

PIN: 07-10-314-006

ADDRESS:  
1356 N. ROUTE 59  
NAPERVILLE, IL 60540

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170

RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #17-1-084

**ORDINANCE NO. 17 -**

**AN ORDINANCE GRANTING A SIGN DEVIATION  
TO THE DESIGN POINTE PUD FROM SECTION 6-16-3:7 (PROHIBITED SIGNS),  
SECTION 6-16-5:2.2.5.3 (SIGNS ON COMMERCIAL AND INSTITUTIONAL  
PROPERTY: SETBACKS) AND SECTION 6-16-5: 2.2.5.1 (MONUMENT SIGN  
SETBACK) OF THE NAPERVILLE MUNICIPAL CODE FOR  
1356 N. ROUTE 59**

**WHEREAS**, John Doyle, ("Petitioner"), has petitioned the City of Naperville for approval of sign deviations for the real property at 1356 N. Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the owner of the Subject Property is Grand Commercial, LLC; and

**WHEREAS**, the Subject Property is currently zoned B2 PUD (Community Shopping Center District Planned Unit Development) and is improved with the Design Pointe shopping center; and

**WHEREAS**, the Subject Property was approved as part of the Design Pointe Final Planned Unit Development (PUD) in 2005 per Ordinance 05-209; and

**WHEREAS**, in 2007, the City Council approved a resolution to permit nine ground mounted signs within the Design Pointe development; 6 have been installed to date (1 of which has been removed) and the remaining 3 were never constructed; and

**WHEREAS**, the resolution approved in 2007 has since expired; therefore, the 3 unbuilt signs approved through the resolution can no longer be constructed; and

**WHEREAS**, the Petitioner proposes to add a monument sign to an existing development identification sign on the Subject Property; and

**WHEREAS**, said sign requires approval of a deviation from Section 6-16-3:7 (Prohibited Signs) to allow for an off-premise sign displaying commercial speech; a deviation from Section 6-16-5:2.2.5.3 (Signs on Commercial and Institutional Property: Setbacks) to allow for a reduction of the setback from an interior property line from the required 40' to 17'; and a deviation from Section 6-16-5: 2.2.5.1 (Monument Sign Setback) to allow for a reduction of the setback off of a major arterial road (Route 59) from the required 10' to 5'; and

**WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Deviations) of the Naperville Municipal Code the requested deviations meet the Standards for Deviations as provided in **Exhibit C** attached hereto; and

**WHEREAS**, on September 20, 2017, the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-084 and expressed concerns regarding the proposal; and

**WHEREAS**, the Planning and Zoning Commission resumed the public hearing on October 18, 2017 and recommended approval of the Petitioner's revised request, which

included a reduction in square footage of the sign size and EMB (Electronic Message Board); and

**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 herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A deviation from Section 6-16-3:7 (Prohibited Signs) of the Naperville Municipal Code to locate the sign as an off premise sign as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved..

**SECTION 3:** A deviation from Section 6-16-5:2.2.5.3 (Signs on Commercial and Institutional Property: Setbacks) of the Naperville Municipal Code to allow for a reduction of the setback from an interior property line from the required 40' to 17' for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

**SECTION 4:** A deviation from Section 6-16-5: 2.2.5.1 (Monument Sign Setback) of the Naperville Municipal Code to allow for a reduction of the setback off of a major arterial road (Route 59) from the required 10' to 5' for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

**SECTION 5:** The deviation 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 6:** This deviation 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 7:** The City Clerk is authorized and directed to record this Ordinance with the Will County Recorder.

**SECTION 8:** 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.

**SECTION 9:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph. D.  
City Clerk