



**NAPERVILLE PLAN COMMISSION  
COUNCIL CHAMBERS – MUNICIPAL CENTER  
FINAL AGENDA  
03/02/2011 - 7:00 p.m.**

**CALL TO ORDER:**

**A. Roll Call**

**B. Approve Minutes**

1. Approve the minutes of the January 19, 2011 Plan Commission meeting.

**C. Old Business**

**D. Public Hearings**

1. PC Case # 10-1-161 11S008 West Street Annexation  
Petitioner: John and Theresa Keshner, 3428 Redwing Drive  
Naperville, IL 60564  
Location: 11S008 West Street

Request: Conduct the Public Hearing to consider annexation of the subject property to the City of Naperville and rezoning to R1A (Low Density Single Family Residential District) upon annexation.

Official Notice: Published in the Naperville Sun on February 9, 2011

2. PC Case # PC# 11-1-013 Kiddie Academy - Cantore Place Lot 5  
Petitioner: RSC & Associates, 1112 Lake Street, Suite 300, Oak Park, IL 60301  
Location: Lot 5 of Cantore Place, at the nothwest corner of Cantore Road and Forge Road

Request: Conduct the Public Hearing to consider a major change to the Cantore Place PUD and zoning variation for a daycare facility

Official Notice: Published in the Naperville Sun on February 11, 2011

3. PC Case # 11-1-011 5th Avenue Properties

**AGENDA**  
**NAPERVILLE PLAN COMMISSION**  
**03/02/2011 - 7:00 p.m. - COUNCIL CHAMBERS**  
**Page 2**

Petitioner: Mill Street Properties, LLC, 1805 High Grove Lane, Suite 137, Naperville, IL 60540

Location: Southwest corner of 5th Avenue and Mill Street (400 through 670 W. 5th Avenue)

Request: Conduct the Public Hearing to consider revocation of the planned unit development, rezoning and conditional uses.

Official Notice: Published in the Naperville Sun on January 30, 2011

- E. Reports and Recommendations**
- F. Correspondence**
- G. New Business**
- H. Adjournment**

**Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Accessibility Coordinator at least 48 hours in advance of the scheduled meeting. The Accessibility Coordinator can be reached in person at 400 S. Eagle Street, Naperville, IL., via telephone at 630-420-6725 or 630-305-5205 (TDD) or via e-mail at [manningm@naperville.il.us](mailto:manningm@naperville.il.us). Every effort will be made to allow for meeting participation.**



**NAPERVILLE PLAN COMMISSION  
DRAFT MINUTES OF JANUARY 19, 2011**

**Call to Order**

**7:01 p.m.**

**A. Roll Call**

Present: Bruno, Trowbridge, Messer, Gustin, Edmonds, Herzog, Meyer, Meschino

Student Members: Uber, Wallace (7:25), Schoch (7:25)

Staff Present: Planning Team – Emery, Forystek, Liu

**B. Minutes**

Approve the minutes from the January 5, 2011 Plan Commission meeting.

Gustin recommended her comments on page 2 be amended to include, “She expressed sadness about the loss of the ZBA which provides an opportunity for people to participate in government.”

Edmonds suggested a correction on Page 3 to replace the word “are” with the word “is” in her comment.

Motion to approve as amended.

Motion by: Trowbridge

Second by: Herzog

Approved  
(8 to 0)

**C. Old Business**

Ying Liu, Planning Services Team, gave an overview of the discussion from the January 5, 2011 public hearing and staff response.

**Historic  
Preservation  
Ordinance Revisions  
PC 10-1-144**

**Public Testimony:**

Anissa Olley, 101 Springwood

- Expressed concern about proposed language related to how a historic district may be proposed. She feels it should be the responsibility of a 51% majority of residents who support a district to initiate its creation district.
- Believes only a homeowner should be able to request landmark designation of a property.
- Requested a definition of “economic hardship” as referenced by staff at the January 5, 2011 hearing.

**Plan Commission Questions/Comments:**

- Meyer – Requested clarification from staff about notification procedures

- Gustin -
  - Requested clarification from staff about public input process. Staff described public education and input opportunities provided thru City's Web Site, media releases, e-news, direct mailings and public meetings.
  - Requested and received clarification from staff about economic reasonableness standard and how it is applied to COA review. This standard can vary from case-to-case. The Historic Preservation Commission (HPC) will evaluate as appropriate.
  - Asked for clarification about the minimum number of structures required to create a district.
  - Expressed opinion that the city must have an effective way to deal with projects that are not completed to avoid situations similar to the recent property on Ellsworth Street.
  
- Edmonds –
  - Expressed support for change to the process outlined in the draft ordinance related to how a historic district is created. Believes the petitioner should have to show 51% neighborhood support.
  - Agrees with the proposed ordinance language that allows the owner or others to establish landmark status of a property.
  - Pointed out references in Section 6-11-8:5 to the practice categories of “encourage” and “acceptable.” As written, she believes the proposed code establishes a hierarchy. However, in the same section it indicates that these practices are interchangeable. She expressed concern about HPC’s ability to be consistent in applying the standard over time. Believes the language should be amended.
  
- Bruno – Requested information about how the percentages referenced in Section 6-11-4:3 were established. Staff clarified these percentages were developed as part of the Unified Recommendation.
  
- Messer – Expressed support for the ordinance as written. Not supportive of the 51% objection amendment as discussed by some members of the Plan Commission. Believes language provides protection for property owners. Also feel it is appropriate to allow for landmark status other than by homeowner in certain instances.
  
- Herzog – Supports alternative language included in staff memo that would shift burden for establishment of a historic district to those proposing its creation, not those defending against it.
  
- Meschino – Asked for clarification for approach to voting on this matter.

Plan Commission closed the public hearing.

**Plan Commission Discussion:**

- Trowbridge – Expressed support for the ordinance with a few minor changes, including the majority requesting of any new historic district. Extremely pleased that the occupancy penalty for illegal demolition has been removed.
- Gustin –
  - Agrees with the majority of commissioners who have expressed concern about property rights as it relates to the creation of a new historic district.
  - Believes it should be the burden of the petitioner to gain support for the creation of any new historic district.
  - Happy to see that the occupancy penalty, maintenance and fine revisions suggested at the January 5, 2011 hearing have been made.
- Meyer – Agrees with Herzog’s idea about how a district may be established. With that exception, she supports every other aspect of the ordinance and feels it is very well written.

**Plan Commission Action:**

Plan Commission moved to recommend approval of the Historic Preservation Ordinance, Title 6, Chapter 11, of the Naperville Municipal Code to the Naperville City Council.

Motion by: Trowbridge  
Second: Gustin

The following amendment to this motion was proposed by Herzog and seconded by Meyer:

Section 6-11-4:3 should be amended to clarify that City Council shall not grant a designation of an Historic District unless a petitioner is presented supporting the proposed designation that contains signatures of 51% or more of the owners of real property within the area to be considered for designation as an Historic District, accompanied by an affidavit certifying the same.

Vote on the Amendment:

Ayes: Bruno, Herzog, Meschino, Meyer, Trowbridge, Gustin, Edmonds  
Nays: Messer  
Amendment Approved  
(7 to 1)

Vote on the Original Motion:

Ayes: Bruno, Herzog, Meschino, Meyer, Trowbridge, Gustin, Edmonds  
Nays: Messer  
Approved  
(7 to 1)

## **D. Public Hearings**

### **D1. Naperville United Methodist Church PC Case # 10-1-138**

Katie Forystek, Planning Services Team, gave an overview of the request.

Kathleen C. West, Attorney, Dommermuth, Brestal, Cobine and West, 123 Water Street, representing the petitioner, described the request in detail, noting the unique site attributes that make it a challenging industrial development site (e.g., irregular shape, natural features and limited toll way visibility).

#### **Plan Commission Questions/Comments:**

- Stormwater ponds on the property.  
Petitioner confirmed that the two existing detention basins provide stormwater drainage for the adjacent properties as well as the subject property. Ponds have adequate capacity to accommodate existing uses and proposed church. The church is responsible for the maintenance for the facilities on its property though costs may be shared with adjacent property owners.
- Purpose of the conservation easement.  
Petitioner clarified that it is for wetland for mitigation.
- Plans to widen Diehl Road and impact the church will have on traffic flow.  
Staff confirmed that there are no plans to widen Diehl Road adjacent to the subject property and engineering has no concerns with traffic generation related to the proposed church use. Petitioner noted that the proposed church will have less of a traffic impact than if the parcel were developed for an office or warehouse use as previously planned.
- Access  
Petitioner confirmed access is acceptable to meet their needs. Staff confirmed two points of access are provided in accordance with code requirements. It was also noted access has been reviewed and approved by engineering staff and fire department.

#### **Public Testimony:**

Joseph Sheehan – 5S512 Innisbrook Drive, Naperville

- Asked if environmental impact statement has been done
- Expressed concerns about stormwater management and pond capacity after major storm events.

#### **Petitioner Response to Public Testimony:**

- No building is proposed within any existing stormwater or conservation area.
- The proposed use offers a smaller footprint, and less stormwater impact, than original plan for industrial/office uses of the site.
- Proposed use will allow for a larger buffer from wetland areas.
- Because no modification to wetland or conservation area an Environmental Impact Study is not required.

The Plan Commission closed the public hearing.

**Plan Commission Discussion:**

- Gustin – Expressed support for request. Believes the church is a better use next to the Prairie Path than an industrial building. She also feels the smaller building footprint is more compatible with the wetland on the property and stormwater needs have been accounted for.
- Messer – Expressed his support for request. Noted the site is a challenging parcel and the proposal integrates features well.
- Edmonds – Clarified that action on this case does not set a precedent to incorporate smaller churches in industrial areas. This is a special circumstance because the property is unique. The Municipal Code allowance for public assembly uses in the industrial district is meant to be limited and generally accommodate larger uses.

Motion to Approve PC Case # 10-1-138.

Motion by: Gustin

Second: Herzog

Approved  
(8 to 0)

**D3. MJK  
Development  
PC Case # 10-1-151**

Ying Liu, Planning Services Team, gave an overview of the request.

Walter Hainsfurther, Architect, Kurtz Associates Architects, 701 Lee Street, Suite 900, Des Plaines, IL:

- Described development concept. Proposed retail/restaurant use is consistent with original concept for this outlot.
- Indicated adjacent property owner has approved site plan and building elevations.
- As requested in staff memo, the petitioner will complete enclosure gate and coordinate with IDOT on parkway tree plantings.
- Explained that the variance is needed to accommodate footprint of proposed tenants and accommodate required parking on-site.

**Public Hearing:** No one provided testimony.

**Plan Commission Questions:**

Gustin - Confirmed with petitioner plan for monument sign, access and outdoor seating.

Bruno – Confirmed with petitioner that if building width was reduced by 3 feet variance would not be necessary. Indicated that smaller footprints of the same tenants are successful in downtown Naperville. Petitioner indicated that leases

have been signed with proposed tenants. The leases stipulate the minimum square footage the tenant is willing to accept. Having signed tenant leases is necessary to secure financing for building construction.

Staff clarified that building location was selected to avoid major utility lines in easement along frontage of IL Route 59. Building may not be located over these lines, but parking is allowed.

The Plan Commission closed the public hearing.

**Plan Commission Discussion:**

Gustin – Believes the variance is minor. In this situation, she support the development and believes it will be a good addition to the area.

Edmonds – Believes the petitioner has meet the standards for deviations necessary to approve the requested variance.

MOTION to approve PC Case# 10-1-151.

Motion By: Meyer

Second: Herzog

Ayes: Trowbridge, Messer, Gustin, Edmonds, Herzog, Meyer, Meschino

Nays: Bruno

Approved  
(7 to 1)

**E. Reports and  
Recommendations**

**F. Correspondence** Staff announced cancellation of February 2, 2011 meeting due to a lack of agenda items.

Staff announced cancellation of November 16, 2011 Meeting due to a room scheduling conflict.

**G. New Business** None

**H. Adjournment** 8:31 p.m.



# Naperville

## PLAN COMMISSION AGENDA ITEM

**PC CASE:** 10-1-161 **AGENDA DATE:** 3/2/2011  
**SUBJECT:** 11S008 West Street Annexation  
Petitioner: John and Theresa Keshner, 3428 Redwing Drive, Naperville, IL 60564

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**LOCATION:** 11S008 West Street Annexation

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Correspondence      New Business      Old Business      Public Hearing

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**SYNOPSIS:**  
The petitioner requests annexation of the subject property to the City of Naperville and rezoning to R1A (Low Density Single Family Residential) upon annexation.

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**PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
N/A		

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**  
Conduct the public hearing.

**PREPARED BY:** Ying Liu, AICP, Community Planner

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**EXISTING ZONING, LAND USE, AND LOCATION:**  
The subject property is located at 11S008 West Street in the Rivercrest Estates Unit 2. The property consists of approximately 0.48 acres in unincorporated Will County and carries an R-3 (Single Family Residence) zoning designation. The site is currently improved with a single-family residence.

The petitioner requests annexation of the subject property to the City of Naperville and rezoning to R1A (Low Density Single Family Residential) upon annexation. The petitioner intends to demolish the existing single-family structure and construct a new single-family house in compliance with the provisions of the Naperville Municipal code, including Section 6-6-26 (Teardown/Infill Regulations).

**RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:**  
The future land use designation for the subject property, as adopted in the 1998 East Sector Update to the Comprehensive Master Plan, is “Low Density Residential”. The request is consistent with the East Sector Update.

**NATURAL FEATURES:**

Some mature trees are located on the site.

**PLANNING SERVICES TEAM REVIEW:**

The subject property is contiguous to the City of Naperville on the west side (rear property line) and is therefore eligible for annexation. The property is located within a well-established residential subdivision with similar lot size and character. The surrounding properties are zoned R1A (Low Density Single-Family District) in the City of Naperville or R3 in unincorporated Will County.

The petitioner request R1A zoning upon annexation. Staff supports the R1A designation as it is consistent with the Comprehensive Master Plan and the established single-family neighborhood. The petitioner has provided a written response to the standards for rezoning (Attachment 1). Staff concurs with the petitioner's findings.

**ATTACHMENTS:**

1. 11S008 West Street Annexation – Development Petition – PC 10-1-161
2. 11S008 West Street Annexation – Development Application – PC 10-1-161
3. 11S008 West Street Annexation – Legal Description – PC 10-1-161
4. 11S008 West Street Annexation – Location Map – PC 10-1-161
5. 11S008 West Street Annexation – Annexation Plat – PC 10-1-161

Keshner

STATE OF ILLINOIS )  
 )  
 COUNTIES OF DUPAGE AND WILL )  
 )  
 CITY OF NAPERVILLE )

**PETITION FOR ANNEXATION AND ZONING**

The undersigned Petitioners, being the owners of record in fee simple, respectfully petition the City of Naperville (a) to cause the real property legally described in **Exhibit A** and depicted on the Plat of Annexation, marked **Exhibit B**, both exhibits being attached hereto and made a part hereof, (hereinafter referred to as the "Subject Property"), to be annexed to the City of Naperville, Counties of DuPage and Will, State of Illinois, subject to the Petitioners and the City entering into a mutually agreeable Annexation Agreement, (b) upon annexation, to zone the Subject Property R1A (Low Density Single-Family Residence District) pursuant to Section 6-6A of the Zoning Regulations of the Naperville Municipal Code, and (c) to grant any requisite zoning and/or subdivision deviations and/or variances associated with the requested annexation and zoning.

In support of this Petition, the Petitioners represent to the City of Naperville as follows:

1. That the legal title holders of the Subject Property are John Keshner and Theresa Keshner, whose address is 3428 Redwing Drive, Naperville, Illinois 60564.
2. That there are no electors residing on the Subject Property.
3. That the Subject Property is not within the corporate limits of any municipality but is contiguous to the City of Naperville, DuPage and Will Counties, Illinois.
4. That the Subject Property consists of 21,000 square feet and is located on the west side of West Street, south of Knoch Knolls Road, County of Will, Illinois, with an address of 11 S 008 West Street.
5. That the Subject Property is presently zoned R-3 (Single-Family Residence District) in the County of Will.
6. That the Subject Property is improved with a single-family residence.

7. That the existing land uses surrounding the Subject Property are as follows:

- North: single-family residential
- East: single-family residential
- South: single-family residential
- West: single-family residential.

8. That upon annexation of the Subject Property to the City of Naperville, the Petitioners request that the City amend the City of Naperville Zoning Regulations to reclassify and zone the Subject Property R1A (Low Density Single-Family Residence District) pursuant to Section 6-6A of the Zoning Regulations of the Naperville Municipal Code.

9. That the requested zoning would allow the uses as described in said zoning classification so as to allow the Subject Property to be re-developed with a new single-family residence. In fact, said zoning classification would allow the Petitioners to utilize the Subject Property to an extent which would be compatible with surrounding uses. Said zoning classification would enable the Petitioners to expand its use to the highest and best use of the real estate for the benefit of both the Petitioners and the neighboring community.

10. That the requested zoning of the Subject Property satisfies the requirements for zoning and is appropriate based on the following factors:

- a. *The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and Official Land Use Plan and other official plans of the City.*

The Petitioners propose to redevelop the Subject Property by razing the existing single-family residence. The Subject Property is located in a residential neighborhood and is surrounded by single-family residences. The proposed zoning classification for the Subject Property is consistent with the surrounding area thereby promoting the public health, safety, comfort, convenience and general welfare.

The East Sector Plan of the City's Comprehensive Plan designates the future development of this property for low density residential uses. The proposed use of the Subject Property is consistent with the land use designation of the properties surrounding the Subject Property. Therefore, the requested zoning complies with the policies and plans of the City.

- b. *The trend of development in the area of the Subject Property is consistent with the requested amendment.*

This portion of the City has developed with residential uses. All the properties surrounding the Subject Property are zoned residential. Therefore, the requested zoning

classification is consistent with the trend of the development in that area.

- c. *The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.*

The Subject Property is presently zoned for residential purposes. Based on the trend of development in the area, the proposed zoning classification is appropriate because it will allow for residential uses.

- d. *The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classifications.*

In order for the Subject Property to be re-developed, it must be served by public utilities which will require annexation. The proposed zoning classification is appropriate based on surrounding zoning and land uses.

- e. *The Subject Property has not been utilized under the existing zoning classifications for a substantial period of time.*

The character and trend in the area is for residential developments. The rezoning will allow the Subject Property to be developed with a residential use which is consistent with the area.

- f. *The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

This portion of the City has developed with predominantly residential uses and the essential character is of a residential neighborhood. The proposed use is consistent with the existing land uses. Therefore, the proposed zoning classification will not alter the essential character of the neighborhood nor be a substantial detriment to adjacent property.

WHEREFORE, the Petitioners respectfully request:

1. That the Subject Property legally described in **Exhibit A** and depicted on **Exhibit B** be annexed to the City of Naperville in accordance with the provisions of Section 5/7-1-8 of Chapter 65 of the Municipal Code of the State of Illinois, as amended, subject to the execution and the City's adoption by appropriate ordinances of an Annexation Agreement; said Agreement to be mutually agreed upon by the Petitioners and the City prior to annexation.

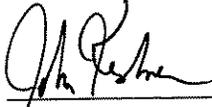
2. That upon annexation of the Subject Property legally described in **Exhibit A** and depicted on **Exhibit B**, said property be zoned by amending the City of Naperville Zoning Regulations to reclassify and zone the Subject Property R1A (Low Density Single-Family Residence District) pursuant to Section 6-6A of the Zoning Regulations of the Naperville Municipal Code.

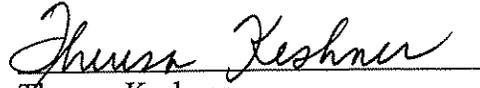
3. That any requisite zoning and/or subdivision deviations and/or variances associated with the requested annexation and zoning be granted.

4. That such other action be taken as is appropriate in the premises.

Respectfully Submitted this 29th day of December, 2010.

OWNERS:

  
\_\_\_\_\_  
John Keshner

  
\_\_\_\_\_  
Theresa Keshner

Given under my hand and official seal,  
this 29<sup>th</sup> day of December, 2010.

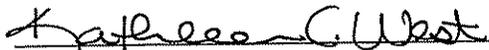
  
\_\_\_\_\_  
Notary Public



EXHIBIT A

11 S 008 WEST STREET  
LEGAL DESCRIPTION

LOT 11, IN UNIT 2, OF RIVERCREST ESTATES, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12, IN TOWNSHIP 37 NORTH AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 8, 1964 AS DOCUMENT NO. 1019631, IN WILL COUNTY, ILLINOIS

PIN NO. 01-12-201-003



**CITY OF NAPERVILLE  
TRANSPORTATION, ENGINEERING AND DEVELOPMENT  
BUSINESS GROUP  
APPLICATION FOR DEVELOPMENT APPROVAL**

**DEVELOPMENT NAME:** Keshner Property – 11 S 008 West Street

Date of Submission: December 29, 2010

**I. APPLICANT/PETITIONER:**

Name: John and Theresa Keshner  
Address: 3428 Redwing Drive, Naperville, Illinois 60564  
Telephone Number: (708) 205-3340  
Contact Person: Theresa Keshner  
Relationship of Applicant to Subject Property: Owner

**II. OWNER OF THE PROPERTY:**

Name: John and Theresa Keshner  
Address: 3428 Redwing Drive, Naperville, Illinois 60564

**III. ACTION REQUESTED:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Annexation                      | <input checked="" type="checkbox"/> Rezoning                        |
| <input type="checkbox"/> Conditional Use                            | <input type="checkbox"/> Site Plan Review                           |
| <input type="checkbox"/> Preliminary PUD Plat                       | <input type="checkbox"/> Final PUD Plat                             |
| <input type="checkbox"/> Major Change to a Conditional Use          | <input type="checkbox"/> Minor Change to a Conditional Use          |
| <input type="checkbox"/> Major Change to a Planned Unit Development | <input type="checkbox"/> Minor Change to a Planned Unit Development |
| <input type="checkbox"/> Preliminary Plat of Subdivision            | <input type="checkbox"/> Final Plat of Subdivision                  |
| <input type="checkbox"/> Subdivision Waivers                        | <input type="checkbox"/> Zoning Variance                            |

**IV. APPLICANT'S/PETITIONER'S STAFF:**

Attorney: Dommermuth, Brestal, Cobine & West, Ltd. Telephone No. 630/355-5800

Address: 123 Water Street  
Naperville, Illinois 60540

Fax Number: 630-355-5976

E-Mail: [kcw@dbcw.com](mailto:kcw@dbcw.com)

Engineer: Roake & Associates

Telephone No: 630/355-3232

Address: 1887 High Grove Lane  
Naperville, Illinois 60540

Fax Number: 630-355-3267

E-Mail: [jcaneff@roake.com](mailto:jcaneff@roake.com)

Contractor: Mikols Construction, Inc.

Address: 1684 Quincy Avenue, Suite 100B  
Naperville, Illinois 60540

Telephone: (630) 922-0072

Fax: (630) 922-0075

E-Mail: [mikols.construction@gmail.com](mailto:mikols.construction@gmail.com)

**V. PROJECT DATA:**

1. Location: West side of West Street south of Knoch Knolls Road/  
11 S 008 West Street
2. County:       \_\_\_ DuPage       x Will
3. General Description of the Site: Improved with a single-family residence
4. Existing Zoning on the Site: R-3 (Single-Family Residence District)
5. Acreage of Site: 21,000 square feet

6. Character of Surrounding Area:

	ZONING	JURISDICTION	EXISTING LAND USE	ADOPTED CITY PLAN
North	R-3	County of Will	Single-Family Residential	Low Density Residential
South	R-3	County of Will	Single-Family Residential	Low Density Residential
East	R-3	County of Will	Single-Family Residential	Low Density Residential
West	R1A	City of Naperville	Single-Family Residential	Low Density Residential

7. List Controlling Ordinances, Agreements and Plats:

- Final Plat of Subdivision

8. Is this property within the City limits?

Yes

No, requesting annexation

Under review by another governmental agency and requires review due to 1 1/2 mile jurisdictional requirements

9. Permanent Parcel Number:

01-12-201-003

10. For annexation petition, are there electors living on the property:

Yes

No

**VI. PROPOSED DEVELOPMENT:**

1. Type of Development:

Residential      \_\_\_ Commercial      \_\_\_ Office  
 \_\_\_ Industrial      \_\_\_ Other:

2. Proposed Zoning: R1A (Low Density Single-Family Residence District)

3. Description of Proposal: The Petitioners are is proposing to re-develop the Subject Property with a single-family residence.

4. General Land Use Data:

	Resid.	Comm.	Office	Indst.	R.O.W.	Park	School	Private	Other	Total
No. of Acres	0.48									0.48
% of Total	100%									100 %

\*Please explain:

5. Development Densities:

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family	1	0.48	2.08 du/ac	----	----	----	----	----
Townhouse								
Duplex								
Apartment								
Comm.								

Office								
Industrial								

- Gross Acres = land designated for land use type including right-of-way
- Gross Density = number of units divided by gross acres
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school and park dedications and open space
- Modified Gross Density = number of units divided by modified gross acres

6. Community Facilities within the Development:

- School Site: Not Applicable
- Open Space: Not Applicable

7. Description of any Non-Residential, Commercial or Industrial portion of the Development: Not Applicable

8. Description of Stormwater Management Facilities: None

9. Deviations from the Zoning Regulations: None

10. Deviations from the Subdivision Regulations: None

11. Deviations from the Landscaping Regulations: None

**VII. SCHOOL AND PARK DONATION REQUIREMENTS:**

- 1. Required School Donation: Not Applicable
  - Land:
  - Cash:
  - How Satisfied:

2. Required Park Donation: Not Applicable

Land:

Cash:

How Satisfied:

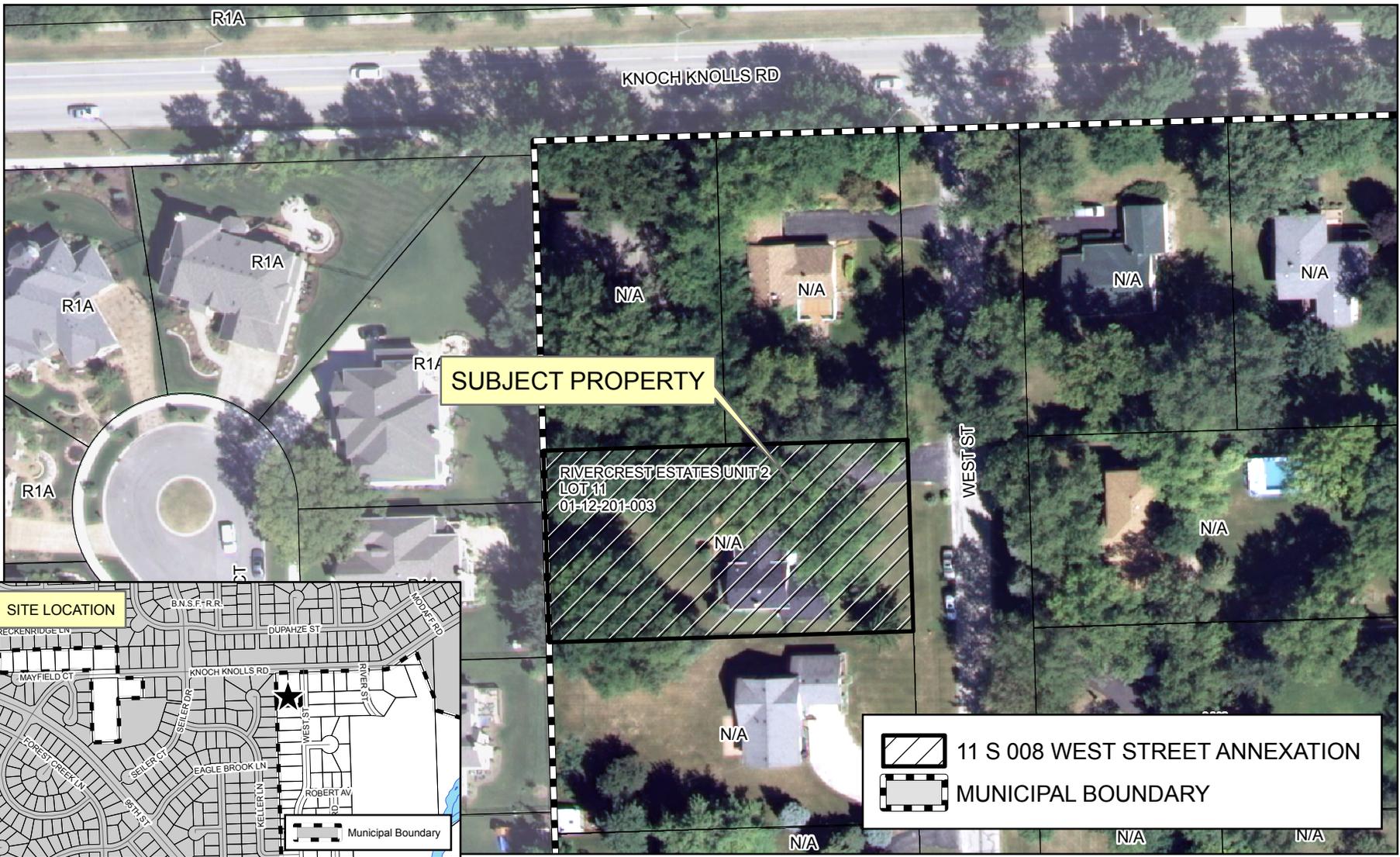
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PIN NO. 01-12-201-003

City of Naperville  
**KESHNER PROPERTY - 11S008 WEST STREET ANNEXATION**



 Transportation, Engineering and Development Business Group  
 Questions Contact (630) 420-6694  
 www.naperville.il.us  
 January 2011

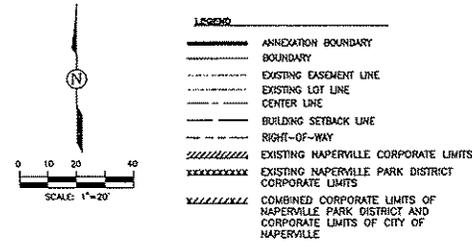


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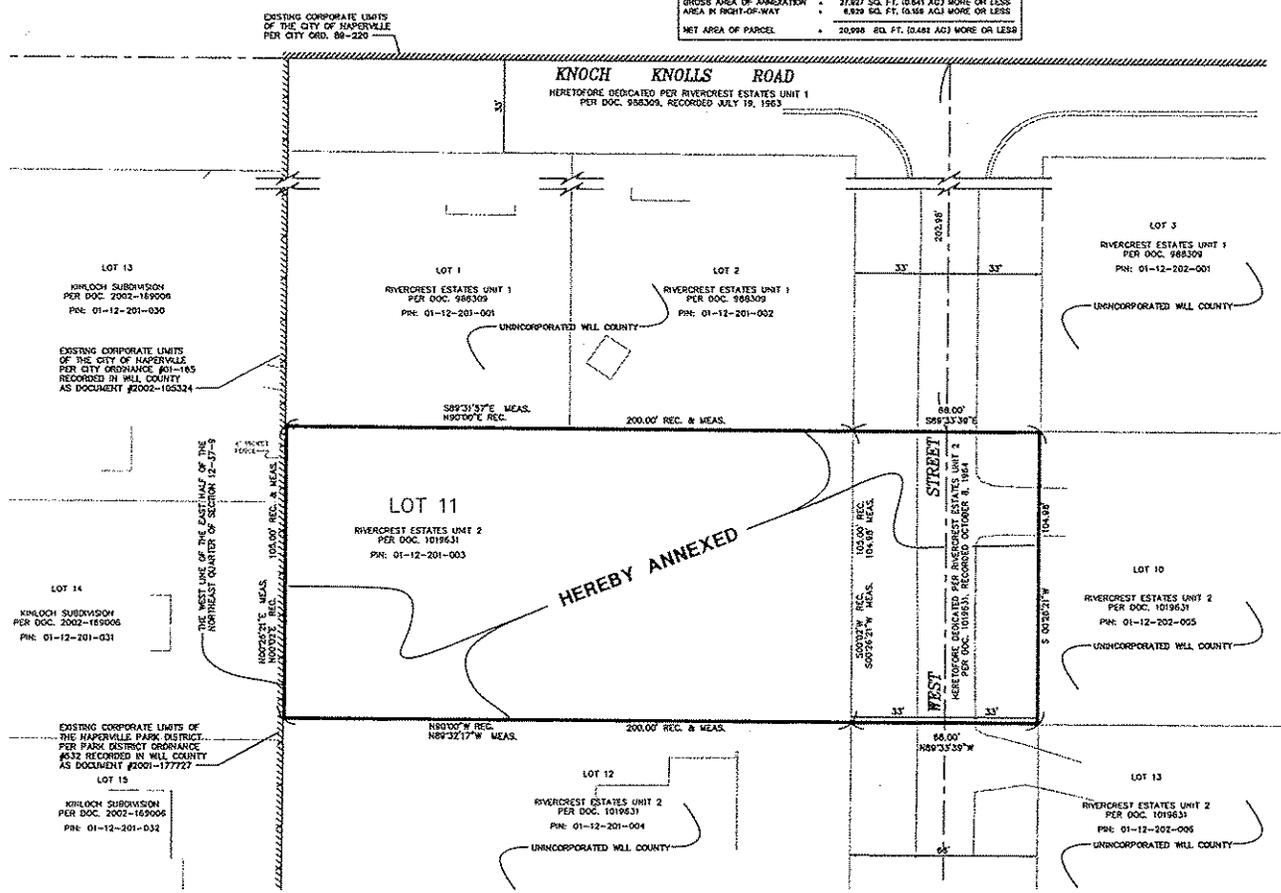
# PLAT OF ANNEXATION

PART THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH,  
RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS

**AREA SUMMARY**  
 GROSS AREA OF ANNEXATION : 37,827 SQ. FT. (0.841 AC) MORE OR LESS  
 AREA IN RIGHT-OF-WAY : 6,829 SQ. FT. (0.156 AC) MORE OR LESS  
 NET AREA OF PARCEL : 20,998 SQ. FT. (0.481 AC) MORE OR LESS



PN-01-12-201-003



THIS PLAT HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:  
 NAME: NAPERVILLE CITY CLERK  
 ADDRESS: 400 S. EAGLE STREET  
 NAPERVILLE, IL 62440

- SURVEYOR'S NOTES.**
- ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
  - BASIS OF BEARINGS: THE BEARINGS SHOWN ON THE PLAT MAP ARE PER THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12-37-9 RECORDED OCTOBER 8, 1984 AS DOCUMENT 1019631.

**ABBREVIATIONS**

REC. RECORD DEPT.  
 MEAS. MEASURED DATA  
 DEED DEED DATA  
 R. RECORDS  
 A. A.C. DATA  
 R/W RIGHT OF WAY  
 PL. PROPERTY LINE  
 CL. CENTERLINE

THERE ARE HABITABLE STRUCTURES WITH NO ELECTORS ON THE PROPERTY

**RECORDER'S CERTIFICATE**

STATE OF ILLINOIS )  
 COUNTY OF DUPAGE ) SS  
 I, CHARLES A. HADGE, AN ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM FIELD SURVEYS AND EXISTING PUBLIC RECORDS FOR THE PURPOSE OF ANNEXING THE FOLLOWING DESCRIBED PROPERTY TO THE CITY OF NAPERVILLE, ILLINOIS AND THE NAPERVILLE PARK DISTRICT.  
 LOT 11 IN UNIT 2 OF RIVERCREST ESTATES, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12, IN TOWNSHIP 37 NORTH AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 8, 1984 AS DOCUMENT NO. 1019631 IN WILL COUNTY, ILLINOIS.  
 AND ALSO THAT PART OF WEST STREET DEDICATED PER DOCUMENT 1019631 LYING EAST OF AND ADJACENT TO LOT 11 IN RIVERCREST ESTATES UNIT 2.  
 THIS PLAT HAS BEEN PREPARED BY HADGE AND ASSOCIATES, INC., ILLINOIS LICENSED PROFESSIONAL DESIGN FIRM NO. 807, LICENSE EXPIRES APRIL 30, 2011 UNDER MY PERSONAL DIRECTION FOR THE EXCLUSIVE USE OF THE CLIENT NOTED HEREON.  
 GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY  
 OF \_\_\_\_\_ A.D. 20\_\_\_\_



ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR NO. 2356  
 LICENSE VALID THROUGH NOVEMBER 30, 2012

CITY PLANNING NO. 10-10000161

**CITY COUNCIL CERTIFICATE**

STATE OF ILLINOIS )  
 COUNTY OF DUPAGE ) SS  
 THIS PLAT OF ANNEXATION IS IDENTIFIED AS THAT REAL ESTATE INCORPORATED INTO AND MADE A PART OF THE CITY OF NAPERVILLE OF WILL AND DUPAGE COUNTIES BY ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE CITY COUNCIL AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

**WILL COUNTY RECORDER'S CERTIFICATE**

STATE OF ILLINOIS )  
 COUNTY OF WILL ) SS  
 THIS INSTRUMENT NUMBER \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF WILL COUNTY, ILLINOIS AFORESAID ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK AND WAS RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_

**NAPERVILLE PARK DISTRICT CERTIFICATE**

STATE OF ILLINOIS )  
 COUNTY OF DUPAGE ) SS  
 THIS PLAT OF ANNEXATION IS IDENTIFIED AS THAT REAL ESTATE INCORPORATED INTO AND MADE A PART OF THE CITY OF NAPERVILLE PARK DISTRICT OF WILL AND DU PAGE COUNTIES.  
 BY ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE BOARD OF PARK DISTRICT COMMISSIONERS.  
 AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

BY: \_\_\_\_\_ WATER ATTEST: \_\_\_\_\_ CITY CLERK

RECORDED OF DEEDS

BY: \_\_\_\_\_ PRESIDENT ATTEST: \_\_\_\_\_ SECRETARY

PREPARED FOR:  
**MIKOLS CONSTRUCTION, INC.**  
 1684 QUINCY AVENUE, SUITE 1008  
 NAPERVILLE, ILLINOIS 62540  
 PH. (630) 922-0072

REVISION		REVISION			
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
01	02/03/11	REVISE PER DAY REVIEW (1/28/11)			

115008 WEST STREET, NAPERVILLE, ILLINOIS  
 PLAT OF ANNEXATION - LOT 11, RIVERCREST ESTATES UNIT 2  
 DRN/DO: BY: SRH/JCC FILE: 14642A FILED BY/PC: 235/87 SHEET NO. 1 OF 1  
 SCALE: 1"=20' DATE: 12-13-10 JOB NO.: 146.042

FINAL - Plan Commission - 3/21/2011 - 23

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designation, but it is consistent with the approved B2 zoning and planned unit development (2003).

**PLANNING SERVICES TEAM REVIEW:**

The petitioner proposes to construct a daycare facility on Lot 5 of Cantore Place. The proposed land use is consistent with the underlying PUD, which allows for uses in the B2, R3 and OCI Districts. It is also compatible with the neighboring financial institution, commercial and office uses and will serve nearby residential neighborhoods.

The subject request requires approval of a major change to the PUD in order to establish controlling site, landscaping and building plans. Staff has reviewed the proposed technical plans and finds that they comply with the city's requirements, with the exception of off-street parking as discussed below.

*Off-Street Parking*

The petitioner requests a zoning deviation to reduce the number of required off-street parking spaces from 44 to 35. In support of the request, the petitioner has submitted operational data indicating that the maximum vehicle parking requirement will be 29 cars during the morning peak and 23 during the afternoon peak. Staff has reviewed the data provided by the petitioner and concurs that proposed parking supply is adequate for the daycare use. The proposed deviation is also in compliance with the standards provided in Section 6-4-3:12 (Design Standards and Criteria, Deviations from the Requirements of this Code) of the Municipal Code insofar as it does not undermine the intent and purpose of the B2 District and would not be a detriment to the provision of municipal services.

*Design Elements*

The proposed building is consistent with the city's commercial design guidelines and the overall design scheme for Cantore Place. It will be constructed of masonry materials compatible with the overall themes of the PUD. Unifying design features include a pitched roof over the entry feature, transoms above the building windows, architectural CMU base, and prominent cornice band on the building parapet.

The proposed landscape plan complies with the requirements of the city's landscape ordinance. Enhanced landscape beds are provided along the Cantore Road frontage.

**ATTACHMENTS:**

1. Kiddie Academy at Cantore – Attachment 1: Parking Analysis – PC 11-1-013
2. Kiddie Academy at Cantore – Petition – PC 11-1-013
3. Kiddie Academy at Cantore – Location Map – PC 11-1-013
4. Kiddie Academy at Cantore – Final PUD Plat – PC 11-1-013
5. Kiddie Academy at Cantore – Landscape Plan – PC 11-1-013
6. Kiddie Academy at Cantore – Building Elevations – PC 11-1-013

**CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL**

Development Name (should be consistent with plat): Cantore Place Lot 5

Development Address: East side of Rte. 59, south of Leverenz Rd. and north of Cantore Rd.

Date of Submission: January 31, 2011

**REVISED February 28, 2011**

**I. APPLICANT:**

<u>RSC &amp; Associates</u>	<u>LLC</u>
Name	Corporation
<u>1112 Lake Street, Suite 300</u>	
Street	
<u>Oak Park</u>	<u>IL</u>
City	State
	<u>60301</u>
	Zip Code
<u>Pamela L. Opyd</u>	<u>Development Manager</u>
Primary Contact Person	Relationship to Applicant
	<u>708-445-1762</u>
	Telephone Number
<u>708-445-1776</u>	<u>popyd@rscrealestate.com</u>
Fax Number	E-Mail Address

**II. OWNER OF THE PROPERTY:**

<u>Red Brick Developers, Ltd.</u>	
Name	
<u>4N426 Knollcreek Drive, St. Charles, IL 60175</u>	<u>630-675-6660 Cell</u>
Address	Telephone Number

**III. APPLICANT'S/PETITIONER'S STAFF:**

Attorney: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Address: \_\_\_\_\_

Engineer: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):

- |   |  |
|---|--|
| <input type="checkbox"/> Annexation (see Section V below)   | <input type="checkbox"/> Subdivision Waiver / Deviation to Platted Setback Line (Complete Exhibit 4) |
| <input type="checkbox"/> Rezoning from ____ To ____ (Complete Exhibit 1)                            | <input checked="" type="checkbox"/> Zoning Variance (Complete Exhibit 5)                             |
| <input type="checkbox"/> Preliminary PUD Plat (Complete Exhibit 2)                                  | <input type="checkbox"/> Final PUD Plat (Complete Exhibit 2)   |
| <input checked="" type="checkbox"/> Major Change to a Planned Unit Development (Complete Exhibit 2) | <input type="checkbox"/> Minor Change to a Planned Unit Development (Complete Exhibit 2)             |
| <input type="checkbox"/> Preliminary Plat of Subdivision  | <input type="checkbox"/> Final Plat of Subdivision   |
| <input type="checkbox"/> Conditional Use (Complete Exhibit 3)                                       | <input type="checkbox"/> Major Change to a Conditional Use (Complete Exhibit 3)                      |
| <input type="checkbox"/> Minor Change to a Conditional Use (Complete Exhibit 3)                     | <input type="checkbox"/> Landscape Variance (Complete Exhibit 6)                                     |
| <input type="checkbox"/> Site Plan Review   | <input type="checkbox"/> Plat of Easement / Vacation / Dedication (circle all that apply)            |
| <input type="checkbox"/> Sign Variance (Complete Exhibit 5)   |  |

V. ANNEXATION

Is this development within the City limits?

- Yes.
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.
- No, *requesting annexation*
- Are there electors living on the property:
- Yes  No
- If yes, did they sign the Petition for Annexation?  Yes  No

VI. SITE DATA

- General description of site conditions (Including existing site improvements, i.e., buildings, parking, landscaping, etc.)

The site is an undeveloped vacant lot with no existing site improvements.

- 2. Existing Utility Services (water, sewer, electricity): Existing services are available or stubbed to lot
- 3. Existing zoning on the site: B2-PUD
- 4. Existing Land Use: Vacant lot
- 5. Acreage & Square Footage of the site: 1.232 acres / 53,666 square feet
- 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):

Declaration of Covenants, Conditions, Restrictions and Easements Cantore Place Subdivision

Dated April 1, 2005.

**VII. PROPOSED DEVELOPMENT:**

- 1. Type of Development (check all that apply):

Residential       Commercial       Office  
 Industrial       Other: Daycare Facility

- 2. Proposed Zoning: B2-PUD with Conditional Use

Description of Proposal: (Including proposed land use, type of use, hours of operation, number of parking spaces, and all Exhibits mandated by the request (see Page 2, Section IV for Exhibit information)— attach additional pages if necessary):

Applicant is proposing to develop a Kiddie Academy daycare facility on the site which is  
expected to provide childcare for 179 children ranging in age from 6 weeks to 12 years in 10  
classrooms, and employ 22 teachers and assistants, 2 administrators and one cook. Kiddie  
Academy begins operation at 6:30 AM and closes at 6:30 PM Monday through Friday. On  
occasion, open houses are held on Saturdays from 10:00 AM to 3:00 PM. The site is designed  
to include 35 parking spaces.

- 3. Description of Building (Including number of buildings, square footage of each building and use, maximum height, façade materials):

The proposed Kiddie Academy is a 1 story masonry building designed to be architecturally  
consistent with the Cantore Development. It is approximately 11,000 gross sf in area with a  
maximum height of 14'-0" and an entry tower at a height of 24'-6".

4. Describe all requested Variances / Deviations from the underlying zoning regulations (i.e. parking, setbacks, density, height/bulk etc.) NOTE: Complete this section as well as Exhibit 5 – attach additional pages if necessary:

Applicant is requesting a Parking Deviation under the PUD Regulations, Section 6-4-3:12

5. Describe all requested waivers from the Subdivision Regulations: (i.e. R.O.W., widths, easements, etc.) NOTE: Complete this section as well as Exhibit 4 – attach additional pages if necessary:

None

6. Deviations from the Landscaping Regulations NOTE: Complete this section as well as Exhibit 6 – attach additional pages if necessary:

None

7. General Land Use Data:

	Residntl.	Comrcl.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres									1.232	1.232
% of Total									100%	100%

\*Please explain:

Daycare Facility

8. Development Densities:

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Building square footage	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family						NA			
ownhome						NA			
Duplex						NA			
partment						NA			

Comrc.			NA	NA	NA	11,000 gsf	1.232 acres	1.232 acres	1.232 acres
Office			NA	NA	NA				
Industrial			NA	NA	NA				

- Gross Acres = land designated for land use type including right-of-way
- Gross Density = number of units divided by gross acres
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school/park dedications and open space areas.
- Modified Gross Density = number of units divided by modified gross acres.

**VIII. SCHOOL AND PARK DONATION REQUIREMENTS (calculation tables must be attached):**

1. Required School Donation of N/A acres will be met by a N/A

2. Required Park Donation of N/A acres will be met by a N/A

**IX. PRIVATE FACILITIES**

1. Private open space and recreational facilities include:

N/A

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

2. Outlots and/or detention/retention facilities include (size, number and location)

N/A

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

3. Detention, retention, open space/recreation and school uses within the development:

	Private -- Homeowners Association (acres)*	Public --To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*				
a. Park Site				
b. Common				

Areas*				
c. Private Facility*				
Sub-total				
School Site				
Total				

\*Please Explain: N/A

*Note: Please provide a brief explanation of the type of private facility, common area, open space or other acreage included in the development (Private facilities would include facilities such as clubhouses or private swim clubs. Other could include detention/facilities or outlots for landscape buffers, subdivision identification signage or similar purposes.)*

Respectfully Submitted,

[Enter Name of Petitioner(s) or Authorized Agent]

By: Pamela L. Opyd  
 [Type in Name of Signatory] Pamela L. Opyd  
 [Type in Title of Signatory (e.g. Owner, Atty., etc.)] Developer

STATE OF ILLINOIS )  
 COUNTY OF DUPAGE )  
 CITY OF NAPERVILLE )

The foregoing petition was acknowledged before me by Nicole Mrjenovich on the 28<sup>th</sup> day of Feb, 2011 A.D.



By: Nicole Mrjenovich  
 [Type in Name of Notary] Nicole Mrjenovich  
 Notary Public

**LLC PETITIONERS**

LLC petitioners are required to produce the articles of organization that are on file with the Illinois Secretary of State's Office. If an LLC is manager-managed, this petitioner may be executed by the manager identified within the articles of organization. If an LLC is member-managed, this petition must be executed by each member of the LLC

**EFFECTIVE PERIOD OF APPLICATION**

Please note that applications for development approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the applicant after the two year period has expired.

## **EXHIBIT 2**

### **Standards for Approving a Planned Unit Development or a Major Change to a Planned Unit Development**

#### **Section 6-4-7**

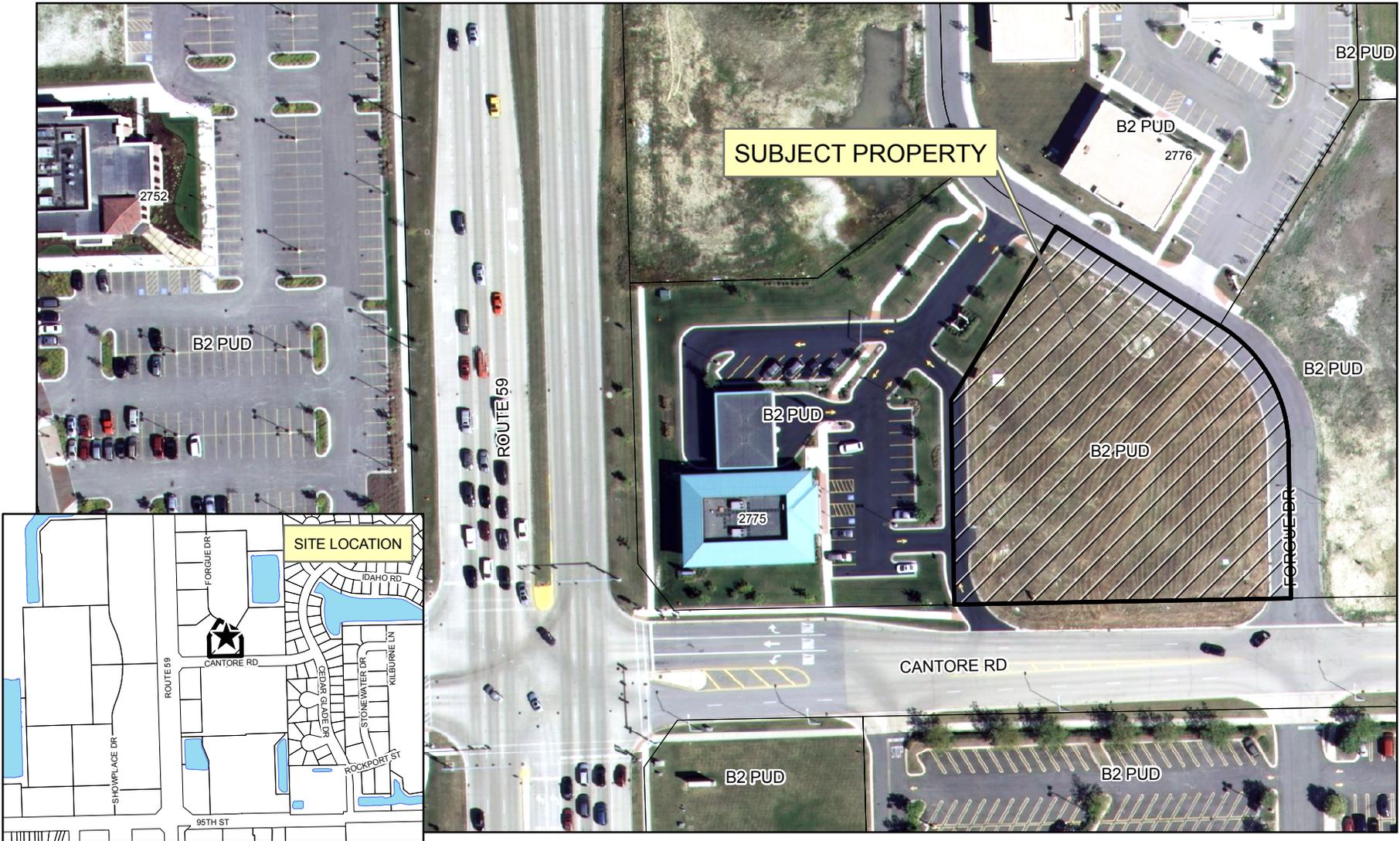
1. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments. The design evolved from the study of the existing buildings in the immediate vicinity and the developments in the surrounding area. Our design strives to conform to the requirements of the Cantore Place Subdivision while incorporating city goals and requirements.
2. The planned unit development meets the requirements and standards of the planned unit development regulations and incorporates the requirements of the Cantore Place Subdivision.
3. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site. The design includes two curb cuts for maximum transportation efficiency and preserves and enhances the landscape area around the building and site, and specifically matching the landscape requirements for Forgue Road.
4. Open space and outdoor common areas are provided for the daycare use. Attached is a summary of the use of the outdoor play areas.
5. The proposed design meets the design standards from the subdivision control regulations and does not require waivers in bulk regulations from the zoning regulations.
6. The proposed conditional use as a daycare is compatible with the adjacent properties and nearby land uses and will enhance the area by providing an additional service to the community.
7. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city

## **EXHIBIT 5**

### **Standards for Granting a Deviation PUD Regulations, Section 6-4-3:12**

1. The requested deviation will not undermine the intent and purpose of the underlying zoning district. This Conditional Use does not generate the parking demand associated with other commercial uses within the underlying zoning district.
  2. The requested deviation will not be a detriment to the provision of municipal services and infrastructure. The Project is designed to accommodate the parking demand for its proposed use and will not cause any harm to the municipal services or infrastructure.
  3. By allowing the requested deviation, the planned unit development will contribute a superior level of design, and add a valuable amenity to the community.
- Applicant is requesting a deviation to provide 35 total spaces or 3.2 spaces / 1,000 sf. Attached is an Operational and Traffic Flow Analysis prepared by the operator, Kiddie Academy, that supports their conclusion that the 35 spaces would be an adequate amount of parking for this facility and will more than accommodate its use.

City of Naperville  
**KIDDIE ACADEMY OF CANTORE PLACE**



Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6719  
[www.naperville.il.us](http://www.naperville.il.us)  
 February 2010

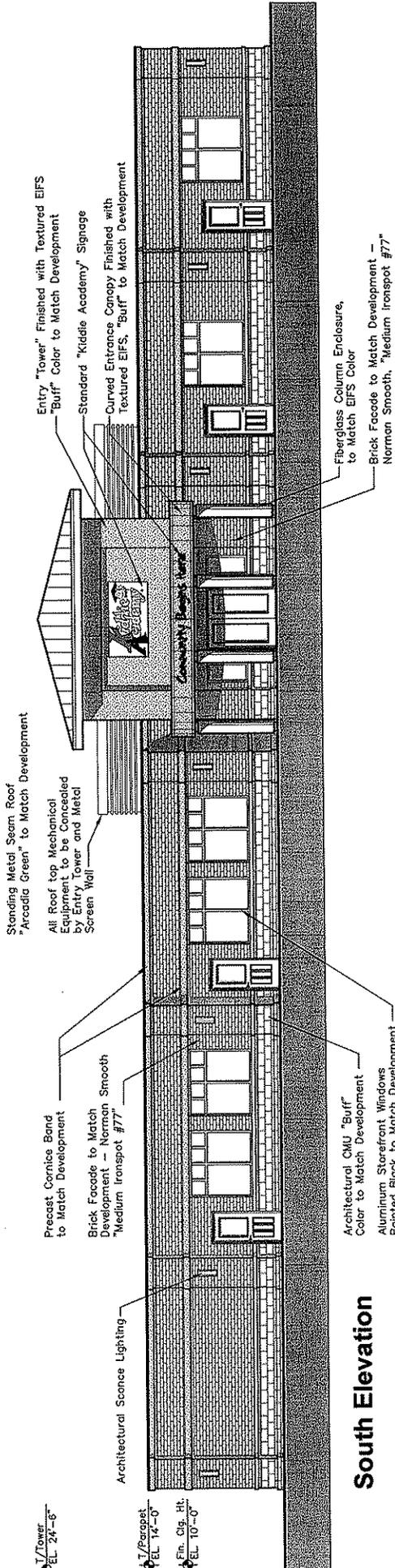


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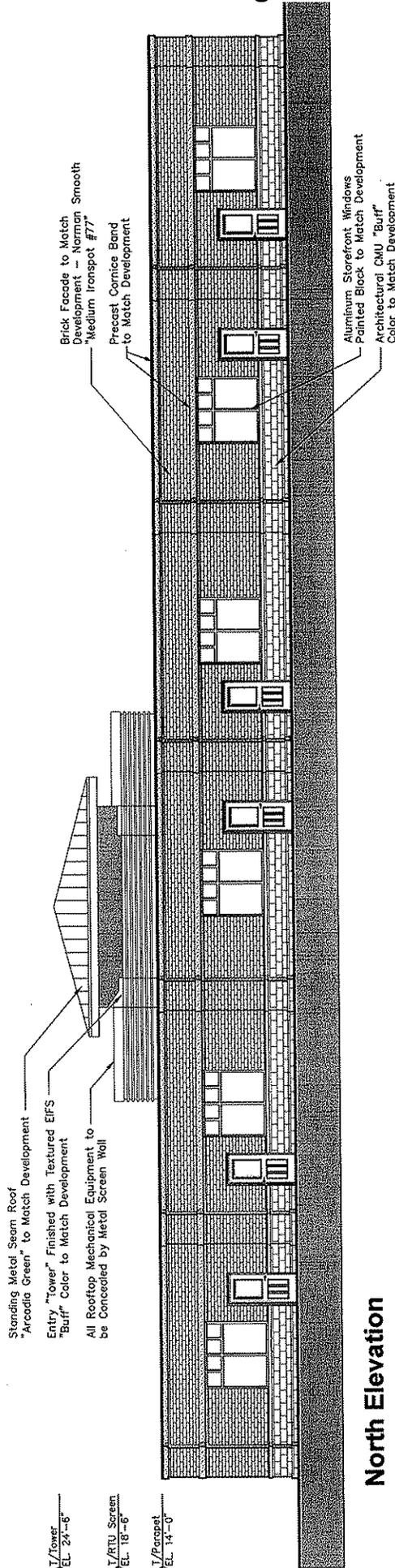








**South Elevation**



**North Elevation**

1/1 Tower  
EL. 24'-6"

1/7 Parapet  
EL. 14'-0"

Fin. Cg. H.  
EL. 10'-0"

1/1 Tower  
EL. 24'-6"

1/7 RTU Screen  
EL. 18'-6"

1/7 Parapet  
EL. 14'-0"

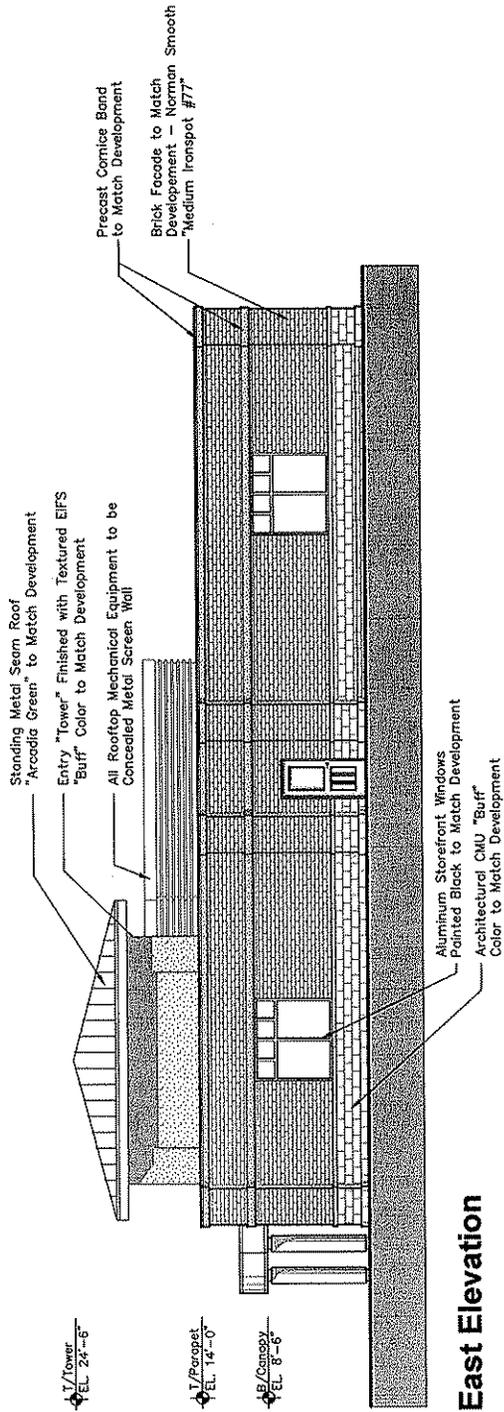
**Kiddie Academy of Naperville**

**Petition for Development Approval**

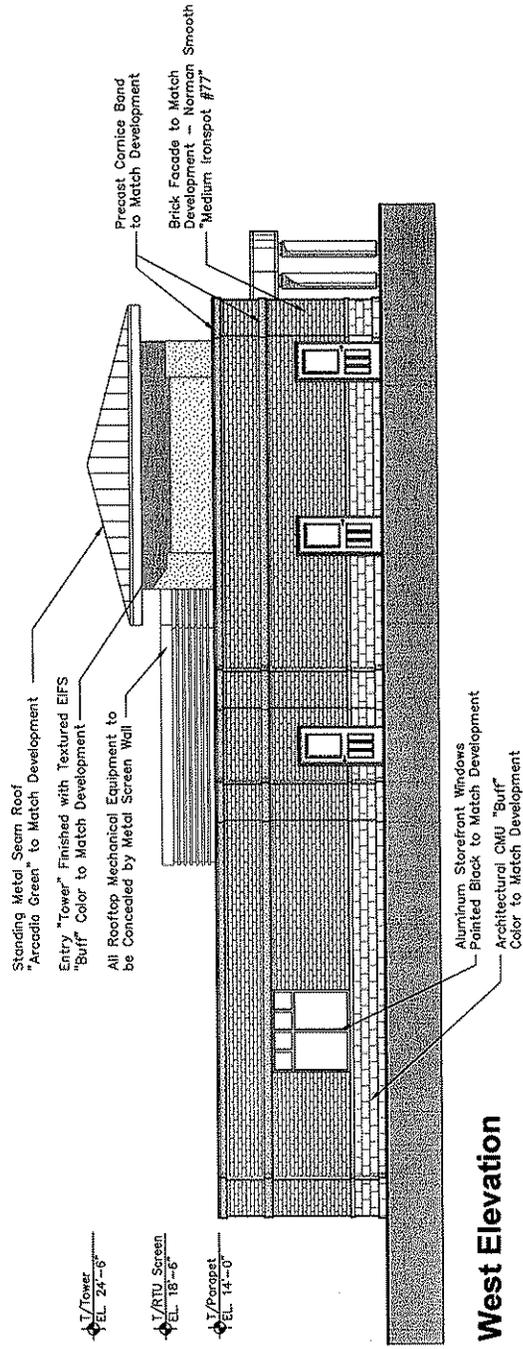
B U I L T F O R M  
ARCHITECTURE

RSC & Associates  
Scale: 1" = 10'-0"

01.31.2011



**East Elevation**



**West Elevation**

B U I L T F O R M  
ARCHITECTURE

**Kiddie Academy of Naperville  
Petition for Development Approval**

RSC & Associates  
Scale: 1" = 10'-0"



# Naperville

## PLAN COMMISSION AGENDA ITEM

**PC CASE:** 11-1-011                      **AGENDA DATE:** 3/2/2011  
**SUBJECT:** 5<sup>th</sup> Avenue Properties  
Petitioner: Mill Street Properties, LLC, 1805 High Grove Lane, Suite 137,  
Naperville, IL 60540

---

**LOCATION:** Southwest corner of 5<sup>th</sup> Avenue and Mill Street (400 through 670 W. 5<sup>th</sup> Avenue)

---

Correspondence      New Business      Old Business      Public Hearing

---

**SYNOPSIS:**  
The petitioner requests to revoke the existing Planned Unit Development (PUD) for 5<sup>th</sup> Avenue Properties; rezone buildings 400, 500 and 600 to the B3 (General Commercial) District and rezone building 670 to the I (Industrial) District. The petitioner also seeks approval of conditional uses in the I District to allow existing auto repair uses in the 670 building (2600 square feet) and an existing metal fabrication facility in the 550 building (8200 square feet), as well as a conditional use in the B3 District to allow for a daycare use in the 400 building (5000 square feet).

---

**PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
N/A		

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Conduct the public hearing.

**PREPARED BY:** Suzanne Thorsen, AICP, Community Planner

---

**EXISTING ZONING, LAND USE, AND LOCATION:**

The subject property (5<sup>th</sup> Avenue Properties) is a planned unit development; buildings 400, 500 and 600 are presently zoned I (Industrial), and Building 670 is presently zoned B3. The 5<sup>th</sup> Avenue Properties is located generally at the southwest corner of 5<sup>th</sup> Avenue and Mill Street. The subject property is an existing multi-tenant building complex consisting of industrial and commercial tenants.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

74-51	Ordinance approving a preliminary plat of PUD for MOV-ROSS
76-58	Ordinance approving a preliminary plat of subdivision
76-122	Ordinance authorizing a PUD as a special use for 5 <sup>th</sup> Avenue Properties

77-191	Ordinance authorizing a PUD as a special use for Parcel 3
84-202	Ordinance approving a major change to the final plat of PUD
85-25	Ordinance approving a major change to the final plat of PUD to allow the maintenance and rental of meeting rooms for social, educational, religious affiliated social activities and business and physical, culture and health service with gymnasium and reducing salons
85-71	Ordinance approving a major change to the final plat of PUD to allow a limited time day care center as a use
85-138	Ordinance approving the final plat of PUD for the First addition to the Fifth Avenue Properties
10-155	Ordinance granting a conditional use for an automobile repair facility for property located at 450 W. 5 <sup>th</sup> Avenue

**RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:**

The East Sector Update to the Comprehensive Master Plan designates the future use of this site as “commercial.” The proposed zoning and existing use of the property is consistent with the future land use designation.

**NATURAL FEATURES:**

The site is fully developed and has limited landscaping.

**PLANNING SERVICES TEAM REVIEW:**

The six multi-tenant buildings located on the subject property were constructed in the mid-1970’s and since that time have evolved to support a diverse range of uses ranging from industrial and office to commercial tenants. The existing zoning on the property is no longer appropriate to accommodate the nature of uses that currently occupy the space and are expected in the future. Buildings closer to road frontage on Mill Street and 5<sup>th</sup> Avenue are more heavily comprised of commercial uses, while those farther from the road frontage, located along the BNSF line, tend support light industrial tenants.

The existing zoning has resulted in practical difficulties for tenant occupancy and requests for conditional uses to accommodate new tenants similar to those already existing in the buildings (e.g., EuroTech). The proposed PUD revocation and rezoning will allow for improved efficiency for tenant location and building occupancy.

*Planned Unit Development*

The planned unit development (PUD) for the subject property was established in 1976. Since that time, the regulations for PUD’s have evolved to place a substantial focus on coordinated development, site amenities and open space, most commonly applied in a commercial shopping center or residential context. The subject property does not comply with the existing PUD regulations, notably with respect to open space. Staff and the petitioner are in agreement that the PUD designation serves no beneficial purpose and should be revoked.

*5<sup>th</sup> Avenue Properties (PC 11-1-011)*

*March 2, 2011*

*Page 3 of 3*

### *Zoning*

As noted, the current use of the subject property contains mostly commercial tenants along the Mill Street and 5<sup>th</sup> Avenue frontage, whereas more light industrial or service uses are located in the back buildings along the railroad track. The existing Industrial zoning along Mill Street and 5<sup>th</sup> Avenue is inadequate to support the nature of land use in this location; likewise, the existing B3 zoning is inappropriate for the 670 building located along the BNSF track.

Staff has reviewed the petitioner's tenant roster and concurs with the petitioner that the proposed rezoning of buildings 400, 500 and 600 to the B3 District, and the rezoning of building 670 to the I District is appropriate. The proposed zoning classifications will accommodate all existing users with the following exceptions:

- Conditional Use in the B3 District will be required to accommodate existing daycare facility;
- Conditional Uses in the I District will be required to accommodate existing auto repair and metal fabrication facilities;
- Existing mattress manufacturing in the 400 building will become non-conforming. This will have no impact on the existing tenant as they may continue to operate under the provisions of Section 6-10 (Nonconforming Uses) of the Municipal Code.

With respect to the proposed B3 zoning, staff recommends a condition prohibiting the following uses on the subject property, which are too intensive for the site: greenhouses & nurseries; hotels/motels; motor vehicle sales (excluding internet sales offices); pawnshops; and undertaking establishments. The petitioner concurs with the recommended condition.

### *Conditional Use*

Staff has reviewed the petitioner's request for conditional uses in the 400 building (5,000 square foot daycare facility in units 418R-420), 550 building (8,200 square foot metal fabrication in units 570-572) and 670 building (2600 auto repair facility in unit 124). The requested conditional uses are for existing businesses. Staff is not aware of any negative impacts associated with the existing uses and finds that the request complies with the standards for granting a conditional use.

### **ATTACHMENTS:**

1. 5<sup>th</sup> Avenue Properties – Development Petition – PC 11-1-011
2. 5<sup>th</sup> Avenue Properties – Location Map – PC 11-1-011

**CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL**

Development Name (should be consistent with plat): Mill Street Properties, et.al.

Development Address: 400-670 West 5<sup>th</sup> Avenue

Date of Submission: January 21, 2011

**I. APPLICANT:**

Mill Street Properties, LLC, et al  
Name Corporation

1805 High Grove Lane, Suite 137  
Street

Naperville Illinois 60540  
City State Zip Code

Len Monson Attorney 630.420.8228 x6  
**Primary Contact Person** **Relationship to Applicant** **Telephone Number**

630.420.9137 len@kuhnheap.com  
Fax Number E-Mail Address

**II. OWNER OF THE PROPERTY:**

Mill Street Properties, LLC, 100 West 5<sup>th</sup> Avenue, LLC, 620 Partnership, LLC  
Name

1805 High Grove Ln., Suite 137, Naperville, IL 60540  
Address

**III. APPLICANT'S/PETITIONER'S STAFF:**

**Attorney:** Kuhn, Heap & Monson **Telephone Number:** 630.420.8228 x6

**Email Address:** len@kuhnheap.com **Fax Number:** 630.420.9137

**Address:** 552 S. Washington, Suite #100, Naperville, IL 60540

**Engineer:** N/A **Telephone Number:** \_\_\_\_\_

IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):

- |  |   |
|--|---|
| <input type="checkbox"/> Annexation (see Section V below)                                      | <input type="checkbox"/> Subdivision Waiver / Deviation to Platted Setback Line<br>(Complete Exhibit 4) |
| <input checked="" type="checkbox"/> Rezoning from B3 & I PUD To B3 & I<br>(Complete Exhibit 1) | <input type="checkbox"/> Zoning Variance<br>(Complete Exhibit 5)  |
| <input type="checkbox"/> Preliminary PUD Plat<br>(Complete Exhibit 2)                          | <input type="checkbox"/> Final PUD Plat<br>(Complete Exhibit 2)   |
| <input type="checkbox"/> Major Change to a Planned Unit Development<br>(Complete Exhibit 2)    | <input type="checkbox"/> Minor Change to a Planned Unit Development<br>(Complete Exhibit 2)             |
| <input type="checkbox"/> Preliminary Plat of Subdivision                                       | <input type="checkbox"/> Final Plat of Subdivision  |
| <input checked="" type="checkbox"/> Conditional Use<br>(Complete Exhibit 3)                    | <input type="checkbox"/> Major Change to a Conditional Use<br>(Complete Exhibit 3)                      |
| <input type="checkbox"/> Minor Change to a Conditional Use<br>(Complete Exhibit 3)             | <input type="checkbox"/> Landscape Variance<br>(Complete Exhibit 6)                                     |
| <input type="checkbox"/> Site Plan Review  | <input type="checkbox"/> Plat of Easement / Vacation / Dedication<br>(circle all that apply)            |
| <input type="checkbox"/> Sign Variance<br>(Complete Exhibit 5)                                 | <input checked="" type="checkbox"/> Revocation of PUD   |

V. ANNEXATION

Is this development within the City limits?

- Yes.  
 Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.  
 No, *requesting annexation*  
 Are there electors living on the property:  
 Yes  No  
 If yes, did they sign the Petition for Annexation?  Yes  No

VI. SITE DATA

1. General description of site conditions (Including existing site improvements, i.e., buildings, parking, landscaping, etc.)  
The entire site is 15.28 acres (665,597 sf) with 6 industrial type buildings containing 91 units and approximately 964 parking spaces.
2. Existing Utility Services (water, sewer, electricity): All utilities and services are currently existing and operating.
3. Existing zoning on the site: "B 3 & I PUD"
4. Existing Land Use: Industrial/Commercial Buildings
5. Acreage & Square Footage of the site: 665,597square feet / 15.28 acres
6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):  
74-51; Ordinance approving a preliminary plat of PUD for MOV-ROSS.  
76-58; Ordinance approving a preliminary plat of subdivision.  
76-122; Ordinance authorizing a PUD as a special use for 5<sup>th</sup> Ave. Properties.  
77-191; Ordinance authorizing a PUD as a special use for parcel 3.  
84-202; Ordinance approving a major change to the final plat of PUD.  
85-25; Ordinance approving a major change to the final plat of PUD to allow construction and maintenance of a radio tower having a maximum feet of 120.  
85-58; Ordinance approving a major change to the final plat of PUD to allow the maintenance and rental of meeting rooms for social, educational, religious affiliated social activities and business and physical, culture and health service with gymnasium and reducing salons.  
85-71; Ordinance approving a major change to the final plat of PUD to allow a limited time day care center as a use.  
85-138; Ordinance approving the final plat of PUD for the First addition to the Fifth Ave. Properties.

VII. PROPOSED DEVELOPMENT:

1. Type of Development (check all that apply):

Residential       Commercial       Office  
 Industrial       Other: \_\_\_\_\_

2. Proposed Zoning:

Revocation of existing PUD; Rezoning of buildings 400, 500, and 600 to B3 and building 670 to I; Conditional Use for existing child care tenant in units 418 & 420 in proposed B3 district; Conditional Use for existing metal fabrication tenant in units 570 & 572 in I district; Conditional Use for the existing auto repair shop in unit 124 in I district; The existing use of mattress manufacturing in units 422 & 424 shall be a legal non-conforming use.

Description of Proposal: (Including proposed land use, type of use, hours of operation, number of parking spaces, and all Exhibits mandated by the request (see Page 2, Section IV for Exhibit information)– attach additional pages if necessary):

The subject property consists of six (6) buildings in a complex (located just south of Naperville North High School) that has been developed/constructed since 1976. The subject property is currently subject to a PUD under both the I and B3 zoning districts. The general use/purpose of the complex has evolved from a predominately industrial to more of a commercial use, while at the same time the City's zoning ordinances have evolved rendering the existing PUD less reflective of the use/development of the property. This shifting of use from predominately industrial to commercial uses has created the necessity of applying for conditional uses for tenants whose intended use more closely reflects a commercial use. Essentially, the petitioner seeks to obtain the appropriate zoning designation that best reflects the change of use of the property and better reflects the City's zoning ordinance. No one zoning designation accurately reflects the current uses, nor does the property lend itself to the existing PUD ordinance. Therefore, with considerable input from Staff, we are proposing that the buildings that front the street be zoned B3 and the buildings adjacent to the railroad tracks be zoned I. However, these designations would negatively impact three (3) existing tenants' uses. Therefore we are requesting the fore mentioned conditional uses. Furthermore, Staff has requested, and the Petitioner has agreed to a condition on the B3 designation that would not allow the following uses; greenhouses & nurseries, hotels/motels, motor vehicle sales (internet sales offices will continue to be permitted), pawnshops, and undertaking establishments.

3. Description of Building (Including number of buildings, square footage of each building and use, maximum height, façade materials):

The existing site consists of six buildings with approximately 964 parking spaces. The subject building sizes are: 400 Bldg= 40,553sf; 500 Bldg=69,099sf; 550 Bldg=92,225sf; 600 Bldg=33,726sf; 620 Bldg=30,000sf; 670 Bldg=18,000sf.

4. Describe all requested Variances / Deviations from the underlying zoning regulations (i.e. parking, setbacks, density, height/bulk etc.) **NOTE:** Complete this section as well as **Exhibit 5** – attach additional pages if necessary:

N/A

5. Describe all requested waivers from the Subdivision Regulations: (i.e. R.O.W., widths, easements, etc.) **NOTE:** Complete this section as well as **Exhibit 4** – attach additional pages if necessary:

None

6. Deviations from the Landscaping Regulations **NOTE:** Complete this section as well as **Exhibit 6** – attach additional pages if necessary:

None

7. General Land Use Data:

	Residntl.	Comrcl.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres				15.22						
% of Total				100%						

\*Please explain:

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8. Development Densities:

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Building square footage	Minimum Lot Size	Maximum Lot Size
Single-Family						NA		
Townhome						NA		
Duplex						NA		
Apartment						NA		
Comrcl.	6 bldg	15.22	NA	NA	NA	283,603	15.22	15.22
Office			NA	NA	NA			
Industrial			NA	NA	NA			

Gross Acres = land designated for land use type including right-of-way  
 Gross Density = number of units divided by gross acres  
 Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school/park dedications and open space areas.

Modified Gross Density = number of units divided by modified gross acres.

**VIII. SCHOOL AND PARK DONATION REQUIREMENTS (calculation tables must be attached):**

1. Required School Donation of  N/A  acres will be met by a \_\_\_\_\_

2. Required Park Donation of  N/A  acres will be met by a \_\_\_\_\_

**IX. PRIVATE FACILITIES**

1. Private open space and recreational facilities include:

N/A

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

2. Outlots and/or detention/retention facilities include (size, number and location)

N/A (already provided for)

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

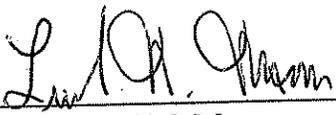
3. Detention, retention, open space/recreation and school uses within the development:

	Private -- Homeowners Association (acres)*	Public --To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*				
a. Park Site				
b. Common Areas*				
c. Private Facility*				
Sub-total				
School Site				
Total				

\*Please Explain:

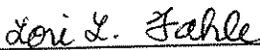
*Note: Please provide a brief explanation of the type of private facility, common area, open space or other acreage included in the development (Private facilities would include facilities such as clubhouses or private swim clubs. Other could include detention/facilities or outlots for landscape buffers, subdivision identification signage or similar purposes.)*

Respectfully Submitted,  
Leonard M. Monson, Attorney for Petitioner

By:   
Leonard M. Monson  
Attorney for Petitioner

STATE OF ILLINOIS     )  
COUNTY OF DUPAGE    )  
CITY OF NAPERVILLE   )

The foregoing petition was acknowledged before me by Leonard M. Monson on the 21<sup>st</sup> day of January, 2011 A.D.

By:   
Notary Public



Mill Street Properties, et. al

Standards for Granting or Amending a Conditional Use  
Section 6-3-8:2

Standards For Conditional Uses: The commission shall not recommend nor the city council grant a conditional use in a particular zoning district or districts unless it shall make findings based upon the evidence presented to it in each specific case that:

1. **The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare;**  
*The units in the development currently being used for their intended purposes. Therefore, the establishment of the conditional use is consistent with existing uses, which has not been, nor is a detrimental to, or endangers the public health, safety and general welfare; and,*
2. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**  
*The surrounding neighborhood is fairly well established. The existing conditional use has not substantially diminished or impaired property values within the neighborhood; and*
3. **The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. (Ord. 80-5, 1-21-1980)**  
*The current petition is for a conditional use similar to existing uses which have not negatively impacted the use of the adjacent property. Therefore, the petitioned for conditional use would not impede the normal and orderly development and improvement of the adjacent property.*

400 West Fifth Avenue

Parcel 4 (except the south 155.0 feet of the west 150.0 feet thereof) in 5<sup>th</sup> Avenue properties, being a subdivision of part of section 13, Township 38 North, Range 9, East of the Third Principal Meridian, According to the Plat thereof recorded January 17, 1977 as document R77-03821 and Re-Recorded March 22, 1977 as document R77-19617 and Re-Recorded November 2, 1977 as document R77-100372, in DuPage County, Illinois.

PIN # 07-13-208-010

*p: (mustang / deeds, loans, notes, leg. desc / 400 legal description*

*LEGAL  
1 of 5*

500-540 West 5<sup>th</sup> Avenue

Parcel # 07-13-108-007

LEGAL DESCRIPTION

TRACT 1: PARCEL 1 AND THE NORTH 15 FEET OF THE EAST 385 FEET OF PARCEL 2 IN 5TH AVENUE PROPERTIES BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 17, 1977 AS DOCUMENT R77-03821 AND RE-RECORDED MARCH 22, 1977 AS DOCUMENT R77-19617 AND RE-RECORDED NOVEMBER 2, 1977 AS DOCUMENT R77-100372 IN DUPAGE COUNTY, ILLINOIS

TRACT 2: APPURTENANT EASEMENT FOR INGRESS AND EGRESS AS CONTAINED IN RECIPROCAL GRANT OF EASEMENT RECORDED APRIL 25, 1980 AS DOCUMENT R80-24234

TRACT 3: EASEMENT APPURTENANT FOR INGRESS AND EGRESS VEHICULAR PARKING AND LOADING AND UNLOADING VEHICLES AS CONTAINED IN GRANT OF EXCLUSIVE EASEMENT RECORDED APRIL 25, 1980 AS DOCUMENT R80-24235

TRACT 4: EASEMENT APPURTENANT FOR INGRESS AND EGRESS AS CONTAINED IN RECIPROCAL GRANT OF EASEMENT RECORDED NOVEMBER 13, 1979 AS DOCUMENT R79-102234.

LEGAL  
2 of 5

450-588 West 5<sup>th</sup> Avenue  
Legal Description

PARCEL 2 (EXCEPT THE NORTH 15 FEET OF THE EAST 385 FEET THEREOF) AND THE SOUTH 155 FEET OF THE WEST 150 FEET OF PARCEL 4 IN 5TH AVENUE PROPERTIES, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 17, 1977 AS DOCUMENT R77-03821 AND RE-RECORDED MARCH 22, 1977 AS DOCUMENT R77-19617 AND RE-RECORDED NOVEMBER 2, 1977 AS DOCUMENT R77-100372, IN DUPAGE COUNTY, ILLINOIS

Parcel # 07-13-108-009

Parcel # 07-13-108-008

Parcel # 07-13-208-009

LEGAL  
345

Legal Description  
600 W. Fifth Avenue, Naperville, IL 60563  
Owner: 600 W. Fifth Avenue, LLC.

Parcel A: Parcel 3 (excepting therefrom the south 160 feet, as measured perpendicular to the south line, and also excepting therefrom that part described as follows: beginning at the northwest corner of said parcel 3; thence north 87degrees 24 minutes 40 seconds east along the north line of said parcel 3, 39.48 feet; thence south 02 degrees 54 minutes 17 seconds east, 87.05 feet; thence south 02 degrees 08 minutes 13 seconds east, 96.26 feet; thence south 02 degrees 54 minutes 17 seconds east, 27.14 feet; thence south 87 degrees 24 minutes 40 seconds west, 38.19 feet to the southeast corner of Lot 1 in the first addition to Fifth Avenue Properties (According to the plat thereof recorded August 20, 1985 as Document R85-69036); Thence north 02 degrees 54 minutes 17 seconds west along the east line of said Lot 1, 210.44 feet to the point of beginning, in 5<sup>th</sup> Avenue Properties, being a subdivision of part of Section 13, Township 38 north, Range 9, east of the third principal meridian, according to the plat thereof recorded January 17, 1977 as Document R77-03821 and re-recorded March 22, 1977 as Document R77-19617 and re-recorded November 2, 1977 as Document R77-100372, in Dupage County, Illinois.

Parcel B: Non-exclusive, perpetual easement for the benefit of the land and other property for ingress and egress as contained in reciprocal grant of easement recorded November 3, 1979 as Document R79-102234 and reciprocal grant of easement recorded April 25, 1980 as Document R80-24234 over, along and across the following described property: The west 26 feet of Parcel 1, the east 26 feet of Parcel 1, the east 26 feet of the north 15 feet of Parcel 2, the east 26 feet of the south 30 feet of the north 45 feet and the west 26 feet of the north 30 feet of Parcel 2, the south 40 feet of the north 85 feet of the east 385.00 feet of Parcel 2, the south 40 feet of the north 70 feet of Parcel 2 (except the east 385.00 feet of said Parcel 2), the west 15 feet of Parcel 4 as measured along the west line of said Parcel 4 (except the south 106 feet thereof), and the east 10 feet of Parcel 3 as measured along the east line of said Parcel 3 (except the south 160 feet thereof), all in Fifth Avenue Properties, being a subdivision of part of Section 13, Township 38 north, Range 9, east of the third principal meridian, according to the plat thereof recorded January 17, 1977 as Document R77-03821 and re-recorded March 22, 1977 as Document R77-19617 and re-recorded November 2, 1977 as Document R77-100372, in Dupage County, Illinois.

Parcel # 07-13-108-021

*p: / mustang / deeds, legal des / 600 legal Des.*

LEGAL  
4 of 5

620/670 Legal Descriptions

PARCEL DESCRIPTION

PARCEL A: LOTS 1, 2, 3, AND 4 (EXCEPT THEREFROM THE SOUTH 160 FEET OF SAID LOTS 2 AND 4 OF 5TH AS MEASURED PERPENDICULAR TO THE SOUTH LINE THEREOF) IN THE FIRST ADDITION TO FIFTH AVENUE PROPERTIES, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1985 AS DOCUMENT R85-69036, AND RE-RECORDED NOVEMBER 7, 1985 AS DOCUMENT R85-97777, IN DUPAGE COUNTY, ILLINOIS.

PARCEL B: THAT PART OF PARCEL 3 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 3; THENCE NORTH 87 DEGREES, 24 MINUTES, 40 SECONDS EAST ALONG THE NORTH LINE OF SAID PARCEL 3, 39.48 FEET; THENCE SOUTH 02 DEGREES, 54 MINUTES, 17 SECONDS EAST, 87.05 FEET; THENCE SOUTH 02 DEGREES, 08 MINUTES, 13 SECONDS EAST, 98.28 FEET; THENCE SOUTH 02 DEGREES, 54 MINUTES, 17 SECONDS EAST, 27.14 FEET; THENCE SOUTH 87 DEGREES, 24 MINUTES, 40 SECONDS WEST, 38.19 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN THE FIRST ADDITION TO FIFTH AVENUE PROPERTIES ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1985 AS DOCUMENT NO. R85-69036; THENCE NORTH 02 DEGREES, 54 MINUTES, 17 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 1, 210.44 FEET TO THE POINT OF BEGINNING, IN 5TH AVENUE PROPERTIES, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 17, 1977 AS DOCUMENT R77-03821 AND RE-RECORDED MARCH 22, 1977 AS DOCUMENT R77-19817 AND RE-RECORDED NOVEMBER 2, 1977 AS DOCUMENT R77-100372, IN DUPAGE COUNTY, ILLINOIS.

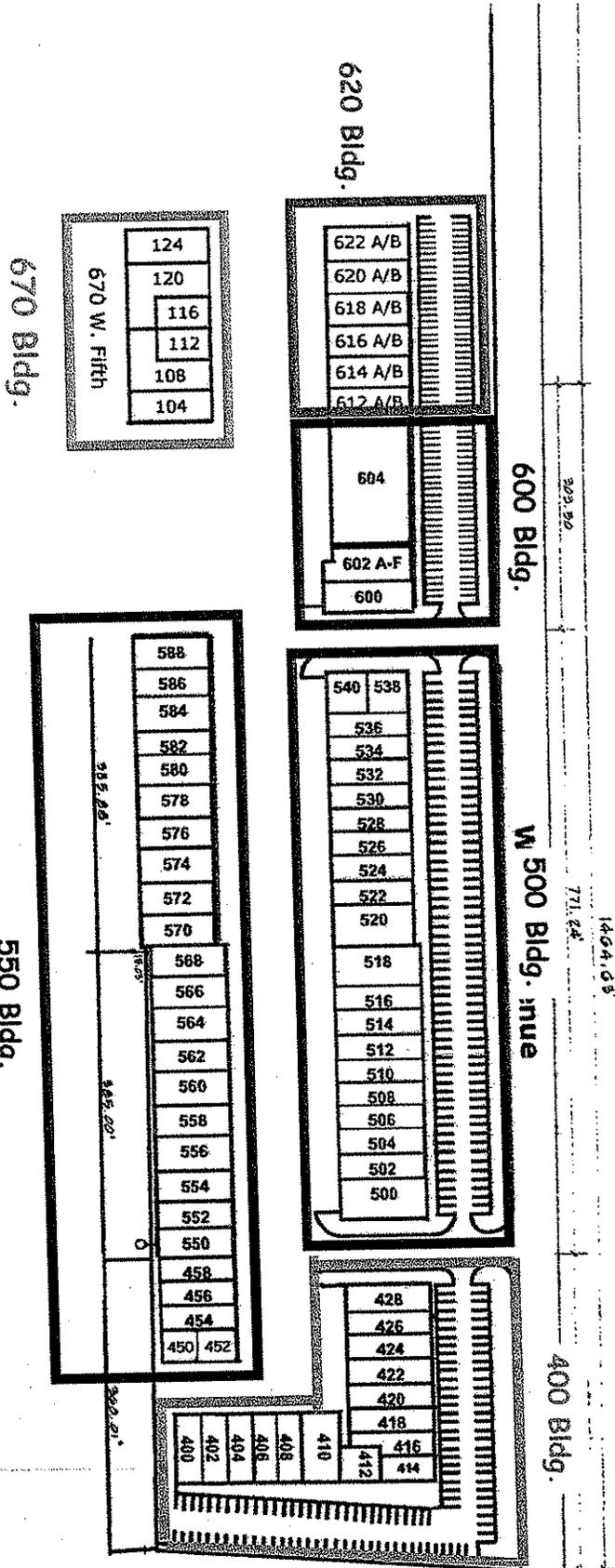
PARCEL C: NON-EXCLUSIVE, PERPETUAL EASEMENT FOR THE BENEFIT OF THE LAND AND OTHER PROPERTY FOR INGRESS AND EGRESS AS CONTAINED IN GRANT OF EASEMENT RECORDED SEPTEMBER 23, 1986 AS DOCUMENT R86-115082, AND GRANT OF EASEMENT AND AGREEMENT TO EXTINGUISH PRIOR EASEMENT RECORDED SEPTEMBER 23, 1986 AS DOCUMENT R86-115081, OVER, ALONG AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: THE WEST 26 FEET OF PARCEL 1; THE NORTH 30 FEET OF THE SOUTH 190 FEET, AS MEASURED PERPENDICULAR TO THE SOUTH LINE THEREOF, OF PARCEL 3; THE EAST 10 FEET OF PARCEL 3, AS MEASURED ALONG THE EAST LINE OF SAID PARCEL 3, EXCEPT THE SOUTH 160 FEET THEREOF; THE WEST 26 FEET OF THE NORTH 70 FEET OF PARCEL 2; AND A 25 FOOT STRIP OF LAND IN PARCEL 3, THE NORTH LINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID PARCEL 3, SAID POINT BEING 25 FEET SOUTHERLY OF THE NORTHEAST CORNER OF PARCEL 3 AND THENCE RUNNING WESTERLY TO A POINT ON THE WEST LINE OF PARCEL 3, SAID POINT BEING 22.5 FEET SOUTHERLY OF THE NORTHWEST CORNER OF PARCEL 3 (EXCEPT THAT PART OF SAID 25 FOOT STRIP LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 3; THENCE NORTH 87 DEGREES 24 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID PARCEL 3, 39.48 FEET; THENCE SOUTH 02 DEGREES, 54 MINUTES, 17 SECONDS EAST, 87.05 FEET; THENCE SOUTH 02 DEGREES, 08 MINUTES, 13 SECONDS EAST, 98.28 FEET; THENCE SOUTH 02 DEGREES, 54 MINUTES, 17 SECONDS EAST, 27.14 FEET; THENCE SOUTH 87 DEGREES, 24 MINUTES, 40 SECONDS WEST, 38.19 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN THE FIRST ADDITION TO FIFTH AVENUE PROPERTIES, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1985 AS DOCUMENT R85-69036; THENCE NORTH 02 DEGREES, 54 MINUTES, 17 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 1, 210.44 FEET TO THE POINT OF BEGINNING) ALL IN FIFTH AVENUE PROPERTIES, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 17, 1977 AS DOCUMENT R77-03821 AND RE-RECORDED MARCH 22, 1977 AS DOCUMENT R77-19817 AND RE-RECORDED NOVEMBER 2, 1977 AS DOCUMENT R77-100372, IN DUPAGE COUNTY, ILLINOIS.

PARCEL D: THE SOUTH 160 FEET OF LOTS 2 AND 4, AS MEASURED PERPENDICULAR TO THE SOUTH LINE OF SAID LOTS 2 AND 4, IN FIRST ADDITION TO FIFTH AVENUE PROPERTIES, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1985 AS DOCUMENT R85-69036 AND RE-RECORDED NOVEMBER 7, 1985 AS DOCUMENT R85-97777, IN DU PAGE COUNTY, ILLINOIS.

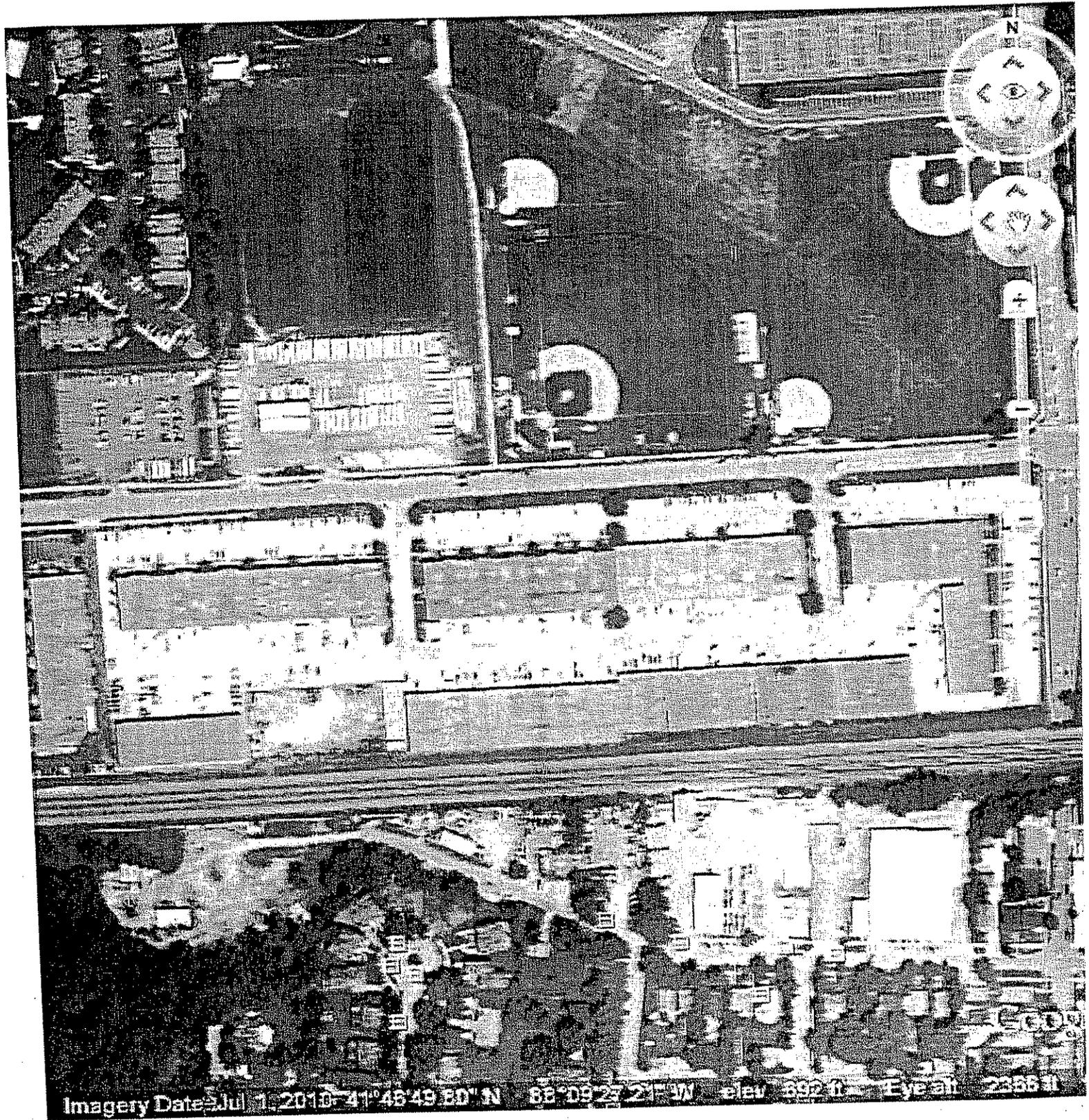
Parcel # 07-13-108-019

& 07-13-108-020

LEGAL  
5 & 5



Mill Street



AERIAL OF  
SUBJECT PROPERTY

400-428 West 5th Avenue Building

UNIT	PURPOSE
400/02	RENTAL- EVENT SUPPLIES
404	COSMETIC SALES & STORAGE
406	PIZZA CARRYOUT ONLY
408	YOGA INSTRUCTION, MASSAGE THERAPY & RETAIL SALES
410	SALES & CONSULTING FOR HOME DÉCOR
412	DRIVING SCHOOL
414B	SPORT MEMORABILIA & SALES
414A	VACUUM REPAIR SHOP & SALES
416	CATERING SALES, & FOOD PREP.
418F	PHOTO BOOTH RENTAL SALES & STORAGE
418R	SHORT & LONG TERM CHILD CARE FACILITY
420	SHORT & LONG TERM CHILD CARE FACILITY
422	MFG & SALES OF MATTRESSES
424	MFG & SALES OF MATTRESSES
426	SALES, STORAGE, & ASSEMBLY OF SIGNS
428	COMMERCIAL PHOTOGRAPHY SALES & STUDIO
428R	STORAGE ONLY

500-540 West 5th Avenue Building

UNIT	PURPOSE
500	OFFICE & STORAGE FOR RUG CLEANERS
502	OFFICE, SALES, STORAGE, & CUTTING AREA FOR FLOORING COMPANY
504	SALES, SPORTS FITNESS & REPAIR SHOP FOR TRIATHLON BUSINESS
506	SALES OF JEWELRY & ACCESSORIES STORAGE
508	SALES & STORAGE OF MUSIC PRODUCTS & SERVICES
510	HVAC CONTRACTOR
512	HVAC CONTRACTOR
514	OUTPATIENT DIALYSIS FACILITY
516	OUTPATIENT DIALYSIS FACILITY
518	SALES, DIST., & STORAGE OF INDUSTRIAL SUPPLIES
520/522	SALES & SHOWROOM FOR HOT TUBS/SPAS
524	SALES OFFICE FOR GARMENT RESTORATION COMPANY
526	OFFICE & WAREHOUSE STORAGE FOR PRINTING COMPANY
528	SALES & SERVICE FOR IND. APPLICATIONS
530	BASEBALL SIGNUP & EQUIPMENT STORAGE
532	OFFICE, SALES & ASSEMBLY OF CABINETS
534	UNDERGROUND SEWER CONTRACTOR STORAGE
536	STRINGED INSTRUMENTS SALES & REPAIR
538	PHONE SALES OF OFFICE FURNITURE & OFFICE DESIGN
540	SALES & DISTRIBUTION OF FARM GROWN FOOD

450-588 West 5th Avenue Building  
PURPOSE

UNIT	PURPOSE
450	STORAGE OF HOME DÉCOR
452	WAREHOUSE STORAGE
454	MFG & SALES OF MATTRESSES
456	SCHOOL DISTRICT STORAGE
458	NON-EMERGENCY MED. TRANS. STORAGE & SALES
550	RESTORATION COMPANY
552	AUTO STORAGE
554/556	FOOD PANTRY
558	SALES & STORAGE OF MUSIC PRODUCTS & SERVICES
560	SALES, DISTRIB. & ASSEMBLY OF CLOSET SYSTEMS
562	MOTOR VEHICLE SALES & STORAGE
564	RENTAL- EVENT STORAGE
566	MILLWORK SHOP, SALES & STORAGE
568	STORAGE FOR INTERIOR DESIGN COMPANY
570/572	METAL FABRICATION
574	LIGHT MANUFACTURING OF PCB ASSEMBLY, CURRENT SENSORS & TRANSFORMERS
576	FURNITURE RESTORATION SHOP
578	HYDRAULIC SERVICES, MACHINING & STORAGE
580	CYLINDER REPAIR MACHINE SHOP
582	DATA CENTER
584	DATA CENTER
586	DATA CENTER
588	CABINETRY SHOP

600-610 West 5th Avenue Building

UNIT	PURPOSE
600	SOFTWARE DEVELOPMENT OFFICE
602A	INSURANCE CLAIMS PROCESSING OFFICE
602B	DESIGN & REAL ESTATE OFFICE
602C	SALES FOR COMMUNICATION DEVICES
602D	TEEN DRIVER'S TRAINING OFFICE
602E	VACANT
602F	INTERNET & REAL ESTATE SERVICES
604-10	AUTO BODY SHOP & OFFICE
604-10	REAR STORAGE LOT
LOT	STORAGE LOT FOR GENERATORS ONLY

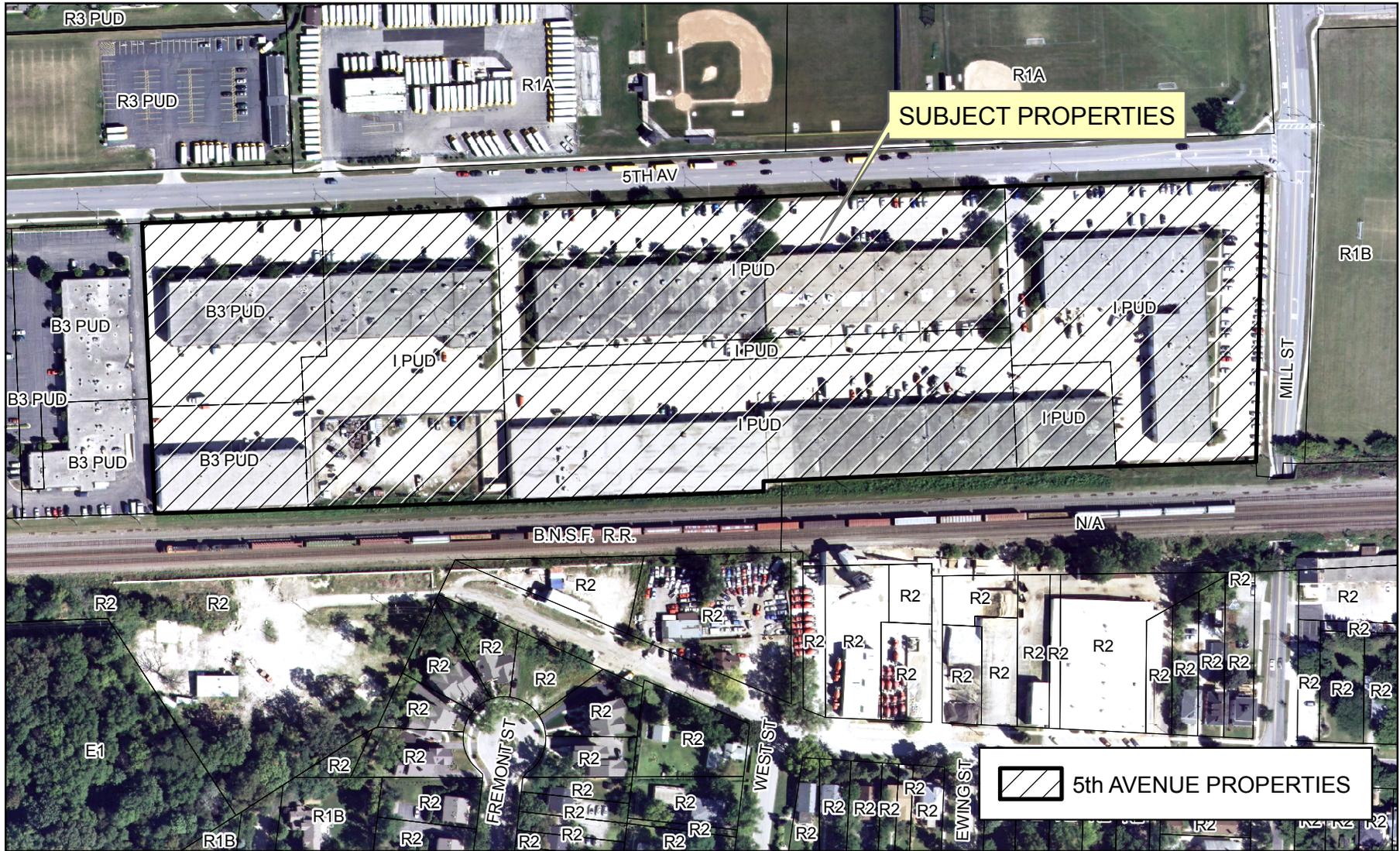
612A-622B West 5th Avenue Building

UNIT	PURPOSE
612A	SALES & STORAGE FOR HOME SECURITY COMPANY
612B	ATTORNEY OFFICE
614A	KUNG FU INSTRUCTION & TRAINING
614B	OFFICE-MEDICAL SUPPORT TO INS. COMPANIES
616A	PHYSICAL THERAPY
616B	COUNSELING SERVICES
618A	SAME DAY COURIER SALES & STORAGE
618B	CHARITY FOUNDATION OFFICE
620A	PRIVATE INVESTIGATION OFFICE & STORAGE
620B	SALES OF PROMOTIONAL ITEMS
622A	HANDYMAN SALES OFFICE & TOOL STORAGE
622B	TELEMARKETING SALES OFFICE

670 West 5th Avenue Building-Units 104-124

UNIT	PURPOSE
104	CONSTRUCTION CONTRACTOR OFFICE & STORAGE
108	WAREHOUSE STORAGE
112	USED AUTO SALES & STORAGE
116	SIGN SALES, DESIGN & PRINTING
120	CANDY/SWEETS STORAGE & DISTRIBUTION
124	AUTOMOTIVE REPAIR

# City of Naperville 5th AVENUE PROPERTIES

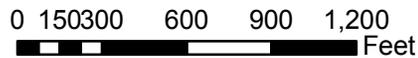


SUBJECT PROPERTIES

5th AVENUE PROPERTIES



Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6694  
[www.naperville.il.us](http://www.naperville.il.us)  
 January 2011



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