

PIN: 07-22-300-036

ADDRESS: 720-944 S Route 59 NAPERVILLE, IL 60540

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
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

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

DOCUMENT R2023-055588

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

- 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 <u>Exhibit A</u> and depicted on <u>Exhibit B</u> ("Subject Property").
- 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:
    - 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 <a href="Exhibit C">Exhibit C</a> ("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 <u>Exhibit C</u> ("Sign Plans").
  - b. Owner and Petitioner has requested variances from the following code sections for Sign B:
    - 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 <u>Exhibit C</u> ("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 <a href="Exhibit C">Exhibit C</a> ("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");
  - 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 <u>Exhibit C</u> ("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 <a href="Exhibit D">Exhibit D</a> ("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.

<u>SECTION 3</u>: 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 <u>Exhibit C</u>, 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:

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, 1990AND RECORDED NOVEMBER 14, 1990 AS DOCUMENT R90-155704.

Property Address: 720-944 South Route 59, Naperville, Illinois 60540

PIN: 07-22-300-036



Commercial Plant Estimated Doc Discover Management 3465 South Adversion Rd Sunte E#183 Akten, OOH 44312.

ALTA/NSPS Land Title Survey

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Programme and cont

COOK COUNTY SURVEYS
FOX RIVER COMMONS
704-844 ILLINOIS ROUTE 59
MAPERYLLE, IL 50553
COUNTY OF DUPAGE

## Surveyor's Certification

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EXHIBIT

# Legal Description

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Zoning Notes

Legend of Symbols & Abbreviations

Significant Observations

Vicinity Map



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- MNZ) THIS PROFESSIONAL SERVICE CONFORMS TO THE CURREN ILLINOIS MINIMI M STANDARDS FOR A BOLINDARY SURVEY (MAS) ALL STREETS SHOWN ARE PUBLIC RIGHT OF WAY, UNLES OTHERWISE NOTED.

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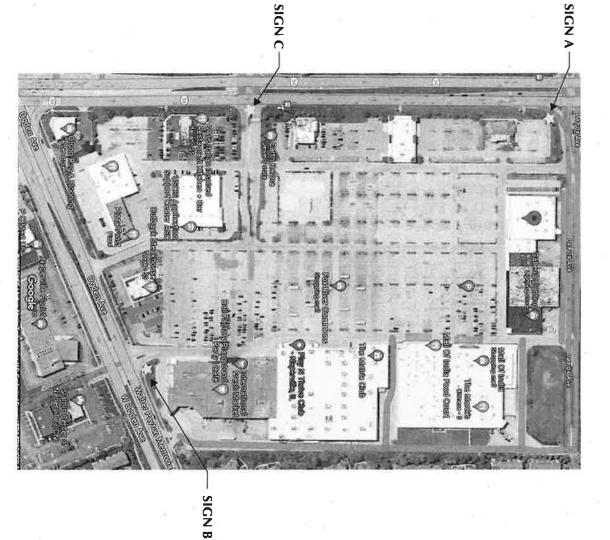
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**EXHIBIT B** 



# Farvin-Clauss

PROJECT:

CONTINENTAL REALTY CORPORATION

704-944 Illinois Rte. 59 Naperville, IL 60540

CUSTOMER APPROVAL:

AUTHORIZED SIGNATURE

REPRESENTATIVE

Lisa Staszak/LS

SHEET NO. 3.8.23 1 of 6 Bill Goodwyn

FILE NAME CRC11733

ESTIMATE / JOB NUMBER

REVISIONS:

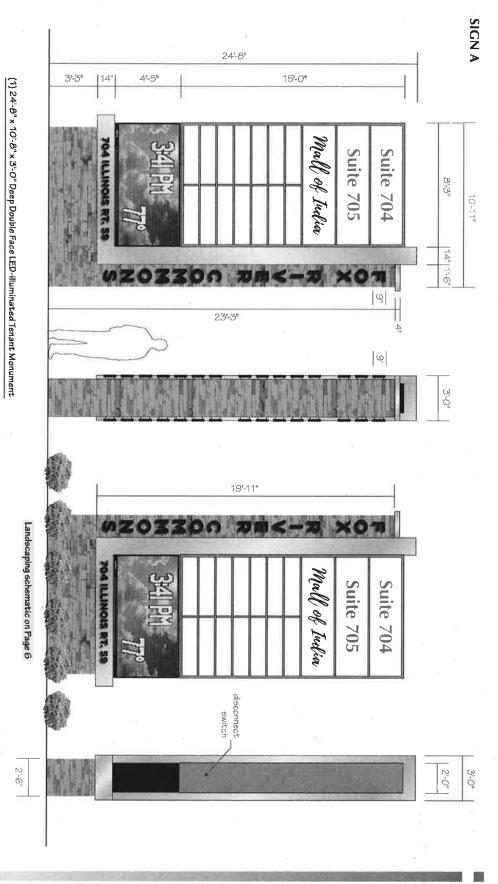
3.29.23

418.23

5.25.23

61423 - location

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.

This Document is owned by, and the information contained in it is proprietary to, Parvin-Clauss Sign Company. By receipt the Company to the company to the information of the information of sections it to any third pany on reproduce; this document without the prior written consent of Parvin-Clauss Sign Company.

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)

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

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

Illumination: White LED modules and low-voltage power supplies

L cabinet: fabricated aluminum painted MP 413429P Brushed Aluminum, satin finish, w/ 1/2" thick Satin Black FCO acrylic

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)

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in accordance with the requirements of Anticle 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

## **Parvin-Clauss** IGN COMPANY

1/610-510-2020 \* Fay/630-5

www.partenations. PROJECT:

CONTINENTAL REALTY

CORPORATION

CUSTOMER APPROVAL: 704-944 Illinois Rte. 59 Naperville, IL 60540

**AUTHORIZED SIGNATURE** 

REPRESENTATIVE

DRAWN BY Bill Goodwyn Lisa Staszak / LS

ESTIMATE / JOB NUMBER SHEET NO. 3.8,23 2 of 6 1/4" = 1

FILE NAME CRC11733 1733

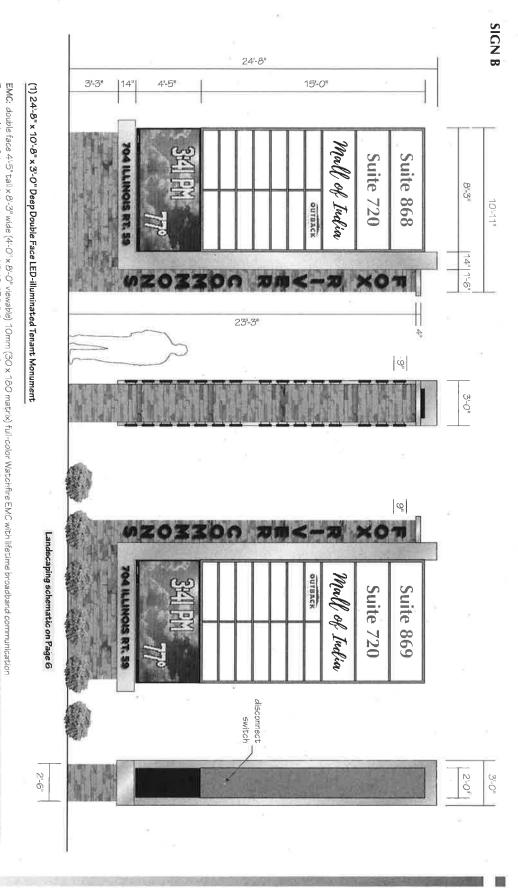
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Fox River Commons: 1" thick FCO acrylic, painted Satin Black, 1" projection stud-mount on satin aluminum spacers

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Illumination: White LED modules and low-voltage power supplies

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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)

other applicable local codes. This includes proper grounding and bonding of the sign:

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# Parvin-Clauss

www.parvinchaus.com Tel/610-510-2020 - Fax/610-310-207

## PROJECT:



CUSTOMER APPROVAL: Naperville, IL 60540 704-944 Illinois Rte. 59

**AUTHORIZED SIGNATURE** 

DRAWN BY REPRESENTATIVE 3.8.23 Bill Goodwyn 1/4" = 1" Lisa Staszak/LS

ESTIMATE / JOB NUMBER FILE NAME CRC11733 11733

REVISIONS:

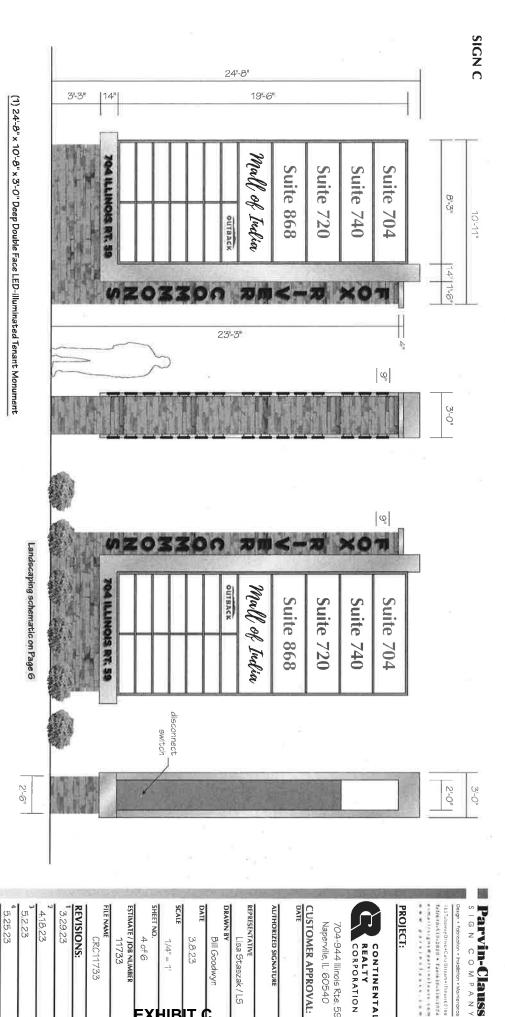
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3 of 6

SHEET NO.

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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



Naperville, IL 60540 704-944 Illinois Rte, 59

REALTY CONTINENTAL CORPORATION



Base and pier: reinforced CMU block care w/ Mountain View Stone Rustic Ledgestone veneer (or similar) applied, aluminum cap painted MP 41342SP Brushed Aluminum, satin finish

**Mounting:** (2)  $8" \times 8" \times .31$  square steel tubes set in 3'-0" diameter  $\times 8'-9"$  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

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

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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)

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41823

4 of 6

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CRC11733

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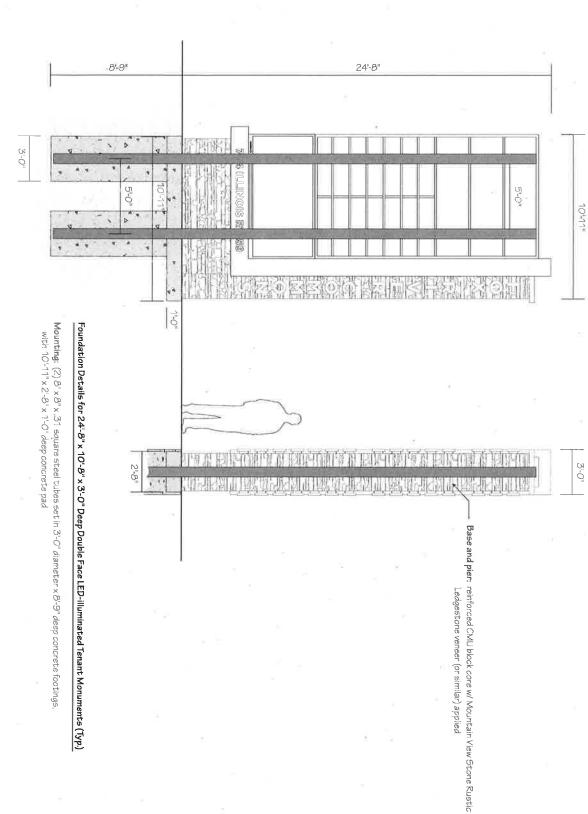
3.8.23

Bill Goodwyn

isa Staszak / LS

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 intended to be installed in accordance with the



FILE NAME

CRC11733

REVISIONS:

3.29.23

5.2.23 41823

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ESTIMATE / JOB NUMBE

11733

SHEET NO.

1/4" = 1'

5 of 6

CUSTOMER APPROVAL:

704-944 Illinois Rte. 59 Naperville, IL 60540

CONTINENTAL REALTY CORPORATION

AUTHORIZED SIGNATURE

DRAWN BY REPRESENTATIVE

Lisa Staszak / LS

Bill Goodwyn

3.8.23

Parvin-Clauss

Tellh vn-510-1020 - Tax/650-510-2074

PROJECT:

his Document is uwned by, and the information cuntained in it is proprietary to, Parish Chara Sign Company. By receipt he The The Birth Gress not to use the information, disclose it to any third party, nor reproduce this document without the prior written consent of Parvin-Clauss Sign Company.\*

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

13'-6"

# Landscaping for (3) 24-8" $\times$ 10'-8" $\times$ 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)

## FILE NAME CRC11733 REPRESENTATIVE AUTHORIZED SIGNATURE REVISIONS: ESTIMATE / JOB NUMBER SHEET NO. 6 of 6 3.8.23 11733 Lisa Staszak / LS 1/4" = 1" Bill Goodwyn

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.

EXE DECEMBERATE CO. CHARLESTER - BANKERSTER

PROJECT:

CORPORATION

704-944 Illinois Rte. 59 Naperville, IL 60540

CUSTOMER APPROVAL:

3.29.23

418.23

5.25.23



Due Dégence Management

Les South Aurope Tut Sout Ettes

Akron, OH 44312

ALTA/NSPS Land Title Survey

COOK COUNTY SURVEYS
FOX RIVER COMMONS
704-944 ILLINOIS ROUTE 59
NAPERVILLE, IL 69653
COUNTY OF DUPAGE

XXAS INSURANCE COMPANY, IT'S SOCCESSORS
INST OF FOX RIVER, LLC, AN ILLINOIS LIMITED
INSTITION LLC A DELAWARE LIMITED LIMBILITY

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Legal Description

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ASSESSMENT PLATING, ONE RECORDED SEPTEMBER 21, 1993 AS DOCUMENT
REGISTRANS BLANKET AND NOT SHOWN. JULIA MANEGULINIE EASERINYS FAVOR OF DITTRALYS UNES OF FLORICA, MA, TOTRI MOTELSIA MAD ECRESIA PRIVATOR OF PERPLESE RODORINYS AND MALOWANS LOADING AND UNALCOUNCE FORTH, AND DEPARTE IN ACCESS AND PARKING EXCERNIN ENT LIATED SEPTEMBER S. 1934 AND RECORDED SEPTEMBER 22. TOCCUMENT REM-PESSO, AND THE TERMS PROVISIONS AND UNS CONTRANED HERBERN ITEMS BANKET, AND NOT SEMURIK. AND UNS CONTRANED HERBERN ITEMS BANKET, AND NOT SEMURIK.

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# Legend of Symbols & Abbreviations Para de Desais. Discolario de La Companyo de La Co

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Zoning Notes

Significant Observations

Vicinity Map



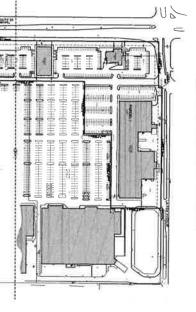




NOT TO SCALE

AREA 1,187,563 61 SF± OR 27 26 ACRES±

Notes Corresponding to Schedule B



General Notes

(MNT) ALL FIELD MEASUREMENTS MATCH RECORD DIMENSIONS WITH THE PRECISION REQUIREMENTS OF ALL ANSES SPECIFICATIONS

(MN3) ALL STREETS SHOWN ARE PUBLIC RIGHT OF WAY, UNLESS OTHERWISE NOTED. (MAZ) THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS WIRKING STANDARDS FOR A BOUNDARY SURVEY.

**EXHIBIT C** 

MNA) ASSUMED BEARING: THE EAST RIGHT OF WAY LINE OF IL ROUTE 59 TO BE NORTH 00 DEGREES 22 MINUTES 36 SECONDS EAST.

(MINE) AT THE TIME OF THIS SURVEY, THE ADDRESS WAS POSTED AS 1/1/4-444 IL ROUTE 54. MINS) AT THE TIME OF THIS SURVEY THERE IS NO RECORD OR OBSERVED EVIDENCE OF A CEMETERY OR BURIAL GROUND.

THE SUBJECT PROPERTY HAS ACCESS TO AND FROM IT. ROUTE 58. US ROUTE 34 (OGDEN AVENUE) AND (A FOX AVENUE WHICH ARE PUBLIC DEDICATED RIGHT OF WAYS.

(NIN)

E

(MN9) N RECARDS TO TABLE W: ITEM 17, AT THE TIME OF THIS SURVEY, THERE WAS NO RECENT STREET OR SIDEWALK CONSTRUCTION OR PROPOSED RIGHT OF WAY CHANGES FRONTED. (NIN) 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.

(MI)) THE LOCATION OF UTILIES SHOWN HERSON MES HAVE
ONLY. THE SURVEYOR WAS NOT PROVIDED WITH
UNDERSCROUP FLANCY TO FEERINGE THE COLORIDO WITH
UNDERSCROUP FLANCY TO FEERINGE THE COLORIDO OF NOY
SURTERIONARY LOCATION OF SON MINT CLIENT

RECURSTED NOTES

1 THE TIME OF THIS SURVEY, THERE WAS NO
RESERVABLE EVIDENCE OF THE SUBJECT PROPERTY
REACH USED AS A SOUTD WASTE DUMP, SUMP OR SANITARY TIME OF THIS SURVEY, NO WETLAND MARKERS BESERVED. PPERTY DESCRIPTION GLOSES MATHEMATICALLY. I NO GAPS OR OVERLAPS.

