlin E. Paloian
Attorney for Petitioner

EXHIBIT A
LEGAL DESCRIPTION

LOT 1 (EXCEPT THAT PART FALLING IN THE FOLLOWING DESCRIBED PROPERTY: THAT PART OF LOT 1 IN BLOCK 1 OF ELLSWORTH ADDITION TO THE TOWN OF NAPERVILLE, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT; THENCE RUN SOUTHERLY ON THE WESTERLY LINE OF SAID LOT, 55 FEET; THENCE EAST ON THE SOUTH LINE OF SAID LOT, 34 FEET; THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF SAID LOT, 25 FEET AND 6 1/2 INCHES FROM THE POINT OF BEGINNING; THENCE WEST ON THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING) IN MARKET SQUARE RESUBDIVISION PLAT OF PART OF THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 28, 1986 AS DOCUMENT R86-133262, IN DUPAGE COUNTY, ILLINOIS

Property address: 22 E. Chicago Avenue, Naperville, IL 60540

PINs: 07-13-437-006
08-18-327-017

EXHIBIT B
SIGN ELEVATIONS