

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, MQMF CityGate Owner LLC, a Delaware limited liability company (hereinafter the “Petitioner”) respectfully petitions the City of Naperville (the “City”) to: (i) grant sign variances from Section 6-16-4:2 of the City’s Municipal Code (the “Sign Code”) to permit the installation of signs located on the property at the northeast corner of Westings Avenue and CityGate Lane and commonly known as CityGate Centre, 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 signs as depicted on the sign plans 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 MQMF CityGate Owner LLC, a Delaware limited liability company;
2. The Property consists of approximately five (5) acres located at the northeast corner of Westings Avenue and CityGate Lane in the CityGate Centre development;
3. In 2019 and 2020, the City granted the necessary approvals for development of the Property by Ordinance 19-123, Ordinance 19-124, Ordinance 19-125, and Ordinance 20-079;
4. The Property will function as a mixed-use development, consisting of an apartment complex, a commercial event center, and common areas to be shared by both the commercial and residential uses;

5. The proposed development, as depicted on the plans submitted herewith, will consist of a five (5) story apartment building surrounding an on-site parking deck internal to the building along with a lobby and lounge, fitness center and yoga room, bike lounge and storage area, and parlor (“CityGate Apartment Building”);

6. In addition to the CityGate Apartment Building, the proposed development will include a thirty-eight thousand (38,000) square foot event space (“Event Space”);

7. The entrance to the Property will feature an illuminated “DOMAIN” LED monument sign at the northeast corner of Westings Avenue and CityGate Lane that has an area of approximately 65.75 square feet and is 6 feet 9 inches tall, which will run parallel to City Gate Lane and perpendicular to Westings Avenue;

8. The western entrance to the CityGate Apartment Building will feature a “DOMAIN” canopy sign with an area of approximately 11.42 square feet;

9. The north and west elevations of the CityGate Apartment Building will each feature two “DOMAIN” blade signs, for a total of four blade signs, each with an area of approximately 8.07 square feet;

10. The CityGate Apartment Building will feature a “DOMAIN Resident Parking” directional sign at the southern entrance to the parking garage off of Westings Avenue that has an area of approximately 21 square feet;

11. The Property is zoned OCI within the City of Naperville’s business district classification;

12. The surrounding uses are:

- a. North: City of Naperville – Zoning “OCI” PUD: CityGate Centre – Hotel Arista, Restaurants, Office & Commercial Uses

- b. East: City of Naperville – Zoning “OCI” PUD: CityGate Centre – Vacant Land
- c. South: City of Naperville – Zoning “OCI” PUD: Calamos Corporate Center – Calamos Investments Corporate Office
- d. West: Zoning “OCI” PUD: CityGate Centre – Vacant Land

13. Code Section 6-16-4:2 regulates signs on properties being used for residential purposes, regardless of zoning.

14. Petitioner requests variances from Code Section 6-16-4:2 for approval to allow the installation of the above-mentioned signs. Petitioner’s request meets the requirements for a zoning variance under the Naperville Municipal Code and is appropriate based on the following:

I. SIGN 1: “DOMAIN” LED MONUMENT SIGN (MON-01)

A VARIANCE FROM SIGN CODE SECTION 6-16-4:2 TO PERMIT A MONUMENT GROUND SIGN WITH A SIGN AREA OF 65.75 SQUARE FEET AND A HEIGHT OF 6 FEET 9 INCHES

- 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 this development while concurrently improving the image of the Property to make it aesthetically pleasing and consistent with the nature of the City of Naperville and surrounding area. The proposed signage will also help the Petitioner to brand the CityGate Apartment Building and the Event Space as part of the “City Centre.”

- 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. As mentioned, the Property is being developed as a mixed-use development, consisting of an apartment complex, a commercial event center, and common areas to be shared by the commercial and residential uses in addition to quasi commercial areas to serve as community amenities. As the Property is zoned OCI, the proposed signage has been designed to complement the overall commercial nature of the City Centre and Event Space. While monument signs of this size are generally not compatible with the layout of the more traditional residential development, the subject Property is unique as its layout is more similar to commercial developments where large monument signs are commonly needed.

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 residential and retail center. The proposed monument sign is approximately 65.75 square feet, has a height of 6 feet 9 inches, and will not create a detriment to adjacent properties. A five (5) foot setback from the front property line and forty (40) foot setback from the interior property line are required by code, and the proposed sign meets these requirements, having setbacks of approximately eight (8) feet and forty-four (44) feet, respectively. The sign will also run perpendicular to Westings Avenue as required by code. Petitioner's intent is to improve the appearance of the Property with the addition of a monument sign to help brand the CityGate Apartment Building and the Event Space, and the sign will not cause a detriment to nearby properties.

II. SIGN 2: “DOMAIN” CANOPY SIGN (LL-02)

A VARIANCE FROM SIGN CODE SECTION 6-16-4:2 TO PERMIT A CANOPY SIGN WITH A SIGN AREA OF APPROXIMATELY 11.42 SQUARE 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. While Sign Code Section 6-16-4:2 does not specifically permit canopy signs, 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 the Property and the entrances to the CityGate Apartment Building through utilization of the proposed canopy sign.

- 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. As the Property is zoned OCI, the proposed signage has been designed to complement the overall commercial nature of the CityGate Apartment Building as well as the Event Space.

- 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, and the proposed canopy sign will not be a substantial detriment to adjacent property. The proposed sign area will be approximately 11.42 square feet,

which is compliant with the code requirement of a maximum sign area of thirty-two (32) square feet. Additionally, the proposed sign meets all height, setback, and site line requirements for canopy signs as set forth in the Sign Code. Petitioner’s intent is to improve navigation within the Property by properly identifying the building entrances and making the Property more compatible with the adjacent properties. Therefore, the installation of this canopy sign will not cause a detriment to nearby properties and will ensure compatibility with the essential character of the City of Naperville and neighborhood.

III. SIGN 3: “DOMAIN” BLADE SIGNS (CAB-01)

A VARIANCE FROM SIGN CODE SECTION 6-16-4:2 TO PERMIT 4 BLADE SIGNS WITH SIGN AREAS OF APPROXIMATELY 8.07 SQUARE 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. While Sign Code Section 6-16-4:2 does not specifically permit blade signs, 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 the Property and the entrances to the CityGate Apartment Building with the intent of aiding in pedestrian and vehicular navigation of the development.

- 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. As the Property is zoned OCI, the proposed signage has been designed to complement the overall commercial nature of the CityGate Apartment Building as well as the Event Space.

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 residential and retail center, and the proposed blade signs will not be a substantial detriment to adjacent property. Petitioner plans to have two (2) blade signs on the northern elevation and two (2) blade signs on the western elevation of the CityGate Apartment Building. Each proposed blade sign will have an area of approximately 8.07 square feet, which is compliant with the Sign Code requirement of a maximum of thirty-two (32) square feet. Additionally, the proposed blade signs meet all height, setback, and site line requirements for blade signs as set forth in the Sign Code. Petitioner's intent is to improve identification of the Property and the entrances to the CityGate Apartment Building to enhance its compatibility with the adjacent properties. Therefore, the installation of the proposed blade signs will not cause a detriment to nearby properties and will ensure compatibility with the essential character of the City of Naperville and neighborhood.

IV. SIGN 4: "RESIDENT PARKING" DIRECTIONAL SIGN (PP-01)

A VARIANCE FROM SIGN CODE SECTION 6-16-4:2 TO PERMIT A DIRECTIONAL SIGN AT THE PARKING GARAGE ENTRANCE WITH A SIGN AREA OF APPROXIMATELY 21 SQUARE 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. While Sign Code Section 6-16-4:2 does not specifically permit

directional signs, 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 the entrance to the parking garage, with the intent of aiding the flow of traffic along Westings Avenue and throughout the development.

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. As the Property is zoned OCI, the proposed signage has been designed to complement the overall commercial nature of the CityGate Apartment Building as well as the Event Space.

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, and the proposed directional sign will not be a substantial detriment to adjacent property. While the proposed sign will be approximately 21 square feet, the Sign Code allows sign areas of up to thirty-two (32) square feet. Additionally, the proposed sign meets all height, setback, and site line requirements for ground signs as set forth in the Sign Code. Petitioner’s intent is to improve the appearance and enhance traffic flow within 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 the City of Naperville and neighborhood.

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 Section 6-16-4:2 of the City’s Municipal Code (the “Sign Code”) to permit the installation of above-mentioned signs located on the property at the northeast corner of Westings Avenue and CityGate Lane and commonly known as CityGate Centre, 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 sign as depicted on the signage plans and elevations attached as **Exhibit B**.

RESPECTFULLY SUBMITTED this 11th day of August, 2022.

PETITIONER:
MQMF CityGate Owner LLC, an
Illinois limited liability company

By: *Eric M. Prechtel*
Eric M. Prechtel
Attorney for Petitioner