

STATE OF ILLINOIS)
)
COUNTY OF WILL)
)
CITY OF NAPERVILLE)

**PETITION TO THE NAPERVILLE CITY COUNCIL AND
PLANNING AND ZONING COMMISSION
FOR A SIGN VARIANCE**

THE UNDERSIGNED Petitioner, Pulte Home Company, LLC, a Michigan limited liability company (hereinafter the “Petitioner”), as the contract purchaser of the property legally described on **Exhibit A** (hereinafter the “Property”), respectfully petitions the City of Naperville (“City”) to (i) approve a sign variance from the City of Naperville Municipal Code (the “Code”) section 6-16-3 to permit an off-premise sign to be installed; and (ii) to approve such other relief from the Code as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

**SIGN VARIANCE TO PERMIT A MONUMENT SIGN
ON THE CHURCH PROPERTY**

1. Petitioner submitted a Petition for Development approval with the City on October 30, 2018 and all defined terms set forth in said petition and plans submitted therewith shall be applied to this Petition.

2. The primary entrance to the Residential Property will be accessed from 103rd street and Daybreak Drive as depicted on the plans submitted herewith.

3. The east side of Daybreak Drive is Residential Property and the west side of Daybreak Drive is technically Church Property.

3. Petitioner wishes to install two (2) monument signs at the entrance of the subdivision at 103rd Street and Daybreak Drive: one on the east side and one on the west side of the entrance.

4. Petitioner is permitted to install a monument sign on the east side of Daybreak

Drive by right since it would be placed on Petitioner's own property.

5. The proposed sign on the west side of Daybreak Drive is technically an "off-premise sign" since it would be placed on the Church Property.

6. Compass consented to the installation of the monument sign on the Church Property in the aforementioned location and as depicted on the Landscape Plans submitted herewith.

7. Petitioner respectfully requests a variance from Code Section 6-16-3 to permit the installation of an off-premise sign on the Church Property.

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

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 proposes to install two (2) monument signs at the entrance to the subdivision: one on the Residential Property and one on the Church Property, as depicted in the Landscape Plans submitted herewith. The sign on the Church Property requires a variance because it is considered an "off-premise" sign, not being located on the property, which it is serving. The two signs are traditional subdivision identification markers at the entrance to the proposed residential subdivision and are necessary to remain consistent with the subdivision trends throughout the community. Both monument signs will meet all setback, height, and area requirements and are critical in identifying the subdivision entrance. Therefore, the variance is in harmony with the comprehensive plan and the Code.

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

The Sign Code only permits ground signs to be installed on the Petitioner's own Property. Petitioner fully plans to install that one permitted sign on the side of the entrance that is technically the Residential Property. However, two monument signs at an entrance to a subdivision is common practice in residential development and is necessary to properly identify the entrance to the proposed subdivision. Petitioner plans to reduce the 80' right of way to a 60' right of way in order to accommodate a 10' pedestrian path that extends to the entrance of the proposed subdivision. Petitioner also plans to incorporate trees and other attractive landscaping features at the entrance to the subdivision, which when combined with the 10' pedestrian path, will provide a unique entry feature to the residential subdivision thereby incorporating a positive community identification characteristic.

Most subdivisions are developed and retain the same ownership through the development process and accordingly, those subdivisions are permitted to install the two traditional identification markers on any portion of their property, as of right. Petitioner entered into an agreement with Compass to sell that approximately 8.05 acres making up the south-west corner of the Property. This creates a unique set of circumstances in that Petitioner would have been permitted to install a ground sign on what is now technically the Church Property as of right, had Petitioner not entered into an agreement to sell that south-west corner of the Property to Compass. Therefore, Petitioner faces an unusual condition not generally experienced by nearby subdivisions.

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 proposed sign will be consistent with the character of the neighborhood by mirroring nearby subdivision identification markers, such as the Reserve Subdivision entrance on Book

Road and Schillinger Court, along with the Whispering Lakes subdivision entrance on Route 59 and Royal Worlington Drive. Further, the sign will be constructed with quality materials and will compliment both the Residential Property and the Church Property. Understanding the need for the off-premise sign, Compass consented to the construction and installation of the proposed sign, fully thoughtful that such a sign would not be a substantial detriment to the Church Property and its operations.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to (i) approve a sign variance to permit an off-premise sign to be installed; and (ii) to approve such other relief from the Naperville Municipal Code (“Code”) as may be deemed necessary and appropriate to development the Property consistent with the plans submitted herewith.

RESPECTFULLY SUBMITTED this 2nd day of November, 2018.

PETITIONER:

Pulte Home Company, LLC, a
Michigan limited liability company

By: 
ROSANOVA AND WHITAKER LTD.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL ONE

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10,
WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS.
PIN: 07-01-10-300-0002-0000

PARCEL TWO

THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 10, WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS; EXCEPT THAT PART TAKEN BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR HIGHWAY EXPANSION ALONG ILLINOIS ROUTE 59 IN COURT CASE 95 ED 7525; AND ALSO EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER AND HEADING THENCE NORTH 88 DEGREES 56 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 80.58 FEET TO THE POINT OF BEGINNING; CONTINUING AT THE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 56 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 480.00 FEET TO A POINT; THENCE SOUTH 01 DEGREES 03 MINUTES 08 SECONDS EAST, A DISTANCE OF 920.00 FEET TO A POINT; THENCE SOUTH 88 DEGREES 06 MINUTES 54 SECONDS WEST, A DISTANCE OF 456.58 FEET TO A POINT OF THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59 PER DOCUMENT R96-057627; THENCE NORTH 01 DEGREE 53 MINUTES 06 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 382.58 FEET TO A POINT; THENCE NORTH 08 DEGREES 13 MINUTES 31 SECONDS WEST, A DISTANCE OF 90.55 FEET TO A POINT; THENCE SOUTH 88 DEGREES 06 MINUTES 54 SECONDS WEST, A DISTANCE OF 5.00 FEET TO A POINT, THENCE NORTH 01 DEGREE 53 MINUTES 06 SECONDS WEST, A DISTANCE OF 160.00 FEET TO A POINT; THENCE SOUTH 88 DEGREES 06 MINUTES 54 SECONDS WEST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE NORTH 01 DEGREE 53 MINUTES 06 SECONDS WEST, A DISTANCE OF 250.00 FEET TO A POINT; THENCE NORTH 88 DEGREES 06 MINUTES 54 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTH 01 DEGREE 53 MINUTES 06 SECONDS WEST, A DISTANCE OF 44.30 FEET TO THE POINT OF BEGINNING.

PIN: 07-01-10-300-028-0000

EXHIBIT A
(continued)

PARCEL THREE

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER AND HEADING THENCE NORTH 88 DEGREES 56 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 80.58 FEET TO THE POINT OF BEGINNING: CONTINUING AT THE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 56 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 480.00 FEET TO A POINT; THENCE SOUTH 01 DEGREE 03 MINUTES 08 SECONDS EAST, A DISTANCE OF 920.00 FEET TO A POINT; THENCE SOUTH 88 DEGREES 06 MINUTES 54 SECONDS WEST, A DISTANCE OF 456.58 FEET TO A POINT OF THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59 PER DOCUMENT R96-057627; THENCE NORTH 01 DEGREE 53 MINUTES 06 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 382.58 FEET TO A POINT; THENCE NORTH 08 DEGREES 13 MINUTES 31 SECONDS WEST, A DISTANCE OF 90.55 FEET TO A POINT; THENCE SOUTH 88 DEGREES 06 MINUTES 54 SECONDS WEST, A DISTANCE OF 5.00 FEET TO A POINT, THENCE NORTH 01 DEGREE 53 MINUTES 06 SECONDS WEST, A DISTANCE OF 160.00 FEET TO A POINT; THENCE SOUTH 88 DEGREES 06 MINUTES 54 SECONDS WEST, A DISTANCE OF 5.00 FEET TO A POINT; THENCE NORTH 01 DEGREE 53 MINUTES 06 SECONDS WEST, A DISTANCE OF 250.00 FEET TO A POINT; THENCE NORTH 88 DEGREES 06 MINUTES 54 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTH 01 DEGREE 53 MINUTES 06 SECONDS WEST, A DISTANCE OF 44.30 FEET TO THE POINT OF BEGINNING.

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