



DocId:20098055

Tx:40518362

PIN: 07-22-300-036

ADDRESS:

720-944 S Route 59
NAPERVILLE, IL 60540

KATHLEEN V. CARRIER, RECORDER
DUPAGE COUNTY ILLINOIS
08/29/2023 12:01 PM

DOCUMENT R2023-055588

PREPARED BY:

CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
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NAPERVILLE, IL 60540

DOCUMENT SUBMITTED WITH
LOW QUALITY / ILLEGIBLE PORTIONS

PZC Case #23-1-060

ORDINANCE NO. 23 - 115

**AN ORDINANCE GRANTING SIGNAGE VARIANCES FROM SECTION 6-15-5:2.2
(GROUND SIGNS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY
LOCATED AT 720-944 S ROUTE 59 (FOX RIVER COMMONS)**

RECITALS

1. **WHEREAS**, CR Fox River, LLC, 1427 Clarkview Road Suite 500, Baltimore, Maryland, 21209 ("**Owner and Petitioner**"), is the owner of real property located at 720-944 S Route 59, Naperville, Illinois, legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**").
2. **WHEREAS**, the Subject Property is currently zoned B2 PUD (Community Shopping Center District Planned Unit Development) and is improved with the Fox River Commons shopping center and a surface parking lot; and
3. **WHEREAS**, Owner and Petitioner is proposing to install three ground signs as part of their efforts to update the Fox River Commons Shopping Center: Sign A, Sign B, and Sign C as depicted on Exhibit C ("**Sign Plans**").

4. **WHEREAS**, Owner and Petitioner has petitioned the City of Naperville for approval of variances from the Naperville Municipal Code in order to install three ground signs that exceed permissible height and square footage allowances, exceed permissible number of signs on a single frontage, and do not meet the minimum distance required between ground signs as outlined below:.

a. Owner and Petitioner has requested variances from the following code sections for Sign A:

- i. Section 6-16-5:2.2 of the Naperville Municipal Code to increase the permissible sign height from 10 feet to 24 feet 8 inches as depicted on **Exhibit C** ("Sign Plans");
- ii. Section 6-16-5:2.2 of the Naperville Municipal Code in order to increase the permissible sign area from 45 square feet to 194.19 square feet as depicted on **Exhibit C** ("Sign Plans");
- iii. Section 6-16-5:2.2.3 of the Naperville Municipal Code to increase the permitted changeable signage area from 22.5 square feet to 36.44 square feet as depicted on **Exhibit C** ("Sign Plans").

b. Owner and Petitioner has requested variances from the following code sections for Sign B:

- i. Section 6-16-5:2.2 of the Naperville Municipal Code to increase the permissible sign height from 10 feet to 24 feet 8 inches as depicted on **Exhibit C** ("Sign Plans");

- ii. Section 6-16-5:2.2 of the Naperville Municipal Code in order to increase the permissible sign area from 90 square feet to 194.19 square feet as depicted on Exhibit C ("Sign Plans");
- c. Owner and Petitioner has requested variances from the following code sections for Sign C:
 - i. Section 6-16-5:2.2 of the Naperville Municipal Code to increase the permissible sign height from 10 feet to 24 feet 8 inches as depicted on Exhibit C ("Sign Plans");
 - ii. Section 6-16-5:2.2 of the Naperville Municipal Code in order to increase the permissible sign area from 45 square feet to 194.19 square feet as depicted on Exhibit C ("Sign Plans");
- 5. **WHEREAS**, Owner and Petitioner has requested a variance from Section 6-16-5:2.2.1 of the Naperville Municipal Code to decrease the minimum permitted distance between ground signs on a single frontage from 200 feet to 177 feet between ground signs on the Subject Property's Route 59 frontage as depicted on Exhibit D ("Site Plan").
- 6. **WHEREAS**, Owner and Petitioner has requested a variance from Section 6-16-5:2.2.1 of the Naperville Municipal Code to increase the permitted number of ground signs on the Subject Property's Route 59 frontage from two (2) to three (3) as depicted on Exhibit D ("Site Plan").
- 7. **WHEREAS**, the Petitioner will install a landscaped area located around the base of each ground sign equal to at least one square foot for each one square foot of

monument sign area as required by Section 6-16-5:2.2.6 of the Naperville Municipal Code.

8. **WHEREAS**, the requested variances meet the Standards for Variances as provided in Exhibit D attached hereto.
9. **WHEREAS**, on August 2, 2023, the Planning and Zoning Commission conducted a public hearing concerning PZC 23-1-060 and recommended approval of the Petitioner's request (approved 6-0).
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein.

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

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

SECTION 2: Variances from Section 6-16-5:2.2 (Ground Signs) of the Naperville Municipal Code to allow three ground signs, known as Signs A, B, and C, to each measure approximately 194.19 square feet in size, as depicted on the Sign Plans attached hereto as Exhibit C, are hereby approved.

SECTION 3: Variances from Section 6-16-5:2.2 (Ground Signs) of the Naperville Municipal Code to allow three ground signs, known as Signs A, B, and C, to each measure 24 feet 8 inches in height, as depicted on the Sign Plans attached hereto as Exhibit C, are hereby approved.

SECTION 4: A variance from Section 6-16-5:2.2.3 (Ground Signs) of the Naperville Municipal Code to allow a changeable sign to measure 36.44 square feet as part of the Sign known as Sign A, as depicted on the Sign Plans attached hereto as **Exhibit C**, is hereby approved.

SECTION 5: A variance from Section 6-16-5:2.2.1 (Ground Signs) of the Naperville Municipal Code to allow the distance between two ground signs on the Subject Property's Route 59 frontage to be 177 feet, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 6: A variance from Section 6-16-5:2.2.1 (Ground Signs) of the Naperville Municipal Code to allow three (3) ground signs on the Subject Property's Route 59 frontage, as depicted on the Site Plan attached hereto as **EXHIBIT D**, is hereby approved.

SECTION 7: The variances approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

SECTION 8: This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 9: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 10: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this

Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this 15th day of August 2023.

AYES: WEHRLI, HOLZHAUER, KELLY, LEONG, LONGENBAUGH, MCBROOM,
TAYLOR, WHITE, WILSON

APPROVED this 16th day of August 2023.



Scott A. Wehrli
Mayor

ATTEST:



Hilda Godínez
Records Clerk



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 38 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.

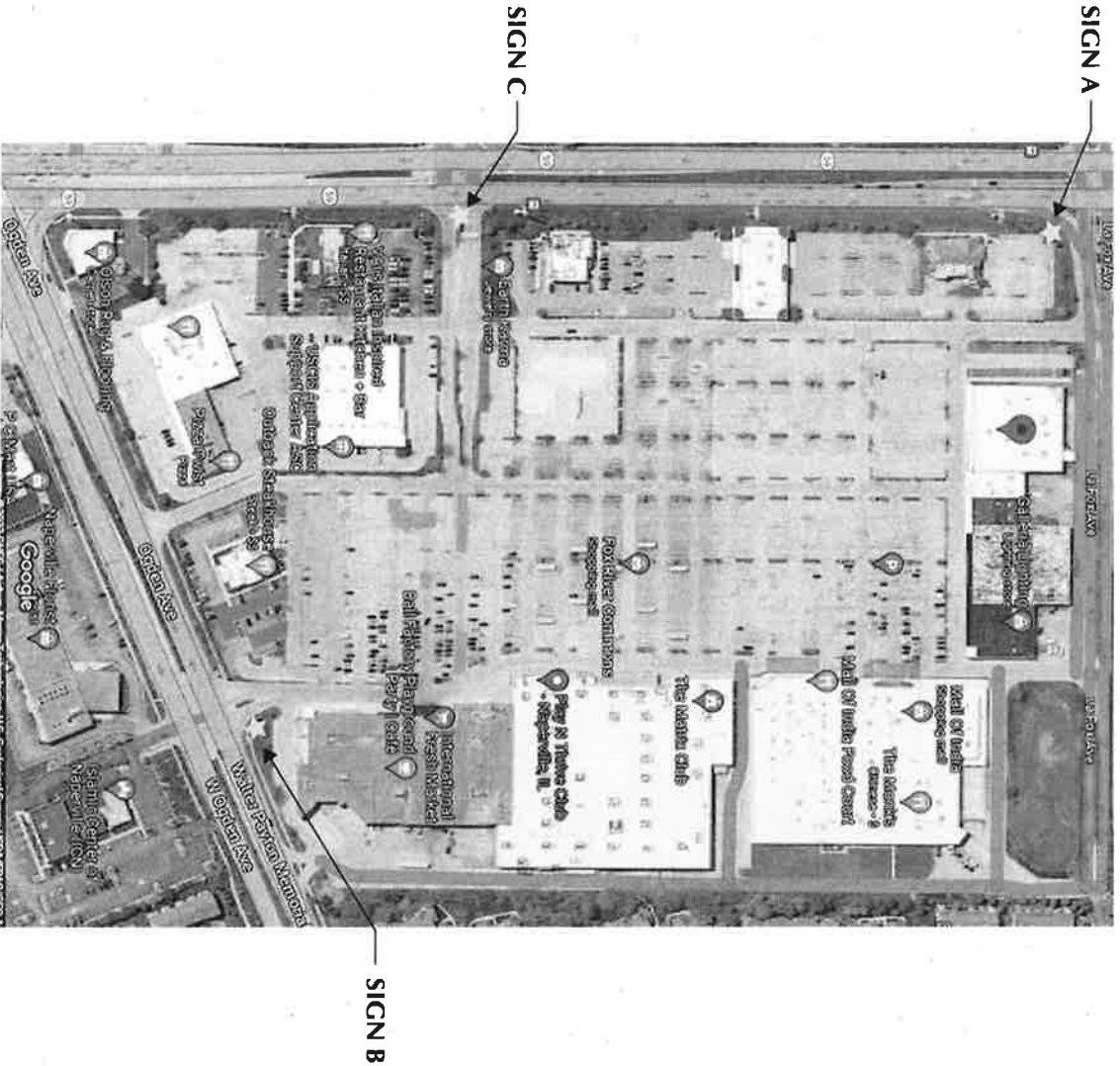
Property Address: 720-944 South Route 59, Naperville, Illinois 60540
PIN: 07-22-300-036



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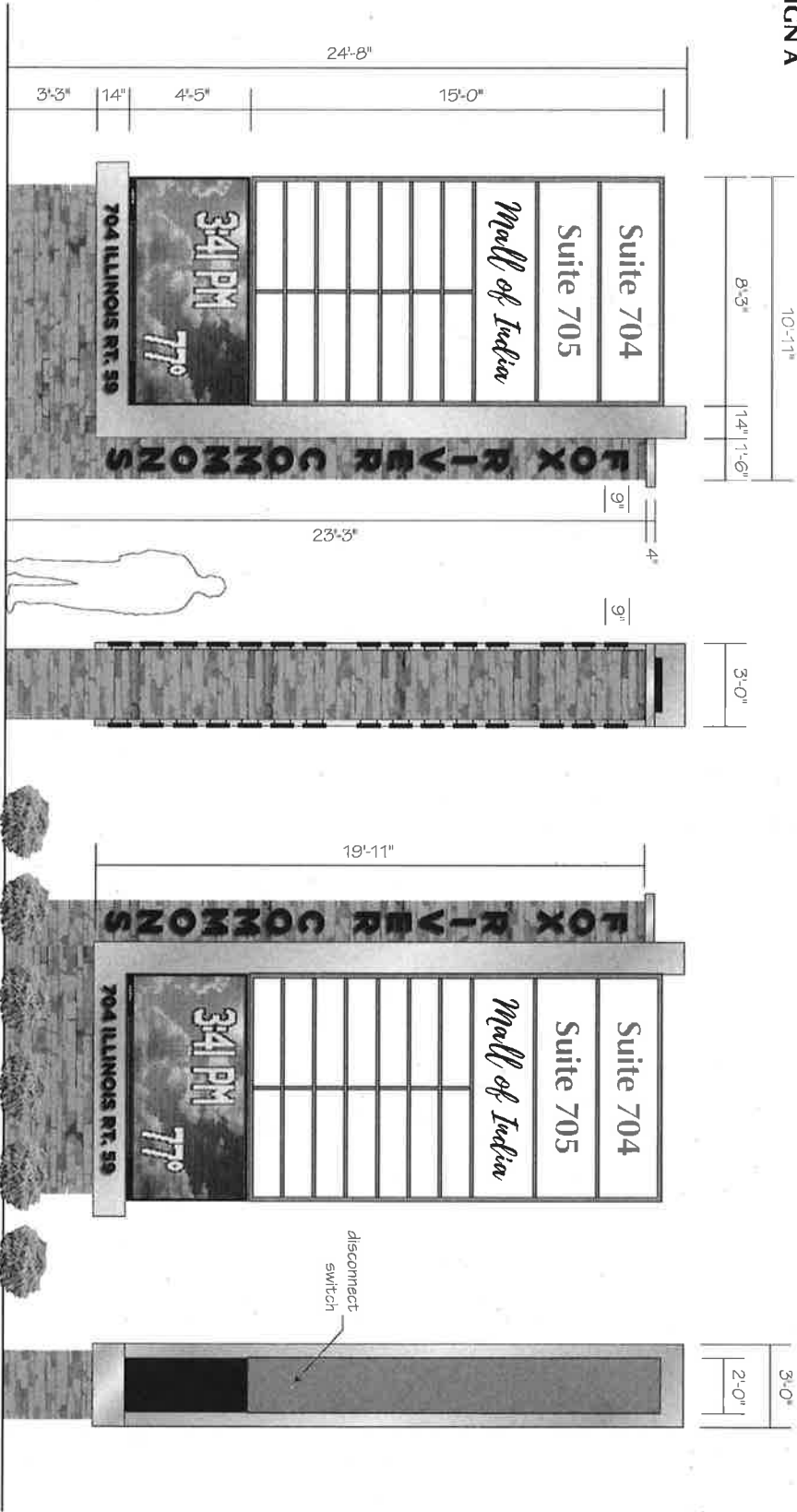
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16376 Highway Drive, Carol Stream, Illinois 60118	
Tel: 630.410.3010 • Fax: 630.410.2074	
Email: info@parvinclaus.com	
Website: www.parvinclaus.com	
PROJECT:	
CONTINENTAL REALTY CORPORATION	
704-944 Illinois Rte. 59	
Naperville, IL 60540	
CUSTOMER APPROVAL:	
DATE	
AUTHORIZED SIGNATURE	
REPRESENTATIVE	
Lisa Straszak / LS	
DRAWN BY	
Bill Goodwyn	
DATE	
3.8.23	
SCALE	
1 of 6	
SHEET NO.	
117733	
ESTIMATE / JOB NUMBER	
CRC117733	
FILE NAME	
3.29.23	
REVISIONS:	
1 4.18.23	
2 5.2.23	
3 5.25.23	
4 6.14.23 - location A	
5	
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.

EXHIBIT C



(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 Gr-5y 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" mature) in a 13'-6" x 20'-0" natural cypress mulch bed (269 SF per code)

Landscaping schematic on Page 6



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

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135 Ridgeway Drive, Cary, NC 27513

704/910-510-2020 • Fax 704/910-110-2724

email: info@parvin-claus.com

www.parvin-claus.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.

2 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

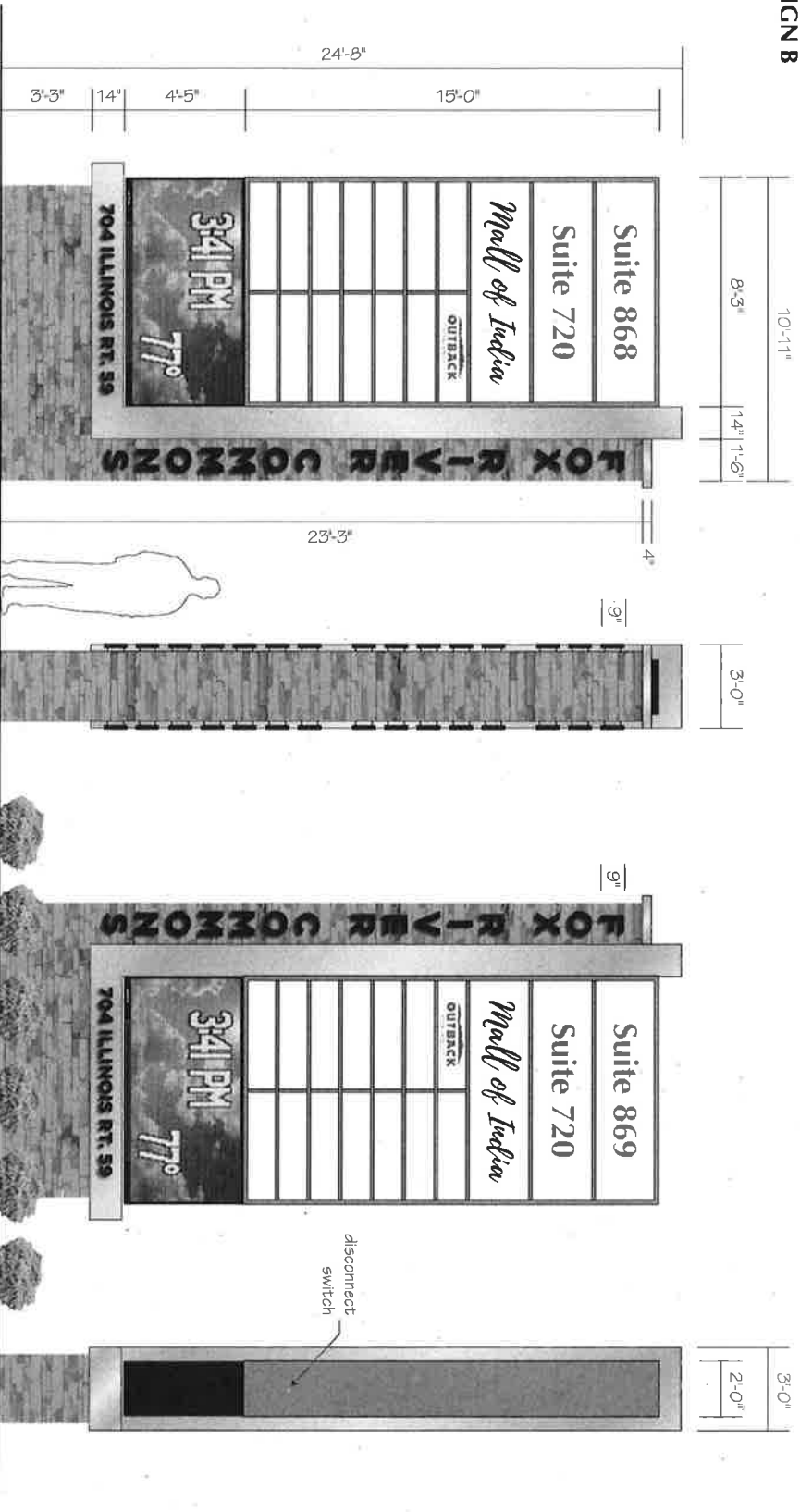
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SIGN B



(1) 24'-8" x 10'-8" 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 cabinets: fabricated aluminum painted PMS 435 C Gray, 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 (260 SF per code)

Landscaping schematic on Page 6



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www.parvinclass.com

PROJECT:



704-944 Illinois Rte. 59
Naperville, IL 60540

CUSTOMER APPROVAL:

DATE

AUTHORIZED SIGNATURE

REPRESENTATIVE

Lisa Straszak / LS

DRAWN BY

Bill Goodman

DATE

3.8.23

SCALE

1/4" = 1'

SHEET NO.

3 of 6

ESTIMATE / JOB NUMBER

11733

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REVISIONS:

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5 6.14.23

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EXHIBIT C

SIGN COMPANY

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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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 _____

SCALE

SHEET NO.

5 of 6

ESTIMATE / JOB NO.

71/52

FILE NAME: CPCL14722

REVISIONS

32923

41823

5223

4

5.25.23

61423

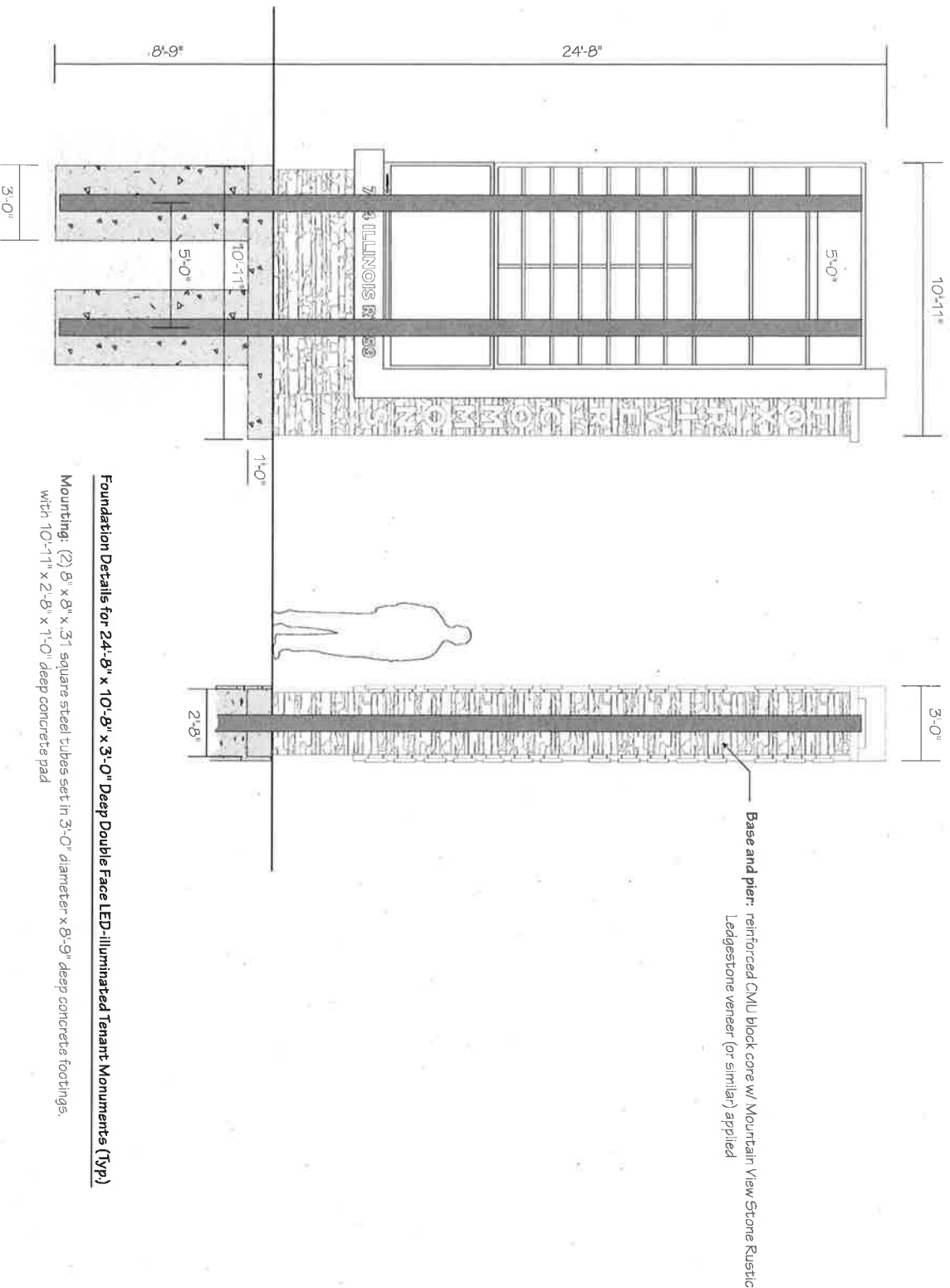
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This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



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

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SIGN COMPANY

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Tel: 630.581.3300 • Fax: 630.581.3328
Email: info@parvinclauss.com
www.parvinclauss.com

PROJECT:



704-944 Illinois Rte. 59
Naperville, IL 60540

CUSTOMER APPROVAL:

DATE

AUTHORIZED SIGNATURE

REPRESENTATIVE

Lisa Straszak / LS

DRAWN BY

Bill Goodwyn

DATE

3.8.23

SCALE

1/4" = 1'

SHEET NO.

6 of 6

ESTIMATE / JOB NUMBER

117733

FILE NAME

CRC117733

REVISIONS:

1 3.29.23

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4 5.25.23

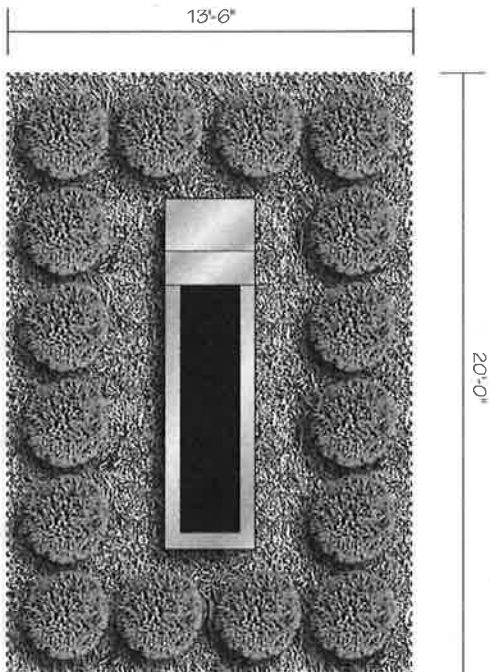
5 5.25.23

6 5.25.23

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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)



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EXHIBIT C

ALTA/NSPS Land Title Survey

COOK COUNTY SURVEYS
FOX RIVER COMMONS
704-944 ILINOIS ROUTE 59
NAPERVILLE, IL 60563
COUNTY OF DUPAGE

Surveyor's Certification

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 ACCORDING TO THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA SURVEYS. LONG-TERM SURVEYS, SHORTLY ESTABLISHED AND LOCATED BY ALTA AND NORTH AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7, 10, 12, 14, 16, 17, AND 18 OF TABLE 2 OF THE FIELD WORKING GUIDE WHICH GOVERN FIELD OR AERIAL SURVEYS.

N. 201.

[illegible]

Legal Description

LOT 1 BEING THE SOUTHWEST QUARTER OF SECTION 22 AND PART OF THE NORTHWEST QUARTER OF SECTION 22 ALL IN TOWNSHIP 36 NORTH RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED DECEMBER 11, 1906 AS DOCUMENT 189-18944 IN DU PAGE COUNTY, ILLINOIS.

NON-EXCLUSIVE EASEMENTS), 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 89-52792.

NON-EXCLUSIVE EASEMENTS, FOR THE BENEFIT OF PARCEL 1 FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, AS SET FORTH AND DEDICED IN EASEMENT AGREEMENT DATED AUGUST 30, 1980 AND RECORDED NOVEMBER 14, 1980 AS DOCUMENT #80-15714.

Legend of Symbols & Abbreviations

[illegible]

Notes Corresponding to Schedule E

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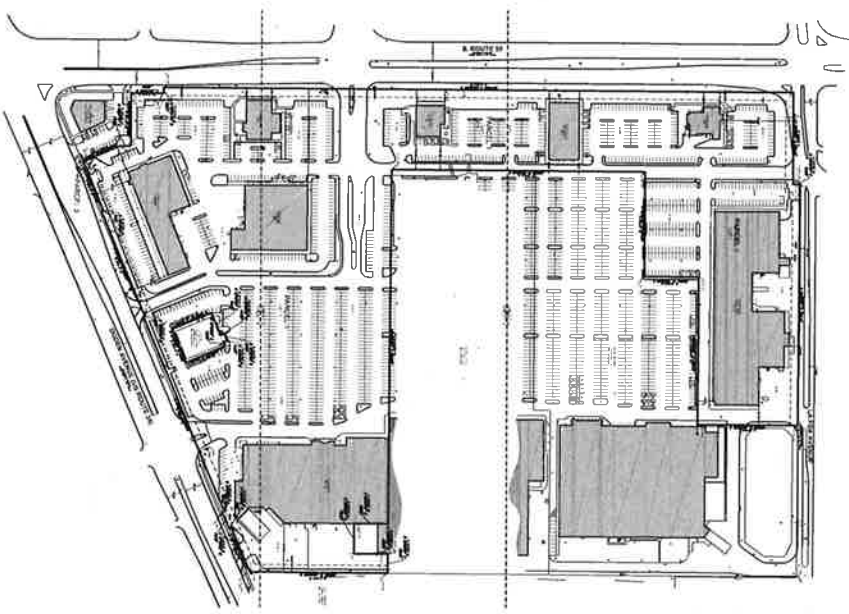
Zoning Notes

Significant Observations

Vicinity Map

Special Advertising Section

NOT TO SCALE



General Notes

- [illegible]

FLOOD NOTE

[illegible]



Commercial Real Estate
Due Diligence Management
3485 South Arlington Rd. Suite E-113
Mesa, AZ 85204-1132
Tel: 480.941.1131
www.americanreal.com

Sheet 2 of 4

ROUTE 59
UNIMULTI PARCELS
POINT OF BEGINNING

38° E 1650.82'

PARCEL 1
LOT 1

SHEET 2
SHEET 3

SCALE 1" = 50'

EXHIBIT C

EXHIBIT D

IL ROUTE 59

PARCEL 1
LOT 1

SHEET 2
SHEET 3

