



**NAPERVILLE PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS – MUNICIPAL CENTER
FINAL AGENDA
09/21/2011 - 7:00 p.m.**

CALL TO ORDER:

A. ROLL CALL

B. APPROVE MINUTES

C. OLD BUSINESS

D. PUBLIC HEARINGS

1. PC Case #11-1-109 2443 Warm Springs Lane Zoning Variance
Petitioner: John and Tammy Perkins
Location: East side of Warm Springs Lane, southeast of intersection of Skylane Drive and Warm Springs Lane.

Request: Conduct the public hearing

Official Notice: Published in the Naperville Sun on August 26, 2011

2. PC Case # PCS 11-1-114 National Tire & Battery
Petitioner: US Signs on behalf of National Tire & Battery
Location: 915 E. Ogden Avenue

Request: Conduct the public hearing

Official Notice: Public Hearing Notice Published in the Naperville Sun on Sunday, September 4, 2011

3. PC Case # 11-1-111 McDonald's
Petitioner: McDonald's USA, LLC
Location: East side of IL Route 59, south of Bond Street in the Design Pointe PUD

Request: Continue this item to October 19, 2011.

Official Notice: Published in the Naperville Sun September 2, 2011

AGENDA
NAPERVILLE PLANNING AND ZONING COMMISSION
09/21/2011 - 7:00 p.m. - COUNCIL CHAMBERS
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4. PC Case # 11-1-102 Standard Market
Petitioner: West Highland Capital Partners, LLLP
Location: 1520 Aurora Avenue and parcel to the immediate east, on the south side of Aurora Avenue

Request: Conduct the public hearing.

Official Notice: Published in the Naperville Sun on September 2, 2011

5. PC Case # 11-1-120 All Saints Catholic Academy
Petitioner: Earth Wind and Solar Energy, LLC on behalf of the Catholic Diocese of Joliet, 425 Summit Street, Joliet, IL 60435
Location: 1155 Aurora Avenue

Request: Conduct the public hearing.

Official Notice: Published in the Naperville Sun on September 4, 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. Every effort will be made to allow for meeting participation.



Naperville

PLANNING AND ZONING COMMISSION AGENDA ITEM

PC CASE: 11-1-109 **AGENDA DATE:** 9/21/2011
SUBJECT: 2443 Warm Springs Lane
Petitioner: John and Tammy Perkins

LOCATION: 2443 Warm Springs Lane

Correspondence New Business Old Business Public Hearing

SYNOPSIS:
The petitioner requests a variance from Section 6-6A-7 (R1A Low Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal Code to construct a covered patio that encroaches upon the required rear setback at 2443 Warm Springs Lane.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A	N/A	N/A

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Suzanne Thorsen, AICP, TED Business Group

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property, zoned R1A (Low Density Single-Family Residence District), is located at 2443 Warm Springs Drive and encompasses 6,042 square feet. It is currently improved with a single-family residence. Surrounding properties are also zoned R1A and improved with single-family uses.

CONTROLLING AGREEMENTS AND ORDINANCES:

N/A

REQUEST:

The petitioners, John and Tammy Perkins, are the owners of the property proposing to construct a covered patio that will encroach 16' within the required 30' rear setback. The Municipal Code provides that no portion of the principal structure or attached roofed accessory structures shall encroach into the required rear setback. Therefore, the petitioner requests a variance from the R1A rear setback requirement provided in Section 6-6A-7:1 (R1A Medium Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal Code in order to construct the proposed covered patio.

PLANNING SERVICES TEAM REVIEW:

The home presently complies with the 30' R1A rear yard setback requirement. The purpose of the requested variance is to allow for a covered patio that will be approximately 425 square feet in area, and will encroach approximately 16' into the required setback. Although uncovered attached patios may encroach 10' into the required setback and detached accessory structures may be constructed at any point within the rear yard subject to a 5' setback, the Municipal Code provides that no portion of the principal structure or attached roofed accessory structures shall encroach into the required rear setback.

Staff has reviewed the petitioner's request and has determined that the proposed encroachment does not meet the standards for granting a variance due to the lack of a land related hardship. Required yards are provided in the Zoning Ordinance to both preserve open space and minimize instances of conflict between adjoining properties by providing a standardized distance of separation between structures. In this instance, staff does not find a basis for supporting an extension of the primary structure through the addition of an attached covered patio that would encroach into the setback area, as there no special or unique conditions which preclude the petitioner from constructing an accessory structure that otherwise complies with the requirements of the Zoning Ordinance.

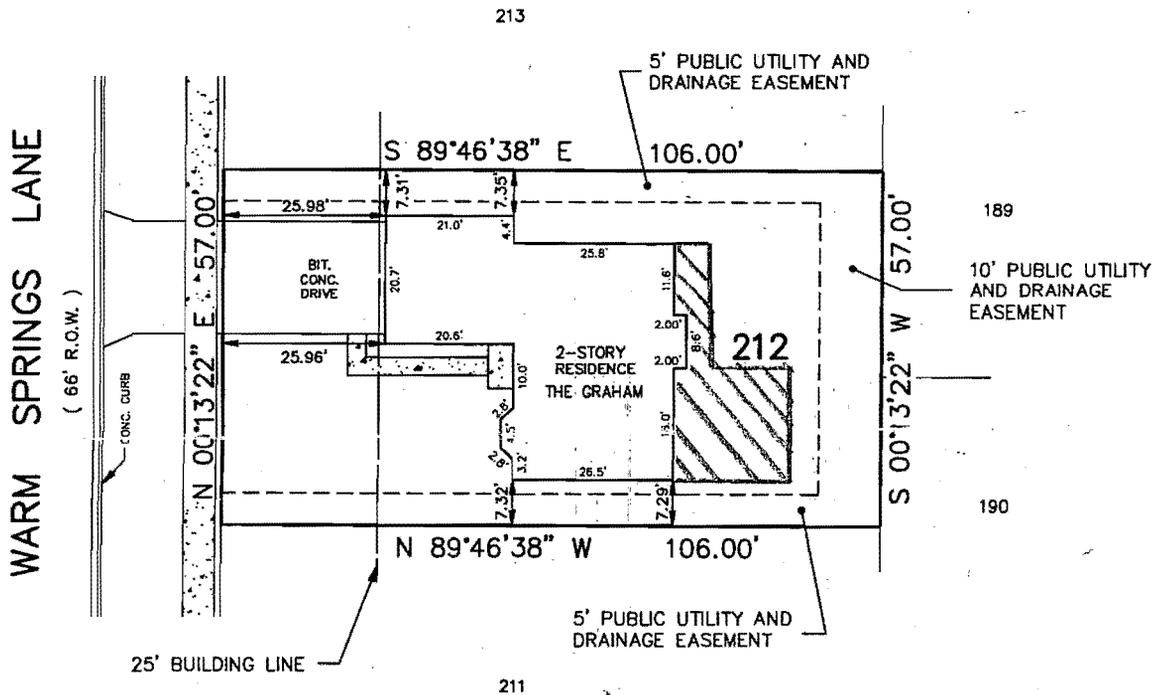
ATTACHMENTS:

1. 2443 Warm Springs Lane – Site Plan – PC 11-1-109
2. 2443 Warm Springs Lane – Building Elevations – PC 11-1-106
3. 2443 Warm Springs Lane – Aerial Photo/Location Map – PC 11-1-109
4. 2443 Warm Springs Lane – Petition – PC 11-1-106

PLAT OF SURVEY

of

LOT 212 IN WOODLAKE UNIT 2, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 10, 1995 AS DOCUMENT R95-076559, IN WILL COUNTY, ILLINOIS.



A PRELIMINARY TITLE COMMITMENT WAS NOT FURNISHED TO CEMCON, LTD. FOR USE IN THE PREPARATION OF THIS SURVEY. THEREFORE, THERE MAY BE ADDITIONAL EASEMENTS AND/OR SERVITUDES AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN HEREON.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S IMPRESSED SEAL.

COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

I, PETER A. BLAESER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE PLAT HEREON DRAWN OF THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION THEREOF.

DATED THIS 20TH DAY OF OCTOBER, A.D., 1997.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2357
MY REGISTRATION EXPIRES ON NOVEMBER 30, 1998

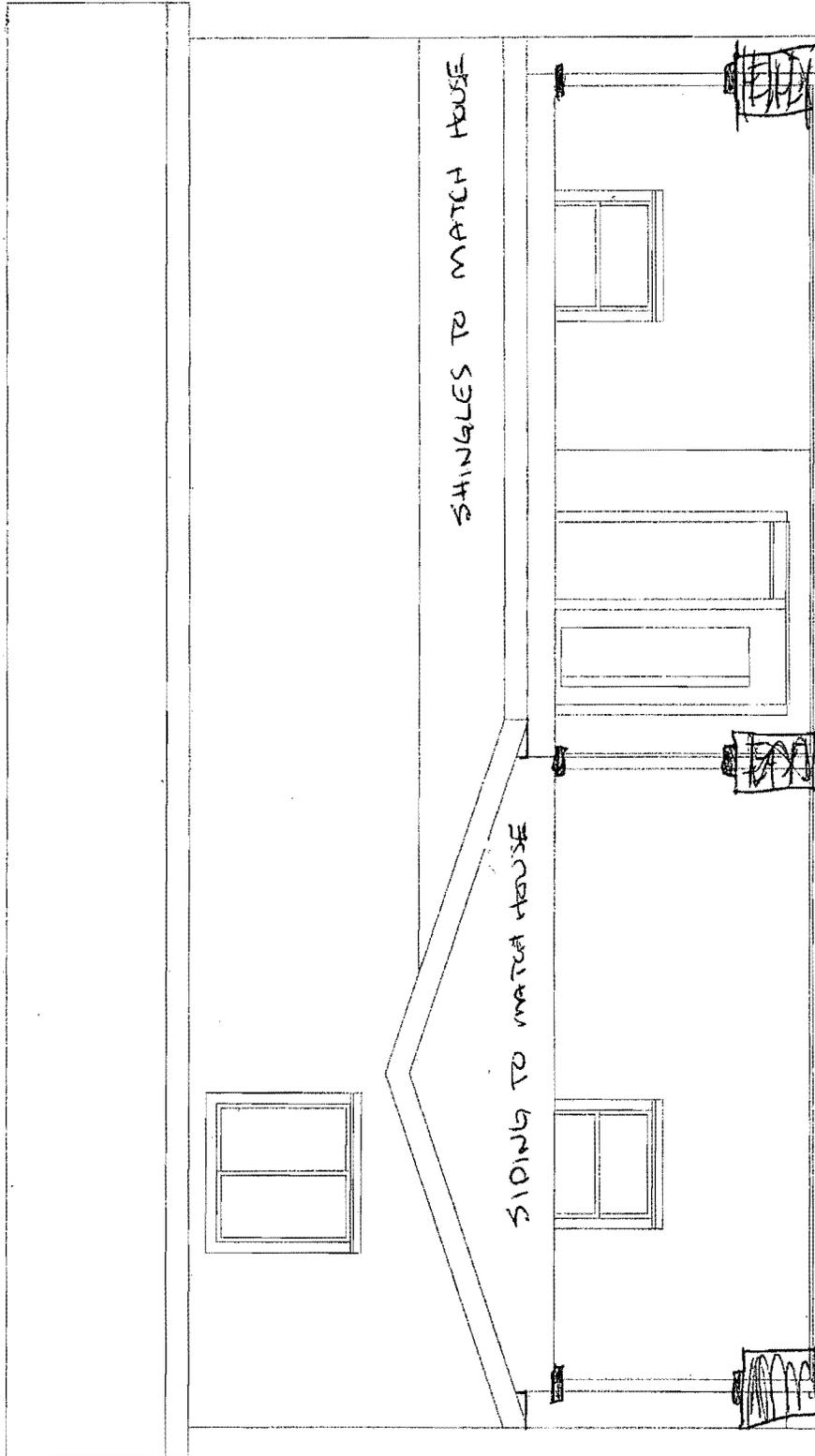
LEGEND

- CONCRETE AREA

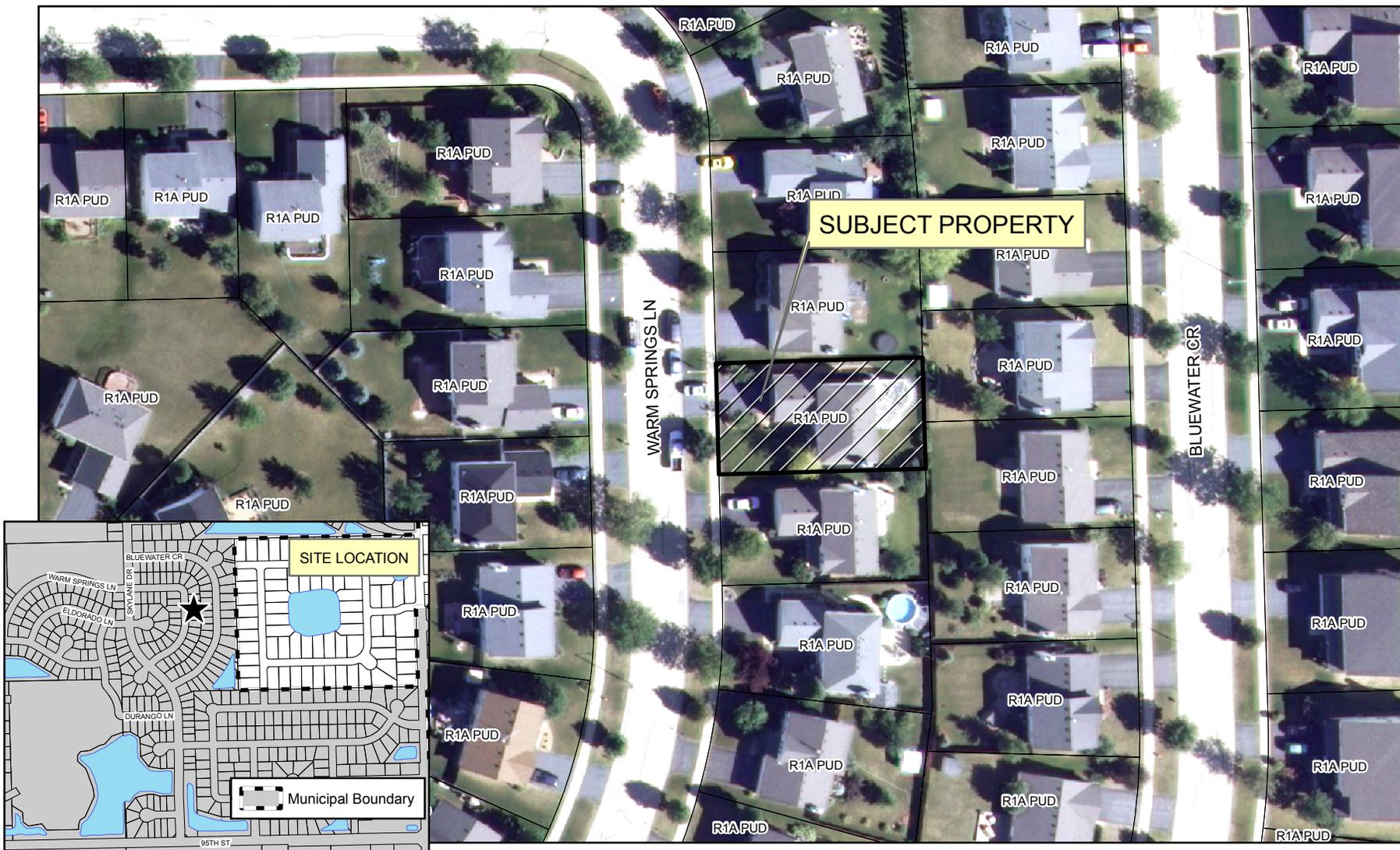
Mortgage	10-20-97	662-69	10-23-97/SMP
Foundation	8-28-97	648-69	8-29-97/PWF
Vacant			10-4-95 /TM
Type of Survey	Date	Bk.-Pg.	Date Drn. / By
Common Address : 2443 WARM SPRINGS LANE			
Client: LAKEWOOD HOMES, INC.			
Job No.: 7042.212		Scale: 1" = 20'	
File Name: 212G		Disc No.: 601004B2	

CEMCON. Ltd.

FINAL - Planning and Zoning Commission - 9/21/2011 - 3



City of Naperville
2443 WARM SPRINGS LN.



Transportation, Engineering and
 Development Business Group
 Questions Contact (630) 420-6719
 www.naperville.il.us
 September 2011



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CITY OF NAPERVILLE APPLICATION FOR A ZONING VARIANCE

ADDRESS OF SUBJECT PROPERTY: 2443 Warm Springs Lane
APPLICANT'S NAME: John Perkins & Tammy Perkins
APPLICANT'S ADDRESS: 2443 Warm Springs Lane
CITY: Naperville STATE: IL ZIP CODE: 60564
APPLICANT'S DAYTIME PHONE: (630) 546-7449
E-MAIL ADDRESS: jp@completeelevator.com

OWNER OF PROPERTY: John & Tammy Perkins
OWNER'S ADDRESS: 2443 Warm Springs Lane
CITY: Naperville STATE: IL ZIP CODE: 60564
OWNER'S DAYTIME PHONE: (630) 546-7449

ZONING OF PROPERTY: R1A - PUD

AREA OF PROPERTY (Acres or sq ft): _____

List Improvements on property (buildings, fences, pools, decks, etc.)

fence, brick paved patio

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

Variance from section 6-6A-7 to reduce the required rear yard set back.

The above information, to the best of my knowledge, is true and accurate:

Tammy Perkins 8-16-2011
(signature of applicant) (date)

SUBSCRIBED AND SWORN TO before me this 16 day of Aug, 2011
Stephanie H. Eide

(Notary Public and Seal)

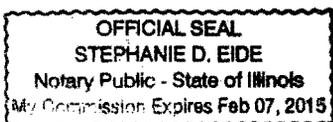


EXHIBIT A

CITY OF NAPERVILLE
DISCLOSURE OF BENEFICIARIES

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Applicant: John Perkins & Tammy Perkins
Address: 2443 Warm Springs Lane
Naperville IL 60564

2. Nature of Benefit sought: improve home & outdoor space value

3. Nature of Applicant (Please check one):

- a. Natural Person
- b. Corporation
- c. Land Trust/ Trustee
- d. Trust/Trustee
- e. Partnership
- f. Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant: Variance

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

- a. _____
- b. _____
- c. _____
- d. _____

6. Name, address and capacity of person making this disclosure on behalf of the applicant:

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

VERIFICATION

I, Tammy Perkins, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: Tammy Perkins

Subscribed and sworn to before me this 11th day of Aug., 2011.
Notary Public - State of Illinois
My Commission Expires Feb 07, 2015
Stephanie D. Eide

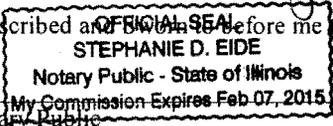


EXHIBIT B



Naperville

PLANNING & ZONING COMMISSION AGENDA ITEM

PCS CASE: 11-1-114 **AGENDA DATE:** 9/21/2011

SUBJECT: National Tire & Battery
 Petitioner: US Signs on behalf of National Tire & Battery

LOCATION: 915 E. Ogden Avenue

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

The petitioner proposes to replace the face panels on an existing, nonconforming pole sign without bringing the sign into compliance with the current monument-sign regulations. In order to replace the face panels and not bring the sign into compliance, the petitioner requests a variance from Section 5-4-13:1 (Nonconforming Signs; Revision of Signage) of the Naperville Municipal Code for the property located at 915 E. Ogden Avenue.

PLANNING & ZONING COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Trude B. Terreberry, Code Enforcement Officer

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property consists of a .50 acre lot and is located at 915 E. Ogden Avenue (Parcel 1 on the attached Land Title Survey). The property is zoned B3 (General Commercial District) and is improved with a commercial building and a parking lot. The properties to the east, south and west are zoned B3 (General Commercial District) and are improved with a variety of commercial uses. The property to the north is unincorporated (i.e. no zoning classification) and is improved with a parking lot; this property (Parcel 2 on the attached Land Title Survey) is owned by the same individual who owns 915 E. Ogden Avenue and the petitioner is allowed to use the property for overflow parking when necessary.

REQUEST:

The petitioner, National Tire & Battery (NTB), proposes to replace the face panels on an existing, nonconforming pole sign without bringing the sign into compliance with the current

monument-sign regulations. In order to replace the face panels and not bring the sign into compliance, the petitioner requests a variance from Section 5-4-13:1 (Nonconforming Signs; Revision of Signage) of the Naperville Municipal Code.

CONTROLLING AGREEMENTS AND ORDINANCES:

None

STAFF REVIEW:

Section 5-4-13:1 (Nonconforming Signs; Revision of Signage) requires that if an existing, nonconforming sign is revised (e.g. replacing face panels to reflect a new tenant) the sign must be brought into compliance with the current sign regulations.

The petitioner proposes to replace the face panels on the existing, nonconforming pole sign on the property so that the new face panels will reflect the name of the new tenant (National Tire and Battery) that has recently moved into the building. The revision will not increase the size of the sign and the location of the sign will not change.

The petitioner believes that utilizing the existing structure will help NTB advertise to the community and help patrons locate and enter the parking lot safely.

Staff does not believe that there is a unique circumstance or hardship that would warrant keeping the nonconforming pole sign on the property. The existing sign that the petitioner is requesting to reface is nonconforming for the following reasons:

- Sign is a pole sign (prohibited by Section 5-4-3:12)
- Height of sign (13' 9") exceeds what is allowed (10 feet)
- Area of sign (67 square feet) exceeds what is allowed (45 square feet)

STAFF SUMMARY:

The purpose of the Street Graphics Ordinance is to create the framework for a comprehensive balanced system of signage, to promote communication between people and their environment and to avoid the usual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

Staff believes that the proposed sign is not in harmony with the intent of the street graphics ordinance because the sign will continue to create sign clutter because it is too tall and too large. In addition, the Ogden Avenue Corridor Enhancement Initiative (OACEI) encourages lower-profile monument signage in order to reduce clutter and improve navigation along the corridor. Staff finds that the proposed sign will not conform to the Street Graphics Ordinance or the above objectives of the OACEI thereby compromising the future character of the Ogden Avenue Corridor.

Staff has reviewed the requested street graphics variance and finds that the petitioner does not meet the standards for granting a variance to the Street Graphics Control Ordinance. As a result, staff does not recommend approval of a variance from Section 5-4-13:1 (Nonconforming Signs; Revision of Signage) of the Naperville Municipal Code to allow for the replacement of the face

*915 E. Ogden – Staff PZC Memo – PCS 11-1-114
September 21, 2011
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panels for the sign located at 915 E. Ogden Avenue thereby continuing the use of an existing, nonconforming sign.

If the variance is not granted staff will require that the sign structure be removed based on Section 5-4-13:5 (Nonconforming Signs; Removal) of the Naperville Municipal Code.

ACTION REQUESTED:

Conduct the public hearing.

ATTACHMENTS:

1. 915 E. Ogden – Petitioner’s Application – PCS 11-1-114
2. 915 E. Ogden – Legal Description – PCS 11-1-114
3. 915 E. Ogden – Location Map – PCS 11-1-114
4. 915 E. Ogden – ALTA/ACSM Land Title Survey – PCS 11-1-114
5. 915 E. Ogden – Sign Rendering – PCS 11-1-114

CITY OF NAPERVILLE APPLICATION FOR A SIGN VARIANCE

ADDRESS OF SUBJECT PROPERTY: 915 E Ogden Ave
 APPLICANT'S NAME: Stacie Hicks - USSigns / Charlie Sheeran - Athern Signs
 APPLICANT'S ADDRESS: 6807 Port West Dr
 CITY: Houston STATE: TX ZIP CODE: 77024
 DAYTIME PHONE: 281-822-1707 / 713-234-0117
 E-MAIL ADDRESS: shicks@ussigns.com / charcsheeran@athernsigns.com

OWNER OF PROPERTY: Louis Halkias
 OWNER'S ADDRESS: 920 Piedmont Circle
 CITY: NAPERVILLE STATE: IL ZIP CODE: 60565
 OWNER'S DAYTIME PHONE: 312-630-1080

ZONING OF PROPERTY: B3
 AREA OF PROPERTY (Acres or sq ft): .817 acres
 List Improvements on property (buildings, fences, pools, decks, etc.):

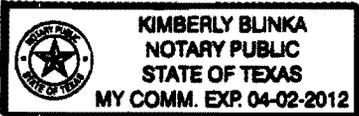
DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

See attached

The above information, to the best of my knowledge, is true and accurate:

Stacie Hicks 8.18.11
 (signature of applicant) (date)

SUBSCRIBED AND SWORN TO before me this 18 day of August, 2011



Kimberly Blinka

(Notary Public and Seal)

FINDINGS OF FACT FOR SIGN VARIANCES

The city will consider the reasonableness of a sign variance request as well as the extent to which it complies with the standards contained in Section 5-14-4:11 of the Naperville Municipal Code, which are listed below. Self-inflicted hardships or increased profit or property value are not sufficient justifications to warrant a variance. The recommendations prepared by staff and the Planning and Zoning Commission are prepared based upon the following standards. *You should review the standards and, if necessary, prepare written findings or other evidence to support your request.*

Standards For Variations: The Planning and Zoning Commission shall not recommend or grant a variation unless it shall make findings of fact based upon evidence presented at the hearing in any given case that:

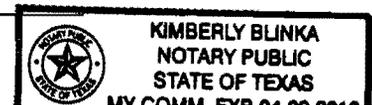
1. **The plight of the owner is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this Chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other comparable signs or properties.**
2. **The alleged hardship has not been created by any person presently having a proprietary interest in the subject sign (or property).**
3. **The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.**
4. **The proposed variation will not impair visibility to the adjacent property, increase the danger of traffic problems or endanger the public safety.**
5. **The proposed variation will not alter the essential character of the neighborhood.**
6. **The proposed variation is in harmony with the spirit and intent of this Chapter.**

I have reviewed the Standards for a Sign Variation and understand and acknowledge that my request will be considered based upon the extent to which it fulfills these standards. Further, I understand and acknowledge that I may be required to provide a written explanation detailing how my request fulfills these standards.

Grace Hicks 8.18.11
 (signature of applicant) (date)

SUBSCRIBED AND SWORN TO before me this 18 day of August, 2011

Kimberly Blinka
 (Notary Public and Seal)



Detailed Description of Variance:

Section 5-4-5: Commercial Signs – Monuments state monuments are allowed by code. Recently NTB purchased the property located at 915 East Ogden Ave. and a freestanding pylon sign existed.

We request to reface this structure with new NTB signage. We feel the utilization of this structure will help NTB advertise to the community and help patrons locate and enter the drive safely.

Property Address: 915 East Ogden Ave., Naperville, IL 60563

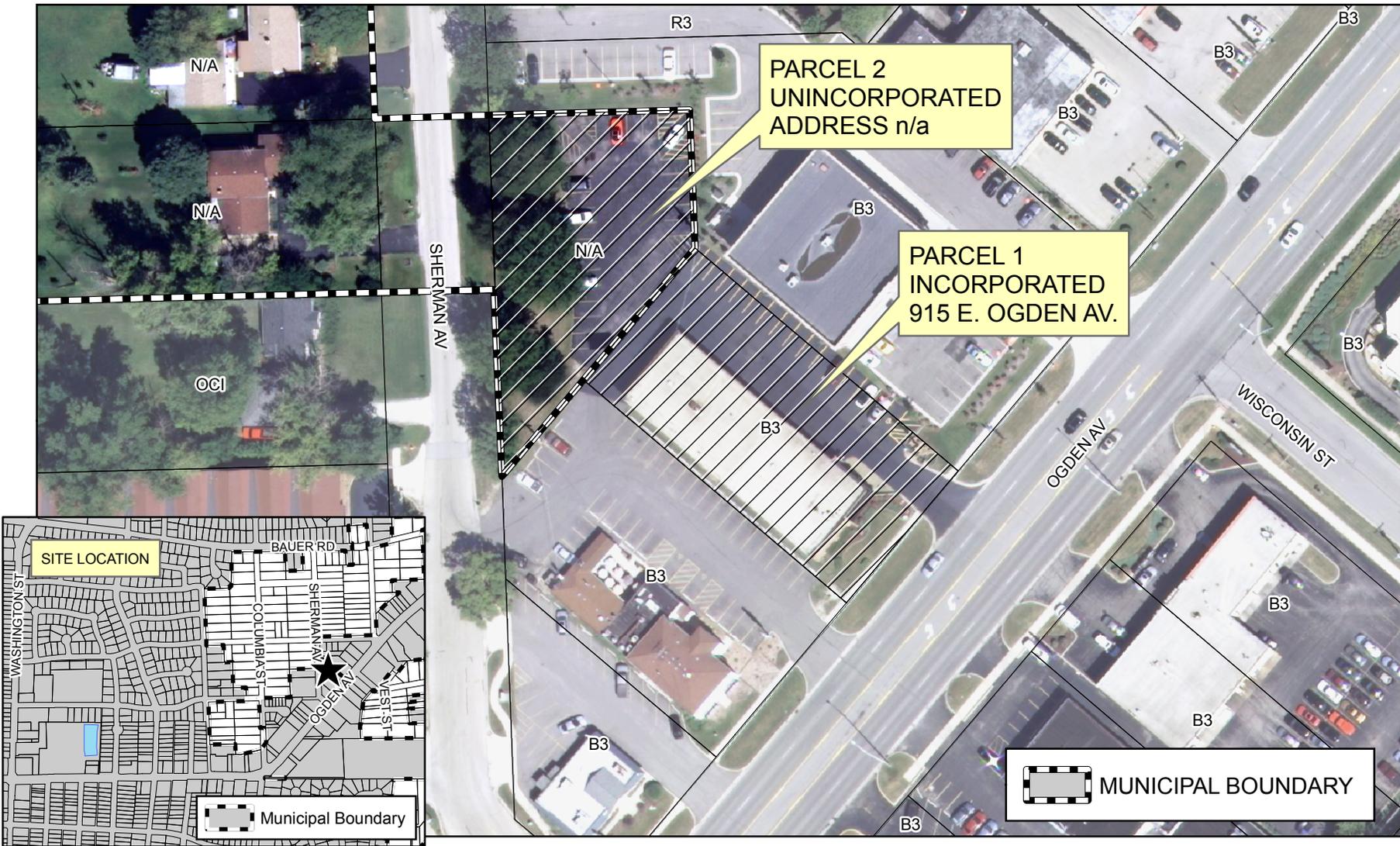
P.I.N. : 08-07-406-006, 08-07-406-015

Legal Description:

Parcel 1: Lots 10 and 11, in Block 10, in Arthur T. Mcintosh & Co.'s Highlands, being a Subdivision in the East half of section 7 in the West half of section 8, in the Township of 38 North, range 10 East of the third principal meridian, according to the Plot thereof, recorded July 9th, 1925 as Document No 195889, in DuPage County, IL.

Parcel 2: The West 116.62 feet, as measured in the North line thereof in parallel with the West line thereof, of Lot 16 and Block 10 in Arthur T. Mcintosh & Co.'s Highlands, being a Subdivision in the East half of section 7 in the West half of section 8, in the Township of 38 North, range 10 East of the third principal meridian, according to the Plot thereof, recorded July 9th, 1925 as Document No 195889, in DuPage County, IL.

City of Naperville
NATIONAL TIRE & BATTERY



Transportation, Engineering and
 Development Business Group
 Questions Contact (630) 420-6719
 www.naperville.il.us
 September 2011



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FACE REPLACEMENT

85.23 Sq Ft

SIGN 4



FRONT ELEVATION - Scale: 1/4"=1'-0"

GENERAL SPECIFICATIONS:

Double Face Illuminated Pylon

- *Reface existing double face illuminated pylon.
- *Faces to be pan-formed / embossed clear plastic faces with second surface vinyl decoration.

NOTE: EXACT RADIUS OF SIGN TO BE DETERMINED BEFORE INSTALLATION.

PHOTO OVERLAY



BEFORE



AFTER

COLOR SCHEDULE



PMS-123 YELLOW
3M #3630-25 SUNFLOWER YELLOW
LACRYL #412 BUTTERCUP YELLOW PAINT
R&H #2016 YELLOW PLEX



PMS-288 BLUE
3M #3630-157 SULTAN BLUE
LACRYL #463-B BRIGHT BLUE PAINT



WHITE
#7328 WHITE R&H PLEX



BLACK PAINT



Houston
Dallas

Houston Corporate Office
6807 Portwest Dr.
Houston, TX 77024
713-977-7900
Fax 713-977-7903

Dallas Regional Office
2220 San Jacinto Blvd.
Suite 365
Denton, Texas 76205
940-380-9153
FAX: 940-380-9395



SIGN ELEVATION EXHIBIT

Address: 915 EAST OGDEN AVE.

City: NAPERVILLE

State: IL, 60563

Account Rep: GLORIA B.

Sales Rep:

APPROVALS

CLIENT

DESIGN

PROD.

Designer: EIT PC MH-R2

Design No. 73202 R2

DATE 07-11-11

Rev. Date: 08-17-11



8:8

The purchaser agrees to hold the seller harmless against any cause for action for damage which may occur as a result of drilling for piers and foundations, including but not limited to sewer, gas lines or any underground obstacles which the purchaser or others may deem valuable.

THIS DESIGN AND ENGINEERING IS SUBMITTED AS OUR PROPOSAL, AND THE RIGHT TO USE OR EXHIBIT IN ANY FORM, IS NOT AUTHORIZED WITHOUT WRITTEN PERMISSION BY US SIGNS.



Naperville

PLANNING AND ZONING COMMISSION AGENDA ITEM

PZC CASE: 11-1-111 **AGENDA DATE:** 9/21/2011

SUBJECT: McDonald’s at Design Pointe Outlot B
 Petitioner: McDonald’s USA, LLC

LOCATION: East side of IL Route 59, south of Bond Street in the Design Pointe PUD.

Correspondence New Business Old Business Public Hearing

SYNOPSIS:
 The petitioner requests a major change to the Design Pointe PUD to accommodate a fast food restaurant with a drive-through land use on a lot previously planned for retail tenants. In conjunction with this request the petitioner is seeking a deviation to reduce the required parking and deviations related to the setback due right-of-way expansion by IDOT.

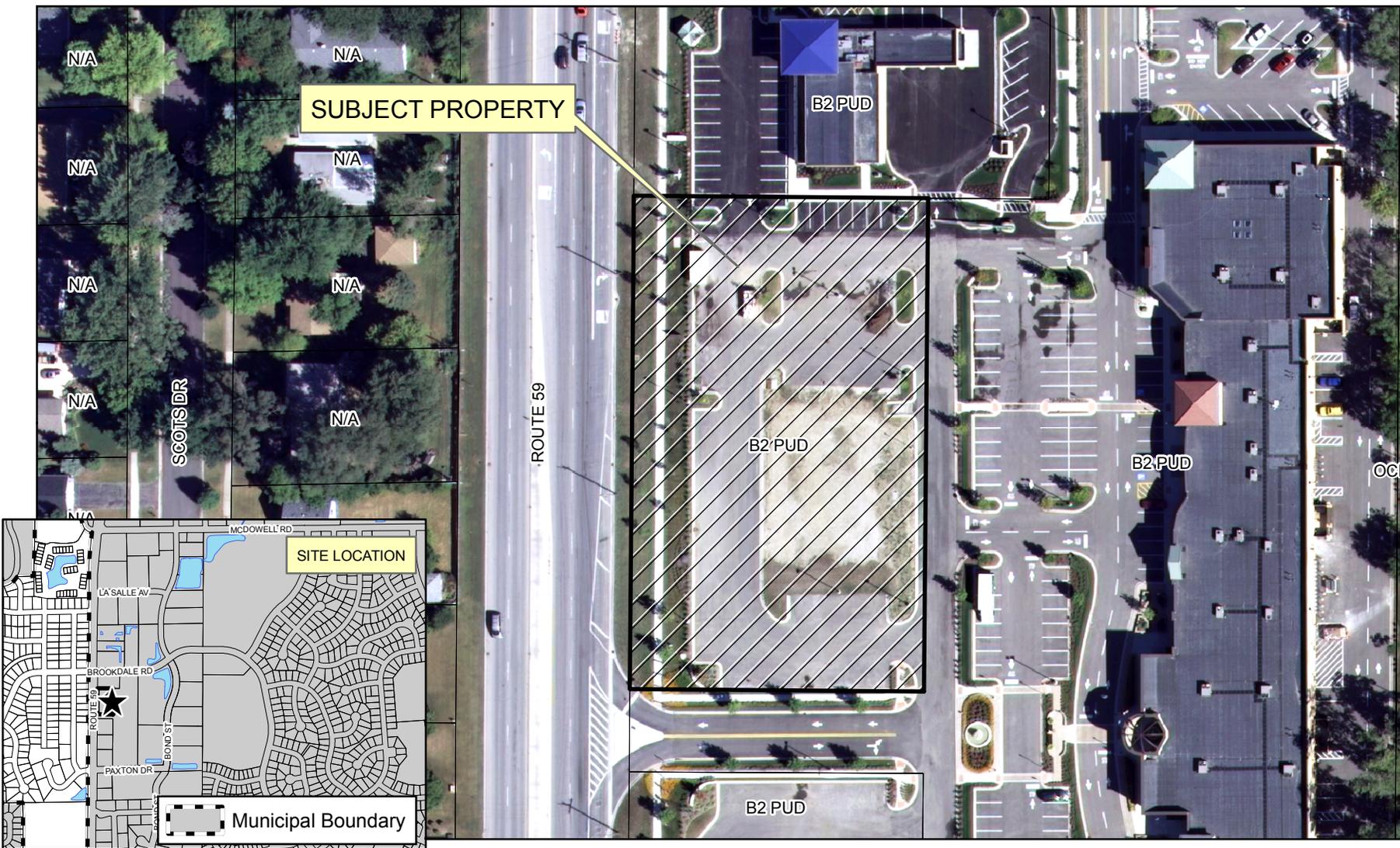
PLANNING AND ZONING COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Action
June 2005	Recommended approval of the Design Pointe PUD.

PREPARED BY: Amy Emery, AICP, Community Planner

ACTION REQUESTED/RECOMMENDED THIS MEETING:
 Open the public hearing and continue the case to October 19, 2011. Petitioner is preparing additional parking study data and revised landscape and site plans based on new information related to IDOT right-of-way acquisition for expansion of IL Route 59.

City of Naperville McDONALD'S AT DESIGN POINTE



Transportation, Engineering and
Development Business Group
Questions Contact (630) 420-6719
www.naperville.il.us
September 2011



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Naperville

PLANNING AND ZONING COMMISSION AGENDA ITEM

PZC CASE: 11-1-102 **AGENDA DATE:** 9/21/2011

SUBJECT: Standard Market
 Petitioner: West Highland Capital Partners, LLLP

LOCATION: 1520 Aurora Avenue and parcel to the immediate east, on the south side
 of Aurora Avenue

Correspondence New Business Old Business Public Hearing

SYNOPSIS:
 The petitioner requests approval of a preliminary/final plat of subdivision, vacation of a platted building setback line, rezoning from R1A (Low-Density Single Family Residence District) and B3 (General Commercial) to B1 (Neighborhood Convenience Shopping Center District), and variances to accommodate two separate monument signs with electronic message boards.

PLANNING AND ZONING COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Action
None	

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Amy Emery, AICP, Community Planner

EXISTING ZONING, LAND USE, AND LOCATION:

The property at 1520 Aurora Avenue is zoned B3, General Commercial. This property includes a vacant retail space and surface parking lot (former Frank’s Nursery and later Antique Store). The 4.6 acre property to the immediate east is zoned R1A (Low Density Single Family Residential) and is currently undeveloped. The petitioner is seeking to rezone both properties to B1 (Neighborhood Commercial).

CONTROLLING AGREEMENTS AND ORDINANCES:

The 4.6 acre property east of 1520 Aurora Avenue was part of a larger 75 acre property owned by the City of Naperville. In 1986, a conditional use was approved to accommodate civic uses on the subject property. In 1987, an ordinance was approved to construct a municipal center on the subject property; however those plans did not materialize as the current Municipal Center was constructed at 400 S. Eagle Street. On June 7, 2011, the City Council approved an

agreement to sell the subject property to West Highland Capital Partners, subject to the West Highland obtaining all necessary development approvals for its Standard Market grocery store.

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:

The future land use designation for this site, as adopted in the 1998 East Sector Update to the Comprehensive Master Plan, is “Commercial” and “Institutional.” The “Commercial” future land use designation is specific to the limits of the 1520 Aurora property (e.g. vacant retail space). The balance of the subject property is designated “Institutional” recognizing the city’s previous ownership of that property and its proximity to the public safety building and electric service center.

PLANNING SERVICES TEAM REVIEW:

The Planning Services Team has reviewed the petitioner’s requests and offers the following information.

Preliminary/Final Plat of Subdivision

The proposed subdivision will consolidate the subject property into a single, legal lot of record including slightly more than 8 acres of property. The plat complies with the minimum area, width and other subdivision requirements contained in the Municipal Code. In the future, should additional commercial buildings be desired on the subject property, resubdivision of the property will be required, subject to City Council approval.

Vacation of Platted Setback Line

The portion of the subject property currently zoned R1A includes a 30-foot platted building setback line that corresponds to the residential front yard setback requirement. The petitioner is seeking to remove this setback line as the subject property is seeking to be rezoned to B1, which provides a setback requirement of 15 feet along Aurora Avenue.

Rezoning

The petitioner is seeking to rezone all 8.1 acres of the subject property to B1, Neighborhood Commercial. This mixed use zoning district can accommodate retail, service, restaurant and residential uses. The proposed zoning is consistent with the future land use map of the property at 1520 Aurora, and provides a lower intensity commercial district (as compared to B2 and B3) to transition between Ogden Avenue and outlying institutional and residential uses to the east. The commercial zoning can accommodate the proposed grocery store use and respects the viability of the site as a commercial destination given access to a minor arterial (Aurora Avenue) and major arterial (Ogden Avenue). Uses in the immediate vicinity include gas stations, an automotive dealer, post office and bowling center.

Sign Variances

The petitioner proposes to erect two monument signs on the subject property: one on Ogden Ave and one on Aurora Ave. Each monument sign includes an electronic message board, which is integral to the petitioner’s business model that focuses on fresh, highly-perishable foods with a short shelf life. The electronic message boards allow the petitioner to effectively communicate daily specials in a manner not possible to achieve with static message boards. The petitioner

*Standard Market (PZC 11-1-102)
September 21, 2011
Page 3 of 4*

originally proposed to erect two electronic message boards containing 128 square feet each. After adjusting the location of the grocery store to increase its visibility, the petitioner reduced the size of the electronic boards to 72 square feet on Aurora Avenue and 57 square feet on Ogden Avenue. The petitioner requests approval of the variances identified below.

Aurora Avenue Monument Sign

Design Variable	Code Allowance	Proposed	Variance Request
Height	12' maximum	13'9"	Exceed allowable height by 1'9"
Area	45 sqft maximum	120 sqft	Exceed allowable area by 75 sqft
Area of Electronic Board	22.5 sqft maximum	72 sqft	Exceed max area for electronic board by 49.5 sqft

Ogden Avenue Monument Sign

Design Variable	Code Allowance	Proposed	Variance Request
Height	12' maximum	14'	Exceed allowable height by 2'
Area	45 sqft maximum	101 sqft	Exceed allowable area by 56 sqft
Area of Electronic Board	22.5 sqft maximum	57 sqft	Exceed allowable area for electronic board by 34.6 sqft
Property Frontage	100' of minimum property frontage	60' of existing frontage	Allow monument sign on property with less than 100' of frontage
Interior Yard Setback	40' minimum setback required	10' setback	Provide less than required 40' interior yard setback

To offset the variances for the monument signs, the petitioner has agreed to limit its building signage to 80 square feet, instead of the 830+ square feet of building signage currently permitted by Code. In all, the petitioner proposes to install 298 square feet of total signage (i.e. monument signage + building signage) – or 34% of the total amount of signage allowed – on the subject property, instead of the 875+ square feet allowed by the Code. A comparison of the petitioner’s proposal to the Code’s allowances is included as Attachment 4. All other aspects of the petitioner’s signage proposal comply with City Code.

Site Details:

Traffic & Parking

The proposed development complies with Municipal Code requirements for parking (171 spaces required and 205 spaces are provided). No variances or deviations are required. Anticipated traffic patterns and access have been studied through the development review process and have been determined to be acceptable. The site will provide four access drives that will effectively disperse site-generated traffic onto the surrounding roadway network.

Design Considerations

The application complies with all requirements of the Municipal Code pertaining to parkway, perimeter site, parking lot and building foundation plantings (refer to Attachment 5). The site will be attractively landscaped, preserve several existing mature

trees on the east side of the site, and include a landscaped berm along the southern edge of the property. The petitioner has been coordinating closely with staff to provide a building design that is respectful of the Standard Market brand and to the extent feasible the Citywide Building Design Guidelines. The proposed building is an urban agrarian style mixing limestone, glass and concrete board siding.

ATTACHMENTS:

1. Standard Market – Development Petition – PZC 11-1-102
2. Standard Market – Location Map Aerial – PZC 11-1-102
3. Standard Market – Site Plan – PZC 11-1-102
4. Standard Market – Preliminary/Final Subdivision Plat – PZC 11-1-102
5. Standard Market – Signage Information – PZC 11-1-102
6. Standard Market – Landscape Plan – PZC 11-1-102
7. Standard Market – Elevations – PZC11-1-102

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

Development Name (should be consistent with plat): Standard Market

Development Address: 1520 Aurora Avenue, Naperville

P.I.N. Number (s): _____

Date of Submission: _____

I. APPLICANT:

West Highland Capital Partners, LLLP

Name		Corporation	
<u>204 Chicago Avenue</u>			
Street			
<u>Westmont</u>	<u>IL</u>	<u>60559</u>	<u>(630) 258-2220</u>
City	State	Zip Code	Telephone Number
<u>Vince Priest</u>		<u>Partner</u>	<u>(630) 258-2220</u>
Primary Contact Person	Relationship to Applicant		Telephone Number
			<u>vince.priest@westhighlandcapital.com</u>
Fax Number		E-Mail Address	

II. OWNER OF THE PROPERTY:

Grey Real Estate, LLC / City of Naperville

Name	
<u>2300 Lehigh Ave., Glenview, IL 60026/400 S. Eagle, Naperville, IL 60540</u>	
Address	Telephone Number

III. APPLICANT'S/PETITIONER'S STAFF:

Attorney: John Zemenak/Rathje & Woodward, Telephone Number: (630) 668-8500

Email Address: jzemenak@rathjewoodward.com^{LLC} Fax Number: (630) 668-9218

Address: 300 E. Roosevelt Rd., Ste. 300, Wheaton, IL 60187

Engineer: Chuck Hulse, Roake & Associates, Telephone Number: (630) 355-3232

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 checked="" type="checkbox"/> Rezoning from <u>R-1A</u> <u>B-3</u> To <u>B-1</u>
(Complete Exhibit 1) | <input 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 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 checked="" 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 checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Plat of Easement / Vacation / Dedication
(circle all that apply) |
| <input checked="" 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

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

1520 Aurora is improved with a vacant commercial building, parking, utilities, etc., all of which will be demolished. The City property is vacant.

Existing Utility Services: Page 5 of 32
 Water, sewer, electric, gas

-
2. Existing Utility Services (water, sewer, electricity): Water, sewer, electric, gas.
 3. Existing zoning on the site: B-3 and R-1A
 4. Existing Land Use: Vacant commercial building/vacant land.
 5. Acreage & Square Footage of the site: 8.106 acres
 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):
None.
-

VII. PROPOSED DEVELOPMENT:

1. Type of Development (check all that apply):
 Residential Commercial Office
 Industrial Other: _____

2. Proposed Zoning: B-1

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):

See attached.

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

One ^{38,000}~~37,300~~ sq. ft. grocery store. The height is ³⁴~~32~~ feet.

The facade materials consist of panel siding, glass and board-formed concrete.

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:

Sign variances for 2 electronic message boards. See attached.

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.	Comrc.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres		8.106								
% of Total		100%								

*Please explain:

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		
Apartment						NA		
Comrc.	1	8.106	NA	NA	NA	38,000		
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 _____ acres will be met by a n/a

2. Required Park Donation of _____ 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)

1.3 acre detention pond on-site. Future outlots may be created.

Which will be maintained by: _____ The City of Naperville
 _____ Homeowners Association
X Other (Developer)

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*				

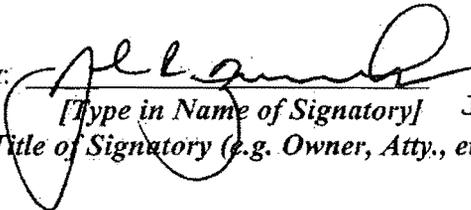
a. Park Site				
b. Common Areas*				
c. Private Facility*			1.3 acre detention	1.3
Sub-total				
School Site				
Total				

*Please Explain: A detention pond of 1.3 acres will be maintained by developer, with standard easements provided to the city.

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,

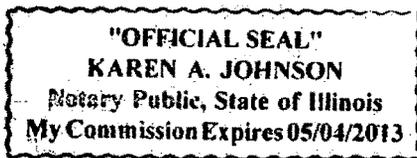
[Enter Name of Petitioner(s) or Authorized Agent]

By: 

[Type in Name of Signatory] John Zemenak,
[Type in Title of Signatory (e.g. Owner, Atty., etc.)] Attorney

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

The foregoing petition was acknowledged before me by Karen A. Johnson on the 22nd day of July, 2011 A.D.



By: Karen A. Johnson
[Type in Name of Notary] KAREN A. JOHNSON
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.

ATTACHMENT 6
CITY OF NAPERVILLE
DISCLOSURE OF BENEFICIARIES

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

- 1. Applicant: West Highland Capital Partners, LLLP
Address: 204 Chicago Avenue
Westmont, IL 60559
- 2. Nature of Benefit sought: Development approvals - 1520 Aurora Avenue
- 3. Nature of Applicant (Please check one):
 - a. Natural Person
 - b. Corporation
 - c. Land Trust/ Trustee
 - d. Trust/Trustee
 - e. Partnership
 - f. Joint Venture
- 4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant:

- 5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:
 - a. Brett Verkaik
 - b. Timothy McCorkle
 - c. Vincent Priest
 - d. Phillip Stewart
 - e. Andre Radandt
- 6. Name, address and capacity of person making this disclosure on behalf of the applicant:
Vince Priest - Partner
204 Chicago Avenue, Westmont, IL 60559

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

VERIFICATION

I, Vince Priest, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: _____

Subscribed and Sworn to before me this _____ day of July, ~~2002~~ 2011

Notary Public

ATTACHMENT 6

RATHJE & WOODWARD, LLC

MEMBERS:
R. TERENCE KALINA
HENRY S. STILLWELL III
GARY L. TAYLOR
REESE J. PECK
TRACY D. KASSON
JOHN R. ZEMENAK
SCOTT E. POINTNER
KEVIN M. CARRARA
TIMOTHY D. ELLIOTT
JOHN S. WORTHEN

ATTORNEYS AT LAW
300 EAST ROOSEVELT ROAD
P.O. Box 786
WHEATON, ILLINOIS 60189

ESTABLISHED 1938
BERTRAM E. RATHJE (1900-1972)
JOHN S. WOODWARD (1903-1990)

MAIN TELEPHONE: (630) 668-8500
WRITER'S DIRECT TELEPHONE: (630) 510-4913
FACSIMILE: (630) 668-9218

ASSOCIATES:
ABIGAIL J. JUNG
EMILY A. SHUPE
DEREK M. JOHNSON
ANN MARIE L. PEREZ
KAITLYN ANNE WILD

OF COUNSEL:
CHARLES L. PHILBRICK
MARK J. McANDREW

WRITER'S EMAIL:
jzemenak@rathjewoodward.com

July 27, 2011

Mr. Greg Jones, AICP
Project Manager
City of Naperville
400 South Eagle Street
Naperville, IL 60540

*Re: Petition for Development Approval
Property: 1520 Aurora Avenue, Naperville
Developer: West Highland Capital Partners, LLLP
Project: Standard Market*

Dear Mr. Jones:

I represent West Highland Capital Partners, LLLP relative to their purchase and development approvals for 1520 Aurora Avenue. My client is currently under contract to purchase 1520 Aurora Avenue from a private seller, along with adjacent property owned by the City, for combined acreage of 8.106 acres. My client is proposing to consolidate the two properties into a single lot, and seeks development approvals for its Standard Market grocery store upon the property. At some future point, my client may seek to resubdivide the property for the purpose of creating outlots for future development.

Standard Market is positioned as a unique grocery store, filling a needed consumer niche in the locality. From its unique design, fresh food offerings, hand-crafted to-go meals, and small on-site restaurant, this promises to be a singular restaurant in the area, contributing significantly to the City's sales tax base.

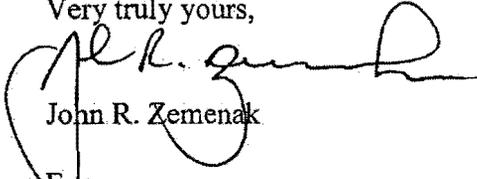
Enclosed please find our Petition for Development Approval, along with required narratives for our rezoning and variance requests. Also enclosed are required copies of the following:

- A. Site Plan
- B. Landscaping Plan

- C. Final Subdivision Plat
- D. Preliminary Engineering
- E. Traffic Study
- F. Color Building Elevations

My client and its team looks forward to working with you during your staff review to finalize these documents for ultimate public presentation. We hope the City shares our excitement for this project, as it hopes to break ground this year.

Very truly yours,



John R. Zemenak

Etc.

cc: West Highland Capital Partners, LLLP

RATHJE & WOODWARD, LLC

MEMBERS:

R. TERENCE KALINA
HENRY S. STILLWELL III
GARY L. TAYLOR
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OF COUNSEL:

CHARLES L. PHILBRICK
MARK J. McANDREW

WRITER'S EMAIL:

izemenak@rathjewoodward.com

July 27, 2011

Mr. Greg Jones, AICP
Project Manager
City of Naperville
400 South Eagle Street
Naperville, IL 60540

Re: *Standards for Proposed Sign Variances*
Property: 1520 Aurora Avenue, Naperville
Developer: West Highland Capital Partners, LLLP
Project: Standard Market

Dear Mr. Jones:

My client's Petition for Development Approval seeks a numerous variances from the City's Sign Ordinance in order to allow two (2) electronic message board signs in conjunction with my client's proposed Standard Market grocery store development. We have submitted a Site Plan, architectural elevations and preliminary engineering in conjunction with this request depicting the location, size and design of the building, access ways, parking facilities, storm water detention, and other important aspects of this proposal. The grocery store will feature fresh produce, cheese, meats and other perishable items, as well as a wine/beer department, a small sit-down restaurant, and hand-crafted meals served to go. My client is confident that this is a unique grocery store offering, but is one that will require superior branding and advertising.

The Sign Ordinance permits electronic message boards which display static messages which do not change more than once every ten (10) seconds. The proposed electronic message boards comply with these requirements. In addition, the proposed signs will meet the illumination standards of the Sign Ordinance. However, variances are needed from the Sign Ordinance for the following:

- A. A variance to allow two (2) rather than one (1) electronic message board signs.

- B. Variances to allow two (2) electronic message board signs which exceed the allowable sign area.
- C. A variance to allow a ten (10') foot setback along Ogden Avenue rather than a forty (40') foot setback for an interior yard.
- D. Variances to allow the changeable sign area to exceed 50% of the total sign area.

The proposed electronic message board signs are as integral to this development as the exterior look of the grocery store, the unique fresh food offerings, the restaurant, and the hand-crafted to-go meals. They are an essential way of utilizing today's technology to tastefully advertise the various offerings and options of this grocery store. We expect to demonstrate the visual appearance and proposed messages of these signs at the public hearing and hope you will agree with us that these signs are not only useful and impressive, but tasteful and not harmful to surrounding property owners.

Sign variances require approval of findings of fact to support the variances. We submit the following findings of fact for our requests. Since the variances are all inter-related, we have submitted one set of findings for all variances.

1. The variances are in harmony with the general purpose and intent of the Sign Ordinance.

The property is located at the intersection of the heavily-trafficked intersection of Ogden Avenue and Aurora Avenue. This is an existing commercial corridor, with a gas station, auto dealer and other commercial uses surrounding the site. The grocery store is located in the rear portion of the lot, without significant street exposure. Wall signs or standard monument signs will not sufficiently identify the location of this grocery store. Given the unique and multiple offerings of this grocery store, an electronic message board is the best way, utilizing today's technology, to inform potential customers of the store's presence, advertise the daily sales and offerings, and invite customers in for a visit.

The grocery store will offer hand-crafted meals "to go," utilizing the theme of "What's For Dinner Tonight?" or similar slogan. The electronic message boards will display this theme, and then will show a high-definition picture of the prepared meal that is offered "to go" that evening. An electronic message board is the only effective way to publicize this offering, along with daily sales and other fresh offerings.

The stated purpose of the Sign Ordinance, in part, is to promote communication between people and their environment, to allow signs which are appropriate for the activity of displaying the sign, and which are legible in the circumstances in which they are seen. The proposed signs meet these purposes.

The proposed electronic message board signs will measure approximately 16' x 8' in total sign face area, and therefore will not be unreasonable large. The messages and images displayed will

be in crisp, high-definition and will be tasteful in all respects. There will be no flashing or blinking lights or displays. By complying with the display limitations and illumination limitations of the Sign Ordinance, the proposed signs will not adversely affect driver safety or otherwise impact the surrounding neighborhood. By effectively and tastefully delivering the store's message, these signs will reduce the reliance on a proliferation of other signs on or around the store itself and will comport with the general purpose of the Sign Ordinance.

2. The unique conditions of this property make these variances reasonable.

The proposed grocery store will be located in the rear portion of the property, and thus will lack clear visual exposure from the adjacent streets. The property is located on the corner of Ogden Avenue and Aurora Avenue, a heavily-trafficked commercial corridor. Without sufficient, visible and unique signage, this store may be missed by busy motorists. A Speedway gas station on the immediate corner of this intersection will partially obscure the view of the grocery store from the intersection.

Additionally, the property will have points of ingress/egress onto both Ogden Avenue and Aurora Avenue. It is vital to have signage at these prime points of ingress and egress. Any sign less than the size and type proposed will not be visible to motorists and customers and cannot adequately display the Petitioner's unique message about its daily offerings.

If the Petitioner were to comply with the forty (40') setback along Ogden Avenue, this sign would be rendered useless given the narrow nature of the access drive and given surrounding development.

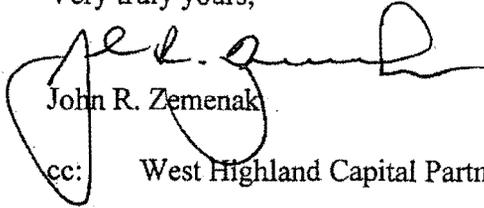
3. The variances, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The proposed signs will meet the Sign Code standards of displaying a static message which does not change more than once every ten (10) seconds. The proposed signs will meet the Sign Code standards for illumination. Thus, the proposed signs will not prove to be distracting or unreasonably bright to the detriment of surrounding properties or motorists. Numerous monument signs exist along Ogden Avenue and Aurora Avenue at a ten (10') setback, therefore the proposed sign locations are compatible and harmonious with signs in the area. Although variances are sought for sign area and for the area of the electronic message board relative to the overall sign area, we believe these variances are relatively modest in nature and will not impact the neighborhood. Each sign will measure approximately sixteen (16') x eight (8') feet, for a total sign area of one hundred twenty-eight square feet. Given the nature of the surrounding intense commercial development and existing signage, we respectfully submit that the proposed sign areas are reasonable under the circumstances and will not change the character of the neighborhood. Finally, by allowing these two signs, it will reduce the Petitioner's reliance on other signage on and around its proposed store.

Thank you for your consideration of the foregoing and we look forward to answering any

questions the City may have in this regards.

Very truly yours,



John R. Zemenak

cc: West Highland Capital Partners, LLLP

CITY OF NAPERVILLE PROPERTY

THAT PART OF LOT 4 IN SPRING LAKE OFFICE PARK, BEING A SUBDIVISION OF PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 4, 1988, AS DOCUMENT R88-021973 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID SPRING LAKE OFFICE PARK; THENCE SOUTH 88 DEGREES 20 MINUTES 04 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 183.26 FEET; THENCE SOUTH 69 DEGREES 41 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4 THAT IS 73.93 FEET SOUTH OF THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 01 DEGREE 39 MINUTES 56 SECONDS EAST ALONG SAID WEST LINE 73.93 FEET TO THE POINT OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

LOT 5 IN SPRING LAKE OFFICE PARK, BEING A SUBDIVISION OF PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED MARCH 4, 1988, AS DOCUMENT R88-021973, EXCEPTING THEREFROM THAT PART OF SAID LOT 5 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE NORTH 88 DEGREES 20 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 73.94 FEET; THENCE NORTH 22 DEGREES 36 MINUTES 36 SECONDS EAST A DISTANCE OF 196.18 TO A POINT ON THE EAST LINE OF SAID LOT 5 THAT IS 183.26 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES 28 MINUTES 23 SECONDS WEST ALONG SAID EAST LINE 183.26 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

RATHJE & WOODWARD, LLC

MEMBERS:

R. TERENCE KALINA
HENRY S. STILLWELL III
GARY L. TAYLOR
REESE J. PECK
TRACY D. KASSON
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WRITER'S EMAIL:

jzemenak@rathjewoodward.com

July 27, 2011

Mr. Greg Jones, AICP
Project Manager
City of Naperville
400 South Eagle Street
Naperville, IL 60540

*Re: Standards for Proposed Map Amendment
Property: 1520 Aurora Avenue, Naperville
Developer: West Highland Capital Partners, LLLP
Project: Standard Market*

Dear Mr. Jones:

My client's Petition for Development Approval seeks a Zoning Ordinance Map Amendment to rezone the two properties at issue (which we seek to consolidate into a single lot). The property located at 1520 Aurora Avenue is currently zoned B-3. The adjacent property, currently owned by the City, is zoned R-1A. My client requests approval to rezone these properties to the B-1 zoning classification for purposes of developing the property with a Standard Market Grocery store.

Section VII(2) of the Petition for Development Approval requires a description of the proposed development in conjunction with any rezoning request. My client proposes to establish a 37,300 square foot grocery store upon the property. We have submitted a Site Plan, architectural elevations and preliminary engineering in conjunction with this request depicting the location, size and design of the building, access ways, parking facilities, storm water detention, and other important aspects of this proposal. The grocery store will feature fresh produce, cheese, meats and other perishable items, as well as a wine/beer department, a small sit-down restaurant, and hand-crafted meals served to go. The tentative hours of operation are from 7:00 a.m. to 10:00 p.m. The proposed parking exceeds the requirements of the Zoning Ordinance. We strongly believe the unique look and offerings of this grocery store will have an immediate positive impact on the surrounding neighborhood, and a positive impact upon the City's sales tax and real estate tax base. Currently, the site is improved with a long-vacant

Frank's Nursery & Crafts building which has fallen into disrepair.

In conjunction with this rezoning request, we submit that the following standards are met to support this proposed action:

1. *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 property is located at the intersection of the heavily-trafficked intersection of Ogden Avenue and Aurora Avenue. This is an existing commercial corridor, with a gas station, auto dealer and other commercial uses surrounding the site. B-1 zoning is most appropriate for this commercial area and comports with the City's Comprehensive Plan. Due to this location and surrounding commercial development, this property would not be appropriate for residential, manufacturing, office or other zoning. B-1 zoning would promote the public health and welfare by supporting the local real estate tax and sales tax base and by allowing a wide variety of compatible commercial uses.

2. *The trend of development in the area of the subject property is consistent with the requested amendment.*

Ogden Avenue and Aurora Avenue at this location are commercial in character and has seen rapid commercial growth over the past ten plus years. B-1 zoning is entirely consistent with this development trend.

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

The property is currently zoned B-3 and residential. Residential uses on the vacant City-owned property are not compatible with the commercial nature of the area. B-1 zoning permits a greater variety of commercial uses than B-3, and would allow for the full development of the property with compatible and complimentary uses which would enhance the sales tax base of the City.

4. *The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.*

Any residential development on the property currently owned by the City is economically unfeasible and contrary to sound planning principles. The City property is located in a floodway and is adjacent to heavy commercial uses, including a gas station. B-1 zoning allows the greatest variety of commercial uses and would allow the property to achieve its fullest development potential. The current B-3 parcel contains a vacant commercial building which has remained vacant for many years, underscoring the need for this rezoning in order to yield a reasonable return.

5. *The subject property has not been utilized under the existing zoning classification for a substantial period of time.*

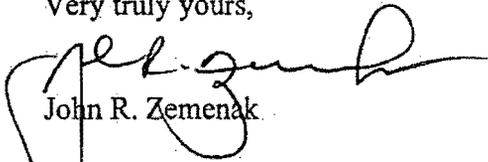
The property at 1520 Aurora contains a vacant commercial building which has remained in this vacant state for many years. The City-owned property is vacant. This lack of development for a substantial period of time supports the rezoning of the property to B-1.

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

The surrounding neighbor consists, in part, of a gas station, an auto dealer, a post office and numerous other commercial developments. The rezoning of the property to B-1 to allow for a grocery store is entirely consistent with the character of the neighborhood and will not alter the character of the area. This rezoning and proposed development will greatly improve the property and enhance surrounding properties.

Thank you for your consideration of the foregoing and we look forward to answering any questions the City may have in this regards.

Very truly yours,



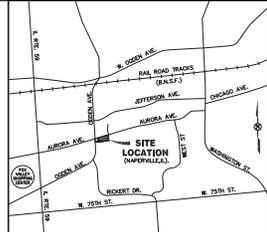
John R. Zemenak

cc. West Highland Capital Partners, LLLP

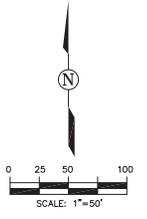
SITE PLAN

BENCHMARKS:

- REFERENCE BENCHMARK:
CITY OF NAPERVILLE CONTROL MONUMENT STATION NO. 19
ELEV.=707.68
- CHISLED "X" IN CONCRETE WALK 105'-4" WEST OF THE SOUTHEAST CORNER OF THE CONTINENTAL AUDI DEALERSHIP.
ELEV.=690.61 ROAKE & ASSOC. C.P. #1
 - CHISLED "X" IN CONCRETE WALK AT THE NORTHEAST CORNER OR ROUTE 34 (OGDEN AVENUE) AND AURORA AVENUE.
ELEV.=690.90 ROAKE & ASSOC. C.P. #2



LOCATION MAP NTS.



LEGEND

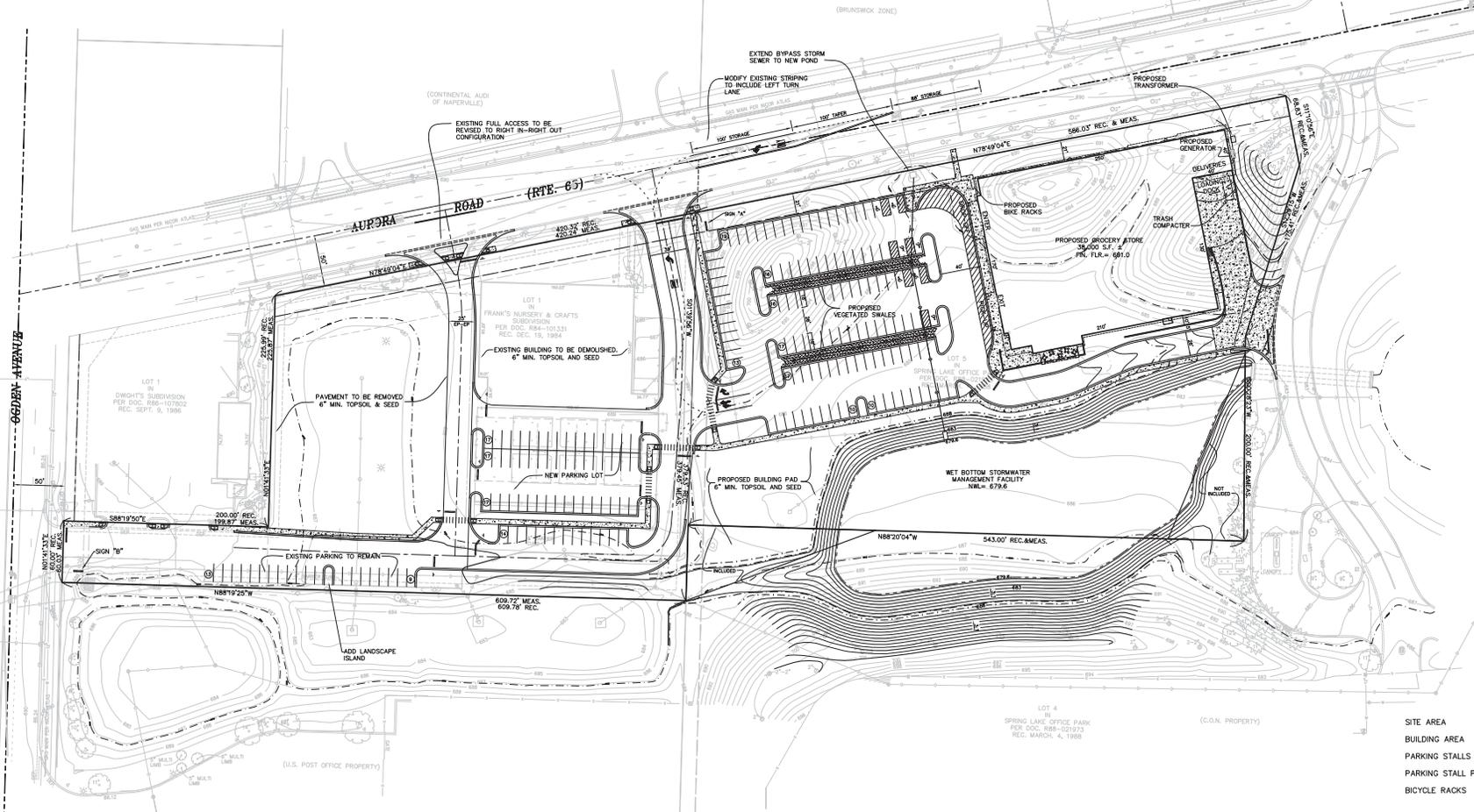
PROPOSED	EXISTING	DESCRIPTION
○	○	MANHOLE
●	○	CATCH BASIN
—	—	INLET
—	—	STORM SEWER
—	—	SANITARY SEWER
—	—	WATERMAIN
—	—	HEADWALL
—	—	END SECTION
—	—	VALVE & WALK
—	—	VALVE & BOX
—	—	FIRE HYDRANT
—	—	STREET LIGHT
—	—	POWER POLE
—	—	CONTOURS
—	—	ELEVATIONS
—	—	SIDEWALK
—	—	CURB
—	—	STRUCTURE CALLOUT

LEGEND

—	SUBDIVISION BOUNDARY
—	EXISTING/ADJACENT LOT LINE
—	CENTER LINE
—	PROPOSED EASEMENT LINE
—	SECTION LINE
—	EXISTING PARKING OR BUILDING
—	SETBACK LINE
—	EXISTING EASEMENT LINE

ABBREVIATIONS

P.U. & D.E.	PUBLIC UTILITIES & DRAINAGE EASEMENT
REC.	RECORD INFORMATION
MEAS.	MEASURED INFORMATION
I.P.	IRON PIPE
FND.	FOUND
DOC.	DOCUMENT



SITE DATA

SITE AREA	8.106
BUILDING AREA	38,000
PARKING STALLS REQUIRED	38,000 x 4.5/1000=
PARKING STALLS PROVIDED	205 SPS (7 HD
BICYCLE RACKS	171 x 0.05=

ROAKE AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND SURVEYORS • PLANNERS
1884 GUNDRY AVENUE, SUITE 100A • NAPERVILLE, ILLINOIS 60540
TEL (630) 366-3292 • FAX (630) 366-3287

PREPARED FOR:
WEST HIGHLAND CAPITAL PARTNERS, LLLP
204 CHICAGO AVENUE
WESTMONT, IL, 60559
(630) 258-2220

NO.		DATE		REVISIONS	
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
1	08-24-11	REV. PER CITY REVIEW (LIR 8/17/11)			

STANDARD MARKET, NAPERVILLE, IL

SITE PLAN - PHASE 1

DRN/CD: BY: SRH/CAH	FILE: 7244SITEPLAN	FLD. BK./PG.:	SHEET
SCALE: 1" = 50'	DATE: 07/29/11	JOB NO.: 724.004	1 0

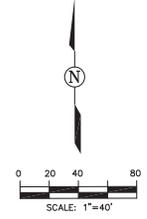
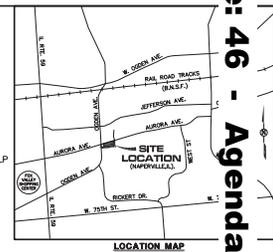
PRELIMINARY/FINAL PLAT OF SUBDIVISION OF STANDARD MARKET OF NAPERVILLE

PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

UNDERLYING PIN'S:
LOT 1 07-23-110-011
LOT 5 07-23-110-013

THIS PLAT HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:
NAME: NAPERVILLE CITY CLERK
ADDRESS: 400 S. EAGLE STREET
NAPERVILLE, ILLINOIS 60540

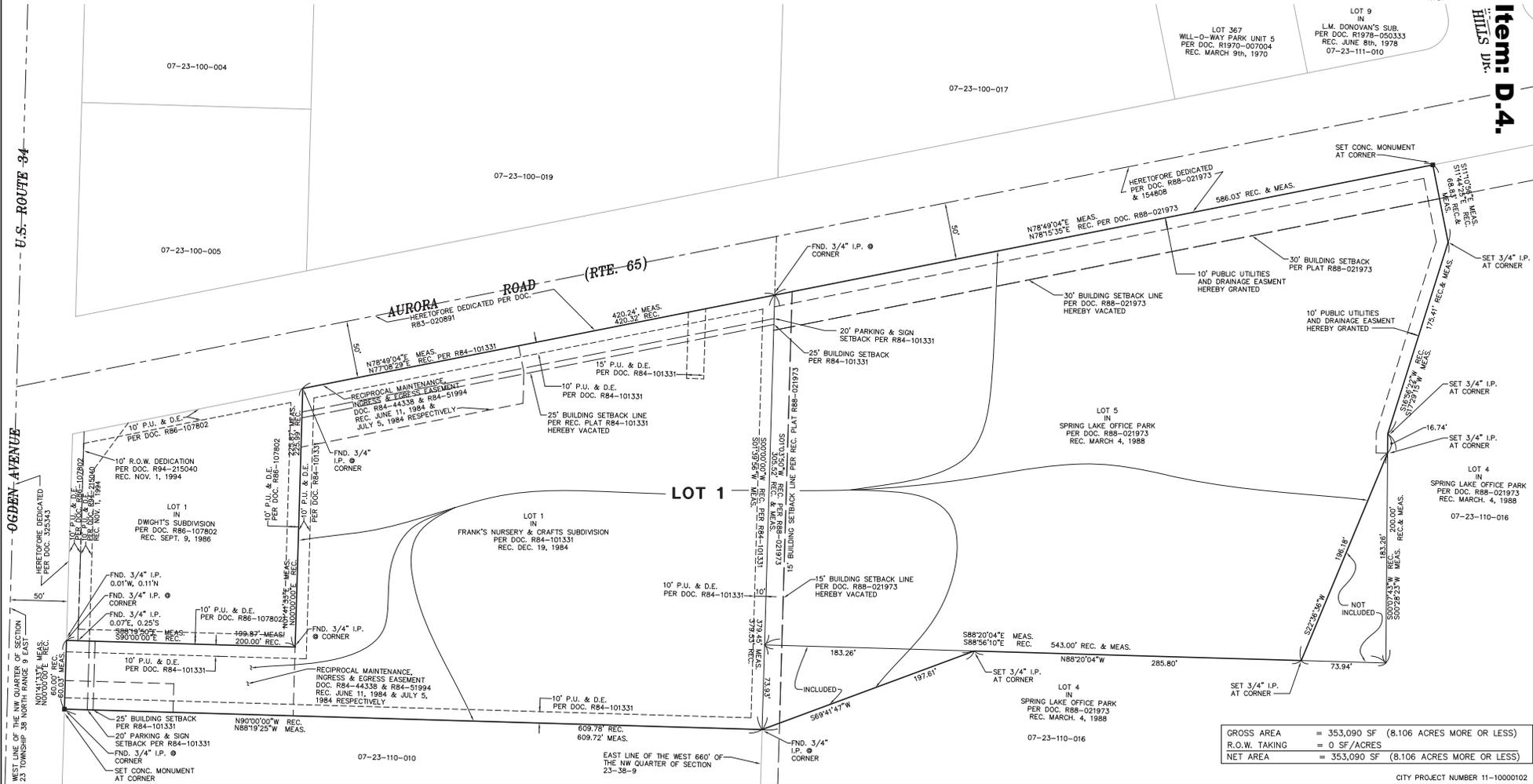
OWNERS:
WEST HIGHLAND CAPITAL PARTNERS, LLP
204 CHICAGO AVENUE
WESTMONT, ILLINOIS 60559
(630) 258-2220



- LEGEND**
- SUBDIVISION BOUNDARY
 - EXISTING/ADJACENT LOT LINE
 - CENTER LINE
 - PROPOSED EASEMENT LINE
 - SECTION LINE
 - EXISTING PARKING OR BUILDING SETBACK LINE
 - EXISTING EASEMENT LINE

- ABBREVIATIONS**
- P.U. & D.E. PUBLIC UTILITIES & DRAINAGE EASEMENT
 - REC. RECORD INFORMATION
 - MEAS. MEASURED INFORMATION
 - I.P. IRON PIPE
 - FND. FOUND
 - DOC. DOCUMENT

- SURVEYOR'S NOTES:**
1. IRON PIPES AT ALL LOT CORNERS (UNLESS NOTED OTHERWISE)
 2. M DENOTES CONCRETE MONUMENT SET
 3. 3/4" I.D. X 24" LONG IRON PIPE PLACED AT THE POSITIONS NOTED IN #1 TO CONFORM TO ILL. COMPILED STATUTES CHAPTER 765 ILCS 205/1 REGARDING PLACEMENT OF MONUMENTS.
 4. ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE HEREBY GRANTED FOR PUBLIC UTILITIES AND DRAINAGE PURPOSES UNLESS OTHERWISE NOTED. REFER TO THE PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS STATEMENT FOR SPECIFIC TERMS AND CONDITIONS.
 5. BASIS OF BEARING: THE MOST SOUTHWESTERLY LINE BEING N88°19'25"W.



GROSS AREA	=	353,090 SF	(8.106 ACRES MORE OR LESS)
R.O.W. TAKING	=	0 SF/ACRES	
NET AREA	=	353,090 SF	(8.106 ACRES MORE OR LESS)

CITY PROJECT NUMBER 11-10000102

FINAL - Planning and Zoning Commission - 9/21/2011 - 46

PREPARED BY:
ROAKE AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND SURVEYORS • PLANNERS
1984 QUINCY AVENUE, SUITE 100A - NAPERVILLE, ILLINOIS 60540
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PREPARED FOR:
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204 CHICAGO AVENUE
WESTMONT, IL. 60559
(630) 258-2220

NO.		DATE		DESCRIPTION		REVISIONS	
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION		
1	08-24-11	REV. PER CITY REVIEW (LTR 8/17/11)					

STANDARD MARKET OF NAPERVILLE			
PRELIMINARY/FINAL PLAT OF SUBDIVISION			
DRM/CDD. BY:	PRS/CAH	FILE:	7244PS
SCALE:	1"=40'	DATE:	07/29/11
F.L.D. BK./PG.:	235/52,66	JOB NO.:	724.004
SHEET NO.	1	OF	2

PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF NAPERVILLE, ILLINOIS AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE CITY OF NAPERVILLE, INCLUDING, BUT NOT LIMITED TO, ILLINOIS BELL TELEPHONE COMPANY #874 AT ILLINOIS, INCOR GAS COMPANY AND THEIR SUCCESSORS AND ASSIGNS, OVER ALL OF THE AREAS MARKED "PUBLIC UTILITIES AND DRAINAGE EASEMENTS" OR "P.U. & D.E." ON THE PLAN FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO SURVEY, CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, COMMUNITY ANTENNA TELEVISION SYSTEMS AND INCLUDING STORM AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY, OVER, UPON, UNDER AND THROUGH SAID INDICATED EASEMENTS, TOGETHER WITH RIGHT OF ACCESS ACROSS THE GRANTORS PROPERTY FOR NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK.

THE RIGHT IS ALSO GRANTED TO TRIM OR REMOVE TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENTS THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. WHERE AN EASEMENT IS USED BOTH FOR SEWERS AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE CITY OF NAPERVILLE.

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF NAPERVILLE AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SURVIVOR HEREBY OVER THE ENTIRE EASEMENT AREA FOR INGRESS, EGRESS AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES, INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE.

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS } ss
COUNTY OF DUPAGE }
APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, ILLINOIS, AT A MEETING HELD THE ___ DAY OF ___ 20___

OWNER'S CERTIFICATE

STATE OF ___ S.S.
COUNTY OF ___

THIS IS TO CERTIFY THAT ARE THE OWNERS OF THE PROPERTY DESCRIBED ABOVE AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND AS ALLOWED AND PROVIDED BY STATUTES, AND THEY DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE AFORESAID.

DATED AT ___ ILLINOIS, THIS ___ DAY OF ___ A.D. 20___

OWNER:
BY: SIGNATURE WITNESS: SIGNATURE
BY: SIGNATURE PRINT NAME

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS } ss
COUNTY OF DUPAGE }
APPROVED BY THE NAPERVILLE PLAN COMMISSION AT A MEETING HELD THE ___ DAY OF ___ A.D. 19___

BY: CHAIRMAN ATTEST: SECRETARY

CITY TREASURER'S CERTIFICATE

STATE OF ILLINOIS } ss
COUNTY OF DUPAGE }
I, TREASURER FOR THE CITY OF NAPERVILLE, ILLINOIS DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID SPECIAL ASSESSMENTS, OR ANY DEFERRED INSTALLMENT THEREOF, THAT HAVE NOT BEEN APPOINTED AGAINST ANY OF THE TRACT OF LAND INCLUDED IN THE ANNEXED PLAN.
DATED AT NAPERVILLE, ILLINOIS, THIS ___ DAY OF ___ A.D. 20___
CITY TREASURER/DIRECTOR, FINANCE DEPARTMENT

NOTARY CERTIFICATE

STATE OF ILLINOIS } ss
COUNTY OF ___ }
I, ___ PRINT NAME A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT SIEBERT BUILDERS, ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS, WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL.
THIS ___ DAY OF ___ A.D. 20___

NOTARY PUBLIC SIGNATURE
PRINT NAME

ILLINOIS DEPARTMENT OF TRANSPORTATION STATEMENT

THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS PURSUANT TO § 2 OF "AN ACT TO REVISE THE LAW IN RELATION TO PLATS," AS AMENDED, A PLAN THAT MEETS THE REQUIREMENTS CONTAINED IN THE DEPARTMENT'S "POLICY ON PERMITS FOR ACCESS, DRIVEWAYS TO STATE HIGHWAYS" WILL BE REQUIRED BY THE DEPARTMENT.

DISTRICT ENGINEER SIGNATURE DATE 20___

SURFACE WATER STATEMENT

STATE OF ILLINOIS } ss
COUNTY OF DUPAGE }
TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED THIS ___ DAY OF ___ A.D. 20___

ILLINOIS REGISTERED PROFESSIONAL ENGINEER

STATE REGISTRATION NUMBER

REGISTRATION EXPIRATION/RENEWAL DATE

OWNERS:
BY: SIGNATURE WITNESS: SIGNATURE
BY: SIGNATURE PRINT NAME



DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS } ss
COUNTY OF DUPAGE }
THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THE ___ DAY OF ___ A.D. 20___ AT ___ O'CLOCK ___ AND WAS RECORDED IN BOOK ___ OF PLATS ON PAGE ___ RECORDER OF DEEDS

NOTARY PUBLIC

PREPARED FOR: WEST HIGHLAND CAPITAL PARTNERS, LLLP
204 CHICAGO AVENUE
WESTMONT, IL, 60559
(630) 258-2220

STORM WATER MANAGEMENT EASEMENT AND COVENANT PROVISIONS

PERPETUAL PUBLIC STORMWATER AND DRAINAGE EASEMENTS ARE HEREBY GRANTED TO THE CITY OF NAPERVILLE, ITS AGENTS, SUCCESSORS OR ASSIGNS, OR ANY OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES, AND UNDER ALL OF THE AREAS MARKED "STORMWATER MANAGEMENT EASEMENT" OR "S.M.E." ON THE PLAN FOR THE RIGHT, PRIVILEGE, AND AUTHORITY FOR THE PURPOSES OF:

- 1. SURVEYING, CONSTRUCTING, RECONSTRUCTING, REPAIRING, INSPECTING, MAINTAINING, AND OPERATING ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, GRADES, AND SLOPES USED FOR STORMWATER CONVEYANCE.
2. ENTERING ONTO LOT 1 IN STANDARD MARKET OF NAPERVILLE TO PERFORM THE WORK SPECIFIED IN PARAGRAPH 1 TOGETHER WITH THE RIGHT OF ACCESS FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE REQUIRED WORK.
3. CUTTING DOWN, TRIMMING, OR REMOVING TREES, SHRUBS, PLANTS, MULCH, LANDSCAPING STRUCTURES, RETAINING WALLS OR ANY OTHER MATERIALS ON LOT 1 IN STANDARD MARKET OF NAPERVILLE FOR STORMWATER CONVEYANCE WHICH INTERFERES WITH THE OPERATIONS OF THE STORMWATER EASEMENT.

NO PERMANENT BUILDINGS, OR UTILITY FACILITIES SHALL BE CONSTRUCTED ON THE STORMWATER MANAGEMENT EASEMENT AREAS BY THE OWNER, OR THE OWNER'S SUCCESSORS IN INTEREST, BUT SAID STORMWATER MANAGEMENT EASEMENT AREAS MAY BE USED FOR OTHER PURPOSES THAT DO NOT NOW OR LATER INTERFERE OR CONFLICT WITH THE AFORESAID USES OR RIGHTS, OR IN ANY WAY AFFECT OR IMPED THE STORAGE OR FREE FLOW OF STORMWATER ON AND OVER SAID STORMWATER MANAGEMENT EASEMENT AREAS. THE CITY OF NAPERVILLE IS HEREBY GRANTED A PERMANENT AND PERPETUAL MUNICIPAL UTILITY EASEMENT OVER AND THROUGH ALL OF THE STORMWATER MANAGEMENT EASEMENT AREAS FOR THE PURPOSES OF CONSTRUCTION AND MAINTENANCE OF WATER, WASTEWATER, AND ELECTRIC UTILITY FACILITIES. THE CITY MAY CONSTRUCT SUCH MUNICIPAL UTILITY FACILITIES ON THE STORMWATER MANAGEMENT EASEMENT AREAS ONLY AFTER SUBMITTING AND RECEIVING APPROVAL OF ENGINEERING PLANS FROM THE CITY ENGINEER OR THE CITY ENGINEER'S DESIGNEE. THE CITY OF NAPERVILLE SHALL, UPON COMPLETION OF ANY MUNICIPAL UTILITY WORK ON THE STORMWATER MANAGEMENT EASEMENT AREAS RESTORE THE EASEMENT PREMISES TO THE SAME OR BETTER SURFACE CONDITION THAN THAT EXISTED PRIOR TO BEGINNING OF THE CITY WORK.

IF EITHER THE OWNER OR DEVELOPER FAILS TO MAINTAIN THE STORMWATER DETENTION/RETENTION FACILITIES USED FOR STORMWATER CONVEYANCE AS REQUIRED, THE CITY OF NAPERVILLE OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES USED FOR STORMWATER CONVEYANCE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER THE PROPERTY TO PERFORM MAINTENANCE, REPAIR, CONSTRUCTION, OR RECONSTRUCTION NECESSARY TO MAINTAIN STORMWATER STORAGE OR FLOW.

THE INDIVIDUAL OWNER(S) OR THEIR HEIRS, LEGATEES, ASSIGNS, OR SUCCESSORS IN INTEREST, SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL COSTS INCURRED BY THE CITY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES USED FOR STORMWATER CONVEYANCE, IN PERFORMING SUCH WORK, PLUS AN ADDITIONAL TEN (10%) PERCENT AND ANY REASONABLE ATTORNEY'S FEES, INCLUDING THE COSTS OF IN-HOUSE COUNSEL, CONNECTED WITH THE COLLECTION OF SUCH COSTS.

THE ACTUAL COSTS OF THE CITY, OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION, TO PERFORM ANY NECESSARY WORK, AS DETERMINED BY THE CITY, OR SUCH OTHER GOVERNMENTAL ENTITY, PLUS TEN (10%) PERCENT AND ALL ATTORNEY'S FEES, SHALL CONSTITUTE A LIEN AGAINST THE INDIVIDUAL LOTS, WHICH LIEN MAY BE FORECLOSED BY AN ACTION BROUGHT IN A COURT OF COMPETENT JURISDICTION BY OR ON BEHALF OF THE CITY OR SUCH OTHER GOVERNMENTAL ENTITY.

THE PROVISIONS OF THESE COVENANTS AND DECLARATION RELATING TO STORMWATER OBLIGATIONS SHALL NOT BE AMENDED, MODIFIED, OR ABOGATED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES USED FOR STORMWATER CONVEYANCE.

ALL OF THE ABOVE-STATED OBLIGATIONS SHALL ALSO BE CLEARLY REFERENCED IN ANY COVENANTS, CONDITIONS, DECLARATIONS, AND RESTRICTIONS RECORDED AGAINST ANY OF THE PLOTS CREATED BY THIS FINAL PLAT OF SUBDIVISION, AND IN ANY DEEDS OR TITLE DOCUMENTATION REQUIRED FOR THE CONVEYANCE OF ANY OF SUCH INDIVIDUAL LOTS OR UNITS.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS } ss
COUNTY OF DUPAGE }
I, CHARLES A. HULSE, AN ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION THEREOF. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF.
LOT 1 IN FRANK'S NURSERY AND CRAFTS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED MARCH 4, 1988, AS DOCUMENT R88-021973 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID SPRING LAKE OFFICE PARK; THENCE SOUTH 88 DEGREES 20 MINUTES 04 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 183.26 FEET; THENCE SOUTH 69 DEGREES 41 MINUTES 41 SECONDS WEST, A DISTANCE OF 197.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4 THAT IS 73.93 FEET SOUTH OF THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 01 DEGREE 39 MINUTES 56 SECONDS EAST ALONG SAID WEST LINE 73.93 FEET TO THE POINT OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

AND ALSO,
THAT PART OF LOT 4 IN SPRING LAKE OFFICE PARK, BEING A SUBDIVISION OF PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 4, 1988, AS DOCUMENT R88-021973 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 IN SAID SPRING LAKE OFFICE PARK; THENCE SOUTH 88 DEGREES 20 MINUTES 04 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 183.26 FEET; THENCE SOUTH 69 DEGREES 41 MINUTES 41 SECONDS WEST, A DISTANCE OF 197.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4 THAT IS 73.93 FEET SOUTH OF THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 01 DEGREE 39 MINUTES 56 SECONDS EAST ALONG SAID WEST LINE 73.93 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO,
LOT 5 IN SPRING LAKE OFFICE PARK, BEING A SUBDIVISION OF PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED MARCH 4, 1988, AS DOCUMENT R88-021973 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 88 DEGREES 20 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 173.4 FEET; THENCE NORTH 22 DEGREES 36 MINUTES 36 SECONDS EAST A DISTANCE OF 196.18 TO A POINT ON THE EAST LINE OF SAID LOT 5 THAT IS 183.26 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES 28 MINUTES 23 SECONDS WEST ALONG SAID EAST LINE 183.26 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE PROPERTY SHOWN ON THE PLAN HEREON DRAWN IS SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF NAPERVILLE, WHICH HAS ADOPTED AN OFFICIAL COMPREHENSIVE PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY THE STATE OF ILLINOIS ACCORDING TO 65 ILCS 5/11-0.4, AS HERETOFORE AND HEREAFTER AMENDED, AND THAT SAID SUBDIVISION IS WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON REGULATORY FLOOD MAP DUPAGE COUNTY, ILLINOIS, MAP NUMBER 17043C0706F, DATED APRIL 05, 2007.

THIS PLAT HAS BEEN PREPARED BY ROAKE AND ASSOCIATES, INC., ILLINOIS LICENSED PROFESSIONAL DESIGN FIRM NO. 807, LICENSE EXPIRES APRIL 30, 2013, 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. 2966 LICENSE VALID THROUGH: NOVEMBER 30, 2012



STANDARD MARKET OF NAPERVILLE

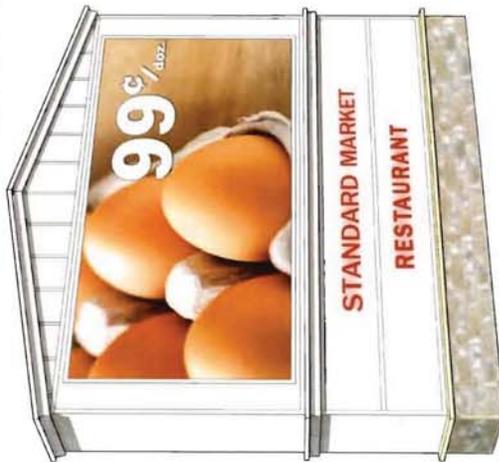
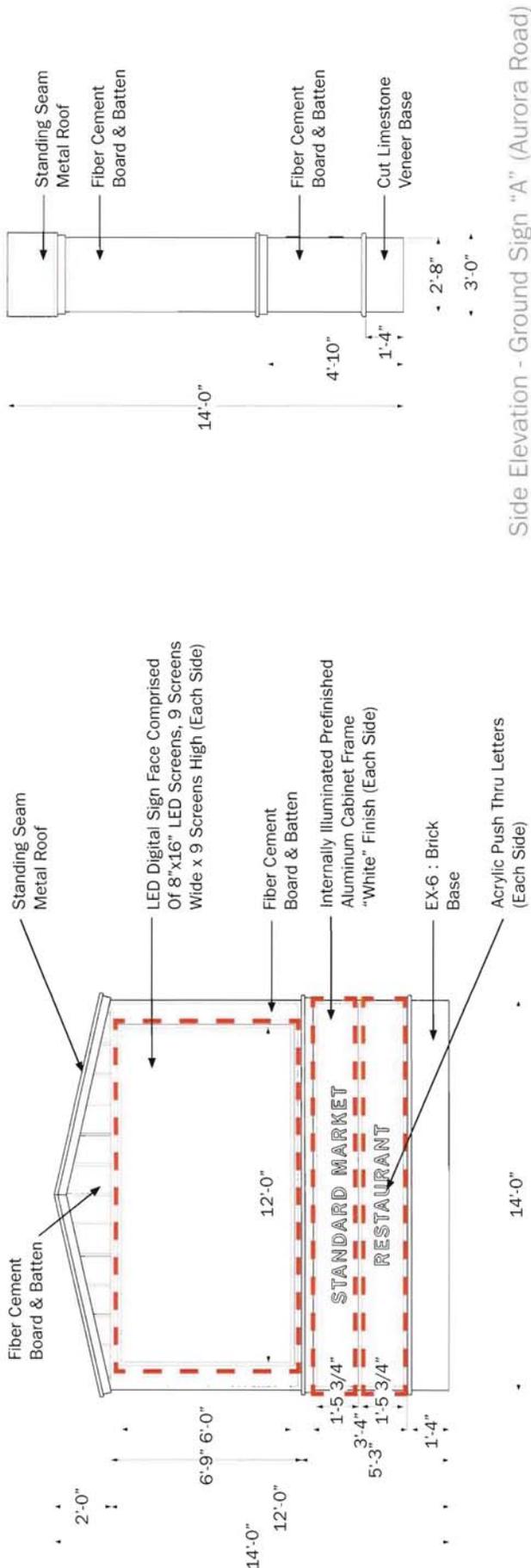
PRELIMINARY/FINAL PLAT OF SUBDIVISION

DRP/ORD. BY: PRS/CAH FILE: 7244PS FLD. BK./PG: 235/52,66 2 SHEET
SCALE: NONE DATE: 07/29/11 JOB NO.: 724.004 0

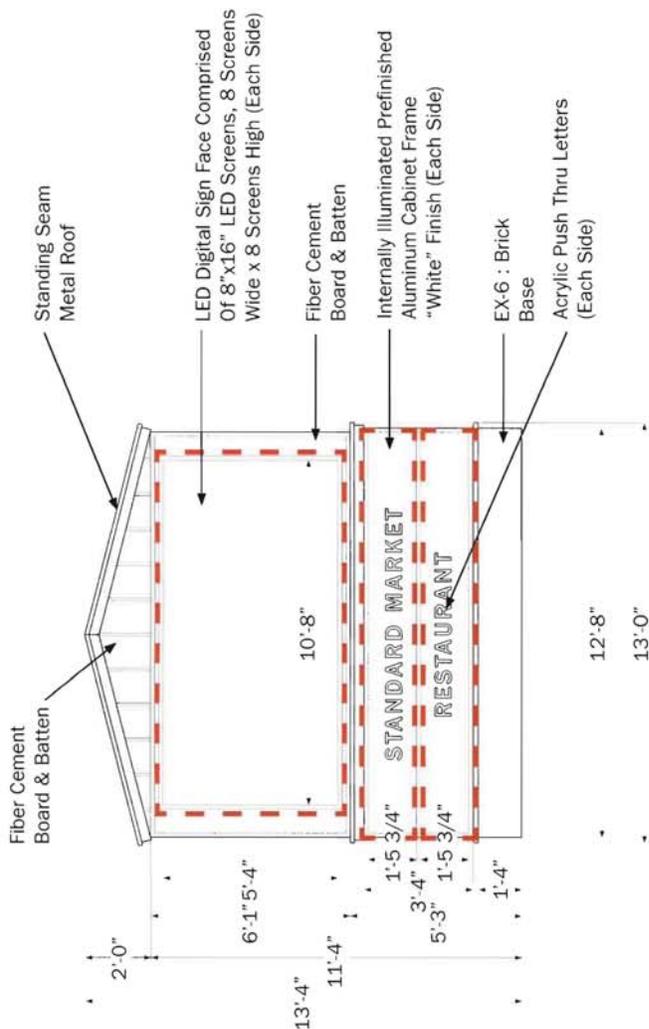
Table with columns: NO., DATE, DESCRIPTION, REVISIONS NO., DATE, DESCRIPTION. Row 1: 1, 08-24-11, REV. PER CITY REVIEW (LIR 8/17/11)

PREPARED BY: ROAKE AND ASSOCIATES, INC. CONSULTING ENGINEERS • LAND SURVEYORS • PLANNERS 1084 QUINCY AVENUE, SUITE 102A • NAPERVILLE, ILLINOIS 60540 TEL (630) 966-3232 • FAX (630) 966-3207

Sign Location / Type	Allowed (SF)	Proposed (SF)	Difference (SF)
Wall			
North Elevation	300.0	0.0	(300.0)
East Elevation	127.5	0.0	(127.5)
South Elevation	150.0	0.0	(150.0)
West Elevation	255.0	77.0	(178.0)
Total Wall Signage	832.5	77.0	(755.5)
Monument			
Aurora Avenue	45.0	120.0	75.0
Ogden Avenue	0.0	101.0	101.0
Total Monument Signage	45.0	221.0	176.0
Total Signage	877.5	298.0	(579.5)
Electronic Message Board (EMB) *			
Aurora Avenue	22.5	72.0	49.5
Ogden Avenue	0.0	57.0	57.0
Total EMB	22.5	129.0	106.5
* - The areas of the EMBs are included in the "Total Monument Signage"			

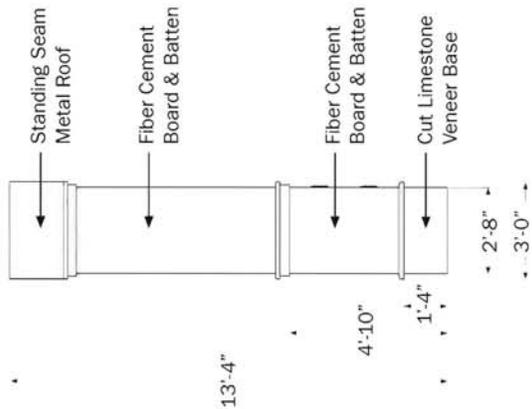


- Ground Sign "A" (Monument Sign)
- 12'-0" x 6'-0" = 72 SF (LED Digital Sign)
 - 14'-0" x 1'-5 3/4" = 21 SF (Internally Illuminated Sign)
 - 14'-0" x 1'-5 3/4" = 21 SF (Internally Illuminated Sign)
 - 114 SF Total Signage Each Side
- Name "RESTAURANT" for placement only**



Front Elevation - Ground Sign "B" (Ogden Ave)

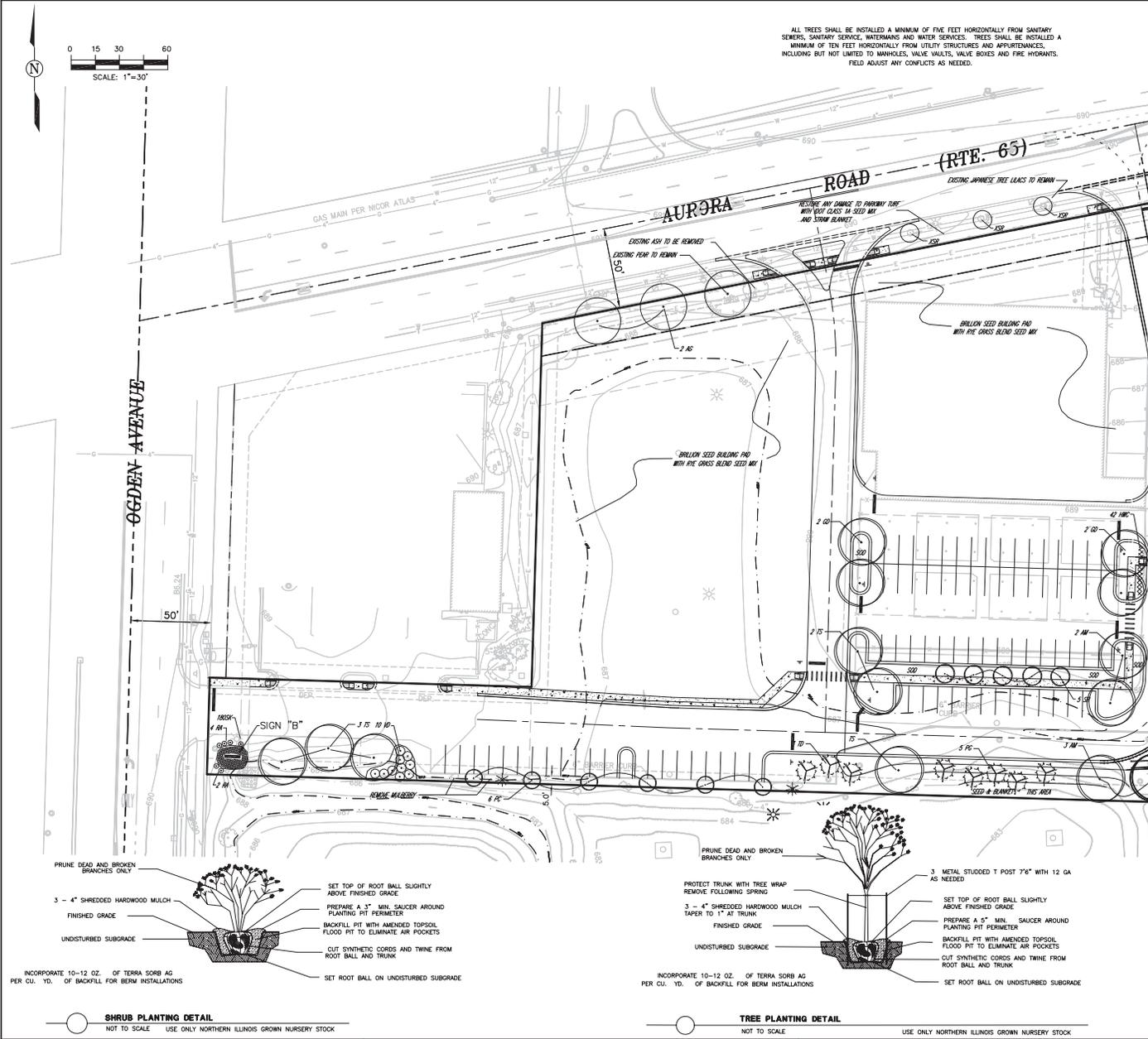
- Ground Sign "B" (Monument Sign)
- 10'-8" x 5'-4" = 57 SF (LED Digital Sign)
 - 12'-8" x 1'-5 3/4" = 18 SF (Internally Illuminated Sign)
 - 12'-8" x 1'-5 3/4" = 18 SF (Internally Illuminated Sign)
 - 93 SF Total Signage Each Side
- Name "RESTAURANT" for placement only.



Side Elevation - Ground Sign "B" (Ogden Ave)



Perspective - Ground Sign "B" (Ogden Ave)



MATCHLINE

PLANT LIST

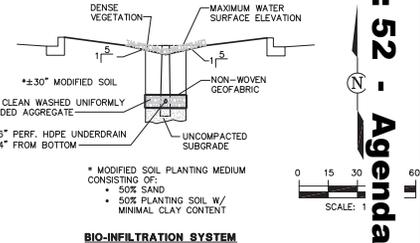
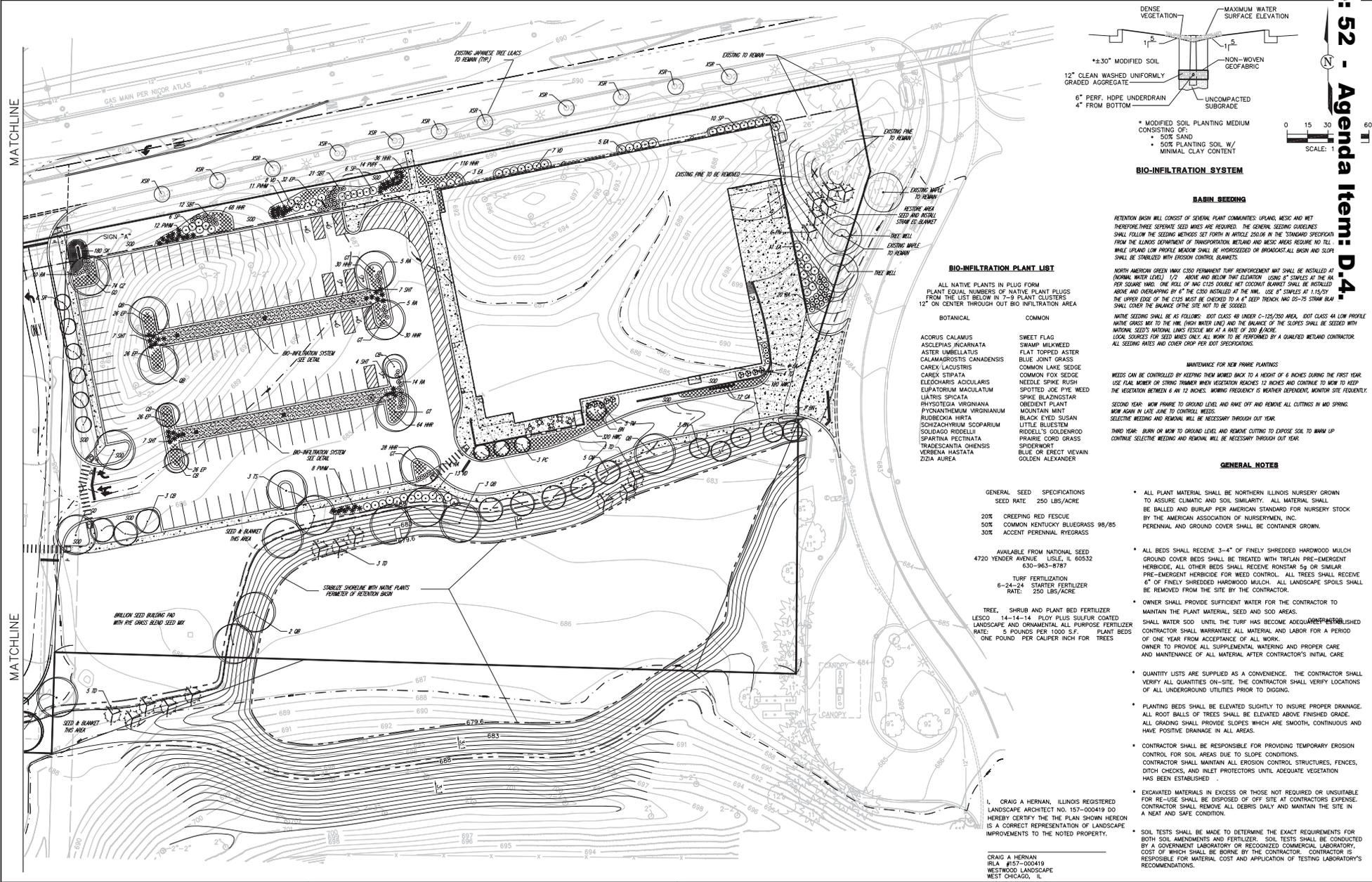
KEY	NAME	BOTANICAL/COMMON	SIZE	QUANTITY
AM	ACER MIYABE 'MORTON'		3"	5
	STATE STREET MIYABE MAPLE			
BN	BETULA NIGRA		12"	6
	CLUMP RIVER BIRCH			
CB	CARPINUS BETULUS		2.5"	6
	EUROPEAN HORNBAM			
CM	CORNUS MAS		8" MS	5
	CORNELIANCHERRY DOGWOOD			
GD	GYMNOCADUS DIOICUS		3"	7
	HACKBERRY			
GT	GLEDITSIA TRIACANTHOS 'INERMIS'		2.5"	4
	SKYLINE LOCUST			
PC	PYRUS CALLERYANA 'ARISTOCRAT'		3"	9
	ARISTOCRAT PEAR			
QB	QUERCUS BICOLOR		2.5"	8
	SWAMP WHITE OAK			
SR	SYRINGA RETICULATA 'IVORY SILK'		2.5"	11
	IVORY SILK JAPANESE TREE LILAC			
TD	TAXODIUM DISTICHUM		2.5"	14
	COMMON BALD CYPRESS			
TS	TILIA TOMENTOSA 'STERLING'		3"	6
	STERLING SILVER LINDEN			
PN	PINUS NIGRA		6'	6
	AUSTRIAN PINE			
TM	TAXUS X MEDIA 'DENSIFORMIS'		30"	5
	SPREADING YEW			
TO	TILIA OCCIDENTALIS 'TECHNY'		6'	4
	TECHNY ARBORVITAE			
EA	EUNOMIUS ALATUS 'COMPACTUS'		3.5"	23
	COMPACT BURNING BUSH			
RA	RHUS AROMATICA 'ORO-LOW'		24"	64
	ORO-LOW SUMAC			
SBT	SPIRAEA BETULIFOLIA 'TOR'		24"	33
	ORO-LOW SUMAC			
SP	SYRINGA PATULIA 'MISS KIM'		36"	22
	MISS KIM LILAC			
VD	VIBURNUM DENTATUM		48"	38
	ARROWWOOD VIBURNUM			
HHR	HEMEROCALLIS 'HAPPY RETURNS'		1 GAL	372
	HAPPYRETURNS DAYLILY			
HWC	HEMEROCALLIS 'LITTLE WINE CUP'		1 GAL	482
	LITTLEWINE CUP DAYLILY			
CA	CALAMAGROSTIS STRICTA		3 GAL	12
	FEATHER REED GRASS			
CZ	COREOPSIS VERTICILLATA 'ZAGREB'		1GAL	74
	ZAGREB COREOPSIS			
PVHM	PANICUM VIRGATUM 'HEAVY METAL'		3 GAL	31
	HEAVY METAL SWITCH GRASS			
PVPF	PANICUM VIRGATUM 'PRAIRIE FIRE'		3 GAL	14
	PRAIRIEFIRE SWITCH GRASS			
SHT	SPOROBOLUS HETEROLEPIS 'TARA'		1 GAL	25
	DWARF PRAIRIE DROPSIED			
EP	ECHINACEA PURPUREA 'MAGNUS'		1GAL	136
	PURPLE CONEFLOWER			
SK	SEDUM KAMTSCHATICUM		OTS	360
	KAMTSCHATICUM STONECROP			
PG	PICEA CLAUCA		6'	5
	WHITE SPRUCE			
AG	ACER CINNALA 'FLAME'		2.5"	2
	FLAME AMUR MAPLE			
XSR	EXISTING SYRINGA RETICULATA 'IVORY SILK'		2"	14
	IVORY SILK JAPANESE TREE LILAC			

ROAKE AND ASSOCIATES, INC.
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PREPARED FOR:
WEST HIGHLAND CAPITAL PARTNERS, LLLP
204 CHICAGO AVENUE
WESTMONT, IL 60559
(630) 258-2220

REVISIONS					
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
1	08-24-11	REV. PER CITY REVIEW (LTR 8/17/11)			

STANDARD MARKET, NAPERVILLE, IL
LANDSCAPING PLAN - PHASE 1
DRN/ORD BY: SRH/CAH FILE: 7244L FLD BK/PG: SHEET 1 OF 1
SCALE: 1" = 30' DATE: 07/29/11 JOB NO: 724.004



BIO-INFILTRATION PLANT LIST
 ALL NATIVE PLANTS IN PLUG FORM
 PLANT EQUAL NUMBERS OF NATIVE PLANT PLUGS
 FROM THE LIST BELOW IN 7-9 PLANT CLUSTERS
 12\"/>

BOTANICAL	COMMON
ACORUS CALAMUS	SWEET FLAG
ASCLEPIAS INCARNATA	SWAMP MILKWEED
ASTER UMBELLATUS	FLAT TOPPED ASTER
CALAMAGROSTIS CANADENSIS	BLUE JOINT GRASS
CAREX LACUSTRIS	COMMON LAKE SEDGE
CAREX STRIPATA	COMMON FOX SEDGE
ELEOCHARIS ACICULARIS	SPOTTED JOE PYE WEEED
EUPATORIUM MACULATUM	SPIKE BLAZENSTAR
LIATRIS SPICATA	CELESTINE PLANT
PHYSTOCYBA VIRGINIANA	MOUNTAIN MINT
PICOMNETHUM VIRGINIANUM	BLACK EYED SUSAN
RUBROCOCA HIRTA	LITTLE BLUESTEM
SCHIZACHYRIUM SCOPARIUM	RIDELLE'S GOLDENROD
SOLIDAGO RIDGELYI	RAIRIE CORD GRASS
SPARTINA PECTINATA	SPIDERWORT
TRADESCANTIA OHENSIS	BLUE OR ERECT VEINAIN
VERBENA HASLATA	GOLDEN ALEXANDER
ZIZIA AUREA	

GENERAL SEED SPECIFICATIONS

SEED RATE	250 LBS/ACRE
20%	CREeping RED FESCUE
50%	COMMON KENTUCKY BLUEGRASS 98/85
30%	ACCENT PERENNIAL RYEGRASS

AVAILABLE FROM NATIONAL SEED
 4720 YENDER AVENUE
 LISLE, IL 60532
 630-963-8787

TURF FERTILIZATION
 6-24-24 STARTER FERTILIZER
 RATE: 250 LBS/ACRE

TREE, SHRUB AND PLANT RED FERTILIZER
 LESCO 14-14-14 PLOY PLUS SULFUR COATED
 LANDSCAPE AND ORNAMENTAL ALL PURPOSE FERTILIZER
 RATE: 5 POUNDS PER 1000 S.F. PLANT BEDS
 ONE POUND PER CALIPER INCH FOR TREES

BIO-INFILTRATION SYSTEM

RETENTION BASIN WILL CONSIST OF SEVERAL PLANT COMMUNITIES: UPLAND, MISC AND WET THEREFORE THREE SEPARATE SEED MIXES ARE REQUIRED. THE GENERAL SEEDING GUIDELINES SHALL FOLLOW THE SEEDING METHODS SET FORTH IN ARTICLE 200.06 IN THE STANDARD SPECIFICATIONS FROM THE LANDS DEPARTMENT OF TRANSPORTATION, METLAND AND MISC SEEDS REQUIRE NO TILL. WHILE UPLAND LOW PROFILE MAJORS SHALL BE HYDRATED OR BIOAGGREGATED BASIN AND SLOPE SHALL BE STABILIZED WITH EROSION CONTROL BLANKETS.

NORTH AMERICAN GREEN LINAK C350 PERMANENT TURF REINFORCEMENT MAT SHALL BE INSTALLED AT (NORMAL WATER LEVEL) 1/2\"/>

MAINTENANCE FOR NEW PRAIRIE PLANTINGS
 WEEDS CAN BE CONTROLLED BY KEEPING THEM MOVED BACK TO A HEIGHT OF 6 INCHES DURING THE FIRST YEAR. USE REEL MOWER OR STRING TRIMMER WHEN VEGETATION REACHES 12 INCHES AND CONTINUE TO MOW TO KEEP THE VEGETATION BETWEEN 6 AND 12 INCHES. MOWING FREQUENCY IS WEATHER DEPENDENT, MONITOR SITE FREQUENTLY.

SECOND YEAR: MOW PROXIE TO GROUND LEVEL AND RAKE OFF AND REMOVE ALL CUTTINGS IN MOW SWEEP. MOW AGAIN IN LATE JUNE TO CONTROL WEEDS.
 SELECTIVE WEEDING AND REMOVAL WILL BE NECESSARY THROUGH OUT YEAR.

THIRD YEAR: RAKE ON MOW TO GROUND LEVEL AND REMOVE CUTTING TO EXPOSE SOIL TO BURN UP. CONTINUE SELECTIVE WEEDING AND REMOVAL WILL BE NECESSARY THROUGH OUT YEAR.

GENERAL NOTES

- ALL PLANT MATERIAL SHALL BE NORTHERN ILLINOIS NURSERY GROWN TO ASSURE CLIMATIC AND SOIL SIMILARITY. ALL MATERIAL SHALL BE BALLED AND BURLAP PER AMERICAN STANDARD FOR NURSERY STOCK BY THE AMERICAN ASSOCIATION OF NURSEYMEN, INC. PERENNIAL AND GROUND COVER SHALL BE CONTAINER GROWN.
- ALL BEDS SHALL RECEIVE 3-4\"/>

1. CRAIG A. HERNAN, ILLINOIS REGISTERED LANDSCAPE ARCHITECT NO. 157-000419 DO HEREBY CERTIFY THE PLAN SHOWN HEREON IS A CORRECT REPRESENTATION OF LANDSCAPE IMPROVEMENTS TO THE NOTED PROPERTY.

CRAIG A. HERNAN
 IRLA #157-000419
 WESTWOOD LANDSCAPE
 WEST CHICAGO, IL

ROAKE AND ASSOCIATES, INC.
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REVISIONS				
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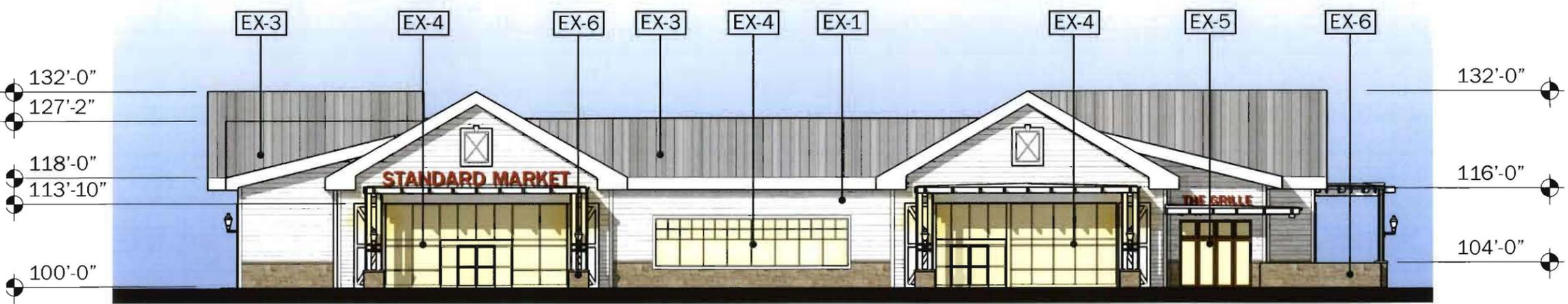
STANDARD MARKET, NAPERVILLE, IL
 LANDSCAPING PLAN - PHASE 1

DRN./C/D. BY: SRH/CAH	FILE: 7244L	F.L.D. BK./PG: -	SHEET NO. 2
SCALE: 1" = 30'	DATE: 07/29/11	JOB NO.: 724.004	OF 2

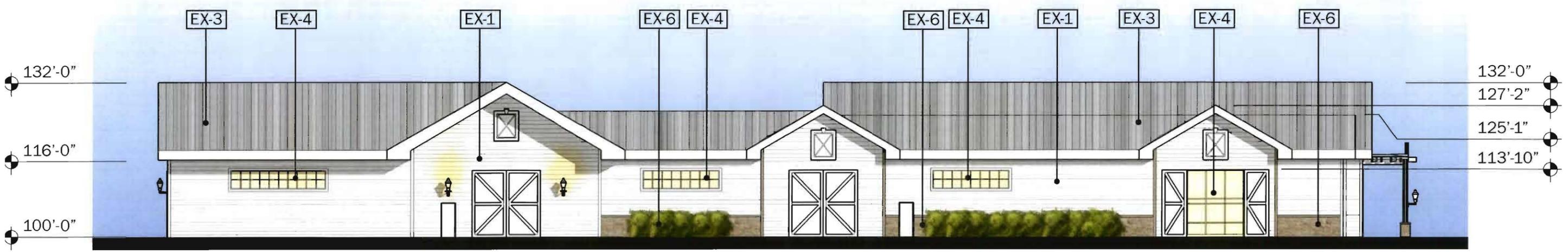


Northwest Perspective

Exterior Finish Schedule	
EX-1	Cementitious Lap Siding "Arctic White"
EX-2	Board Formed Concrete
EX-3	Standing Seam Roof "Metallic Silver"
EX-4	Storefront "Anodized Aluminum"
EX-5	Glass Wall Partition System
EX-6	Tumbled Limestone Veneer

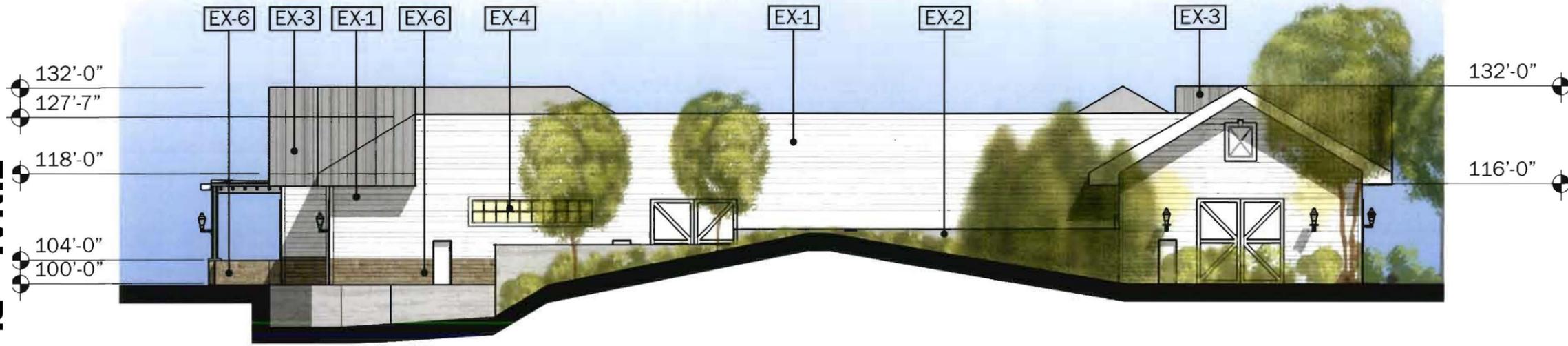


West Elevation



North Elevation

Exterior Finish Schedule	
EX-1	Cementitious Lap Siding "Arctic White"
EX-2	Board Formed Concrete
EX-3	Standing Seam Roof "Metallic Silver"
EX-4	Storefront "Anodized Aluminum"
EX-5	Glass Wall Partition System
EX-6	Tumbled Limestone Veneer



East Elevation



South Elevation



EX-3 : Standing Seam Metal Roof



Wall Lantern



EX-4 : Anodized Aluminum Storefront



EX-6: Tumbled Limestone Veneer



EX-1 : Fiber Cement Lap Siding



EX-2 : Board Formed Concrete



EX-5 : Glass Wall Partition System

Exterior Finishes



Naperville

PLAN COMMISSION AGENDA ITEM

PC CASE: 11-1-120 **AGENDA DATE:** 9/21/2011
SUBJECT: All Saints Catholic Academy
 Petitioner: Earth Wind and Solar Energy, LLC on behalf of the Catholic
 Diocese of Joliet, 425 Summit Street, Joliet, IL 60435

LOCATION: 1155 Aurora Avenue

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

The petitioner requests a conditional use for a building-mounted solar energy system as an accessory use to the All Saints Catholic Academy located at 1155 Aurora Avenue in the R1A (Low Density Single-Family Residence) District.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Action
n/a	

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Ying Liu, AICP, Community Planner

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property is located at 1155 Aurora Avenue and is currently improved with a private elementary school, commonly known as All Saints Catholic Academy. The property consists of approximately 12 acres and is zoned R1A (Low Density Single-Family Residence) district. The owner of the property is the Catholic Diocese of Joliet.

CONTROLLING AGREEMENTS AND ORDINANCES:

Date	Agenda Item No.	Action
07/17/2007	H13	Ordinance 07-150 Approving a temporary use for parking by Edward Hospital at the All Saints Academy beginning July 23, 2007 through March 1, 2008.

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:

The future land use of the subject property is designated as “Church” in the 1998 East Sector Update to the Comprehensive Master Plan.

PLANNING SERVICES TEAM REVIEW:

The petitioner proposes to install a building-mounted solar energy system on the existing school building at 1155 Aurora Avenue. Building-mounted solar energy systems are permitted by right in all Business and Industrial Districts, but require a conditional use in any Residential District. The subject property is zoned R1A. Therefore, the proposed system would require approval of a conditional use in the R1A district pursuant to Section 6-15-5:1.2 (Solar Energy System: Conditional Use) of the Naperville Municipal Code.

The proposed solar energy system will include six (6) solar panels that are approximately 28” in height after installation. The panels will be installed on the lower portion of the roof so that the overall height of the panels will not exceed the peak roof height of the building, in compliance with the height requirement set forth in Section 6-15-5:2 (Solar Energy System: Height).

The subject property is approximately 12 acres in size and is surrounded by residential homes on the north and west sides, a restaurant on the east side and Aurora Avenue on the south side. The proposed solar energy system is proposed in a location that provides significant setbacks (more than 250’) from all adjacent lots as well as Aurora Avenue. The panels will not be easily visible as they will be screened by the taller portion of the building on the north, east and south sides. Staff finds that petitioner’s request meets the standards for granting a conditional use outlined in Section 6-15-6:3 of Municipal Code (Attachment 1). It is located in a manner as to minimize intrusions on adjacent residential use and will not prevent the use and improvement of adjacent properties. Furthermore, the proposed solar energy system furthers the intent of Section 6-15 (Small Wind and Solar Renewable Energy Systems) of the Municipal Code by providing renewable energy to the subject property.

ATTACHMENTS:

1. All Saints Catholic Academy – Section 6-15-6:3 (Standards for Granting a Conditional Use) – PC 11-1-120
2. All Saints Catholic Academy – Development Petition – PC 11-1-120
3. All Saints Catholic Academy – Legal Description – PC 11-1-120
4. All Saints Catholic Academy – Site Plan – PC 11-1-120
5. All Saints Catholic Academy – Location Map – PC 11-1-120

6-15-6: - CONDITIONAL USES:

1. Application: A petition for a conditional use permit for a renewable energy system shall be initiated by application in accordance with the provisions of this Section, and may be issued in accordance with this Section.
2. Issuance: The City Council may issue or deny a conditional use permit pursuant to this Chapter and the procedures described in Section 6-3-8 of this Title.
3. Standards for Granting a Conditional Use:
 - 3.1. The City Council shall determine that the application has met all of the general requirements of this Chapter, except those for which a variance has been specifically granted or sought; and
 - 3.2. The proposed energy system shall further the intent of this Chapter and provide renewable energy to the property on which it is proposed; and
 - 3.3. The proposed renewable energy system is located in such a manner as to minimize intrusions on adjacent residential uses through siting on the lot, selection of appropriate equipment, and other applicable means; and
 - 3.4. The proposed renewable energy system complies with the service rules and policies of City of Naperville's Department of Public Utilities - Electric as may be amended from time to time; and
 - 3.5. The establishment of the proposed renewable energy system will not prevent the normal and orderly use, development or improvement of the adjacent property for uses permitted in the district.

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

Development Name (should be consistent with plat): Solar Panels for All Saints Catholic Academy
Development Address: 1155 Aurora Ave, Naperville IL 60540
P.I.N. Number (s): 07-23 -208 -011
Date of Submission: _____

I. APPLICANT:

Earth Wind And Solar Energy, LLC Corporation
Name
2350 W. Grand Ave
Street
Chicago IL 60612 312-243-9933
City State Zip Code Telephone Number
John Caravette V.P 847-602-8696
Primary Contact Person Relationship to Applicant Telephone Number
312-277-6465 john@earthwindandsolarenergy.com
Fax Number E-Mail Address

II. OWNER OF THE PROPERTY:

All Saints Catholic Academy
Name
1155 Aurora Ave, Naperville IL 60540 630-961-6125
Address Telephone Number

III. APPLICANT'S/PETITIONER'S STAFF:

Attorney: _____ Telephone Number: _____
Email Address: _____ Fax Number: _____
Address: _____
Engineer: AES Services Telephone Number: 773-756-3388

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

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

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.)

Well maintained school, playyard, parking lot & school grounds

- 2. Existing Utility Services (water, sewer, electricity): Yes
- 3. Existing zoning on the site: R1A
- 4. Existing Land Use: Education
- 5. Acreage & Square Footage of the site: 12.04 acres x 524,462
- 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):

VII. PROPOSED DEVELOPMENT:

- 1. Type of Development (check all that apply):
 Residential Commercial Office
 Industrial Other: Installation of 16 Solar Panels
- 2. Proposed Zoning: No Change
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):

Installation of 6 Solar Panels on existing building - see site plan

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

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:

n/a

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

n/a

7. General Land Use Data:

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

*Please explain:

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			
townhome						NA			
Duplex						NA			
apartment						NA			

Comrel.			NA	NA	NA			
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 _____ acres will be met by a _____ n/a

2. Required Park Donation of _____ 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)

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,

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

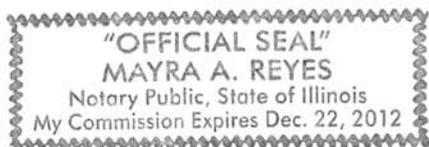
By: Riana Caravette
 [Type in Name of Signatory]

[Type in Title of Signatory (e.g. Owner, Atty., etc.)]

Riana Caravette - Authorized Agent

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

The foregoing petition was acknowledged before me by MAYRA A. REYES [Type in Name of Notary] on the 1st day of September ~~200~~ 2011 A.D.



By: MAYRA A. REYES
 [Type in Name of Notary]
 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.

**LEGAL DESCRIPTION
(CATHOLIC CHURCH PARCEL)**

PARCEL 1:

THAT PART OF THE NORTHEAST ¼ OF SECTION 23 AND THAT PART OF THE NORTHWEST ¼ OF SECTION 24, ALL IN TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE SOUTHERLY ON THE WEST LINE OF SAID SECTION 24 FOR A DISTANCE OF 742.5 FEET TO THE CENTERLINE OF AURORA ROAD (BEFORE PAVING) FOR A PLACE OF BEGINNING; THENCE SOUTH 86 DEGREES 00 MINUTES WEST RECORDED (SOUTH 85 DEGREES 49 MINUTES 50 SECONDS WEST MEASURED) ON SAID CENTERLINE FOR A DISTANCE OF 146.0 FEET; THENCE NORTH 4 DEGREES 13 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 707.38 FEET; THENCE NORTH 85 DEGREES 45 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 551.0 FEET; THENCE SOUTH 2 DEGREES 49 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 193.68 FEET; THENCE SOUTH 8 DEGREES 12 MINUTES EAST FOR A DISTANCE OF 485.0 FEET TO A POINT IN THE CENTERLINE OF AURORA ROAD (BEFORE PAVING); THENCE SOUTH 81 DEGREES 48 MINUTES WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 435.0 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE NORTHEAST ¼ OF SECTION 23 AND THE SOUTHEAST ¼ OF SECTION 14, ALL IN TOWNSHIP 38 NORTH RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE MIDDLE OF THE AURORA ROAD ON THE SECTION LINE 742.5 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 23; THENCE SOUTH 86 DEGREES 00 MINUTES WEST RECORDED (SOUTH 85 DEGREES 49 MINUTES 50 SECONDS WEST, MEASURED) ALONG THE CENTERLINE OF AURORA ROAD (BEFORE PAVING) FOR A DISTANCE OF 146.00 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING ON THE LAST DESCRIBED COURSE 700.00 FEET TO THE SOUTHEAST CORNER OF THE WILL-O-WAY PARK UNIT NO.2 SUBDIVISION; THENCE NORTH 4 DEGREES 09 MINUTES 15 SECONDS WEST ON THE EASTERLY LINE OF SAID SUBDIVISION FOR A DISTANCE OF 921.73 FEET; THENCE NORTH 85 DEGREES 49 MINUTES 50 SECONDS EAST ALONG A LINE PARALLEL WITH THE CENTER LINE OF AURORA ROAD (BEFORE PAVING) FOR A DISTANCE OF 400.00 FEET; THENCE NORTH 4 DEGREES 09 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 29.24 FEET; THENCE NORTH 85 DEGREES 49 MINUTES 50 SECONDS EAST PARALLEL TO THE CENTERLINE OF AURORA ROAD (BEFORE PAVING) A DISTANCE OF 298.93 FEET; THENCE SOUTH 4 DEGREES 13 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 951.05 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT "A"

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PARCEL 3:

THAT PART OF THE SOUTHWEST ¼ OF SECTION 13 AND THE SOUTHEAST ¼ OF SECTION 14 AND THE NORTHEAST ¼ OF SECTION 23 AND THE NORTHWEST ¼ OF SECTION 24, ALL IN TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23; THENCE SOUTH ON THE EAST LINE OF SAID SECTION 23 FOR A DISTANCE OF 742.5 FEET TO THE CENTER LINE OF AURORA ROAD (BEFORE PAVING); THENCE SOUTH 86 DEGREES 00 MINUTES WEST, RECORDED (SOUTH 85 DEGREES 49 MINUTES 50 SECONDS WEST, MEASURED) ALONG THE CENTER LINE OF SAID AURORA ROAD, FOR A DISTANCE OF 146.0 FEET; THENCE NORTH 04 DEGREES 13 MINUTES 05 SECONDS WEST, A DISTANCE OF 707.38 FEET, FOR THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE, 350 FEET; THENCE NORTH 85 DEGREES 45 MINUTES 55 SECONDS EAST 551 FEET; THENCE SOUTH 4 DEGREES 13 MINUTES 05 SECONDS EAST 350 FEET; THENCE SOUTH 85 DEGREES 45 MINUTES 55 SECONDS WEST 551 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTING FROM SAID PARCELS THAT PART FALLING WITHIN THE FOLLOWING DESCRIBED LAND:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 14, PART OF THE NORTHEAST QUARTER OF SECTION 23 AND PART OF THE NORTHWEST QUARTER OF SECTION 24, IN TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF WILL-O-WAY PARK, UNIT ONE, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1966 AS DOCUMENT NUMBER R66-22521, WITH THE SOUTH LINE OF JEFFERSON AVENUE, ACCORDING TO THE PLAT THEREOF RECORDED JULY 31, 1961 AS DOCUMENT NUMBER R61-16156; THENCE ON AN ASSUMED BEARING OF NORTH 81 DEGREES 26 MINUTES 56 SECONDS EAST, ALONG THE SOUTH LINE OF JEFFERSON AVENUE, 601.40 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE, BEING A CURVE TO THE LEFT, HAVING A RADIUS OF 1741.36 FEET, AN ARC DISTANCE OF 98.80 FEET TO THE WEST LINE OF WILL-O-WAY EAST UNIT ONE, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 10, 1978 AS DOCUMENT NUMBER R78-29336; THENCE SOUTH 04 DEGREES 42 MINUTES 25 SECONDS EAST, ALONG SAID WEST LINE, 642.01 FEET; TO THE SOUTH LINE OF SAID WILL-O-WAY EAST UNIT ONE; THENCE NORTH 85 DEGREES 20 MINUTES 47 SECONDS EAST, ALONG SAID SOUTH LINE, 551.06 FEET, TO THE WEST LINE OF RIVER BEND

EXHIBIT "A"

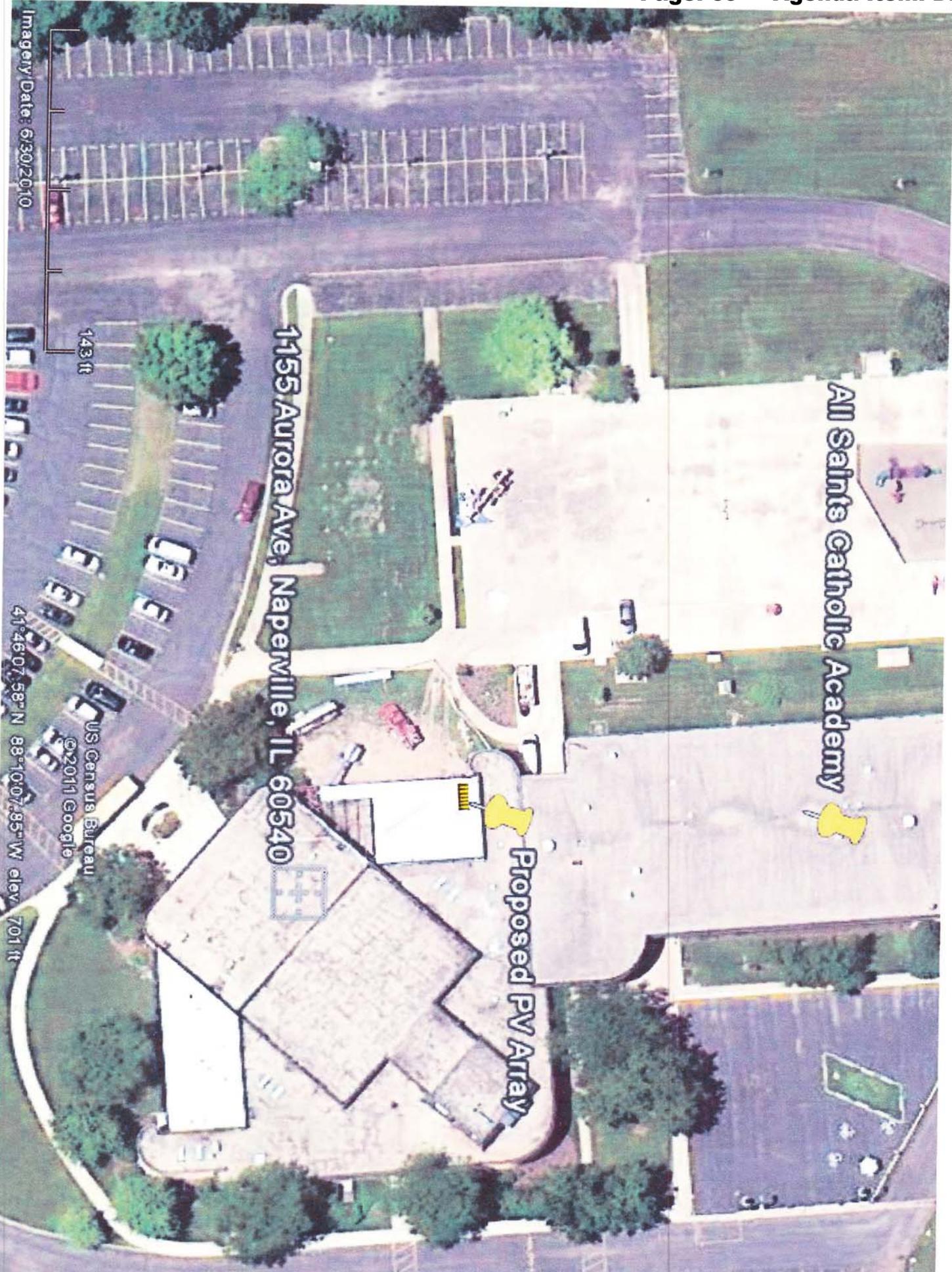
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ASSESSMENT PLAT, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 24, 1980 AS DOCUMENT NUMBER R80-73333; THENCE SOUTH 04 DEGREES 48 MINUTES 22 SECONDS EAST, ALONG SAID WEST LINE, 350.00 FEET TO AN ANGLE POINT THENCE CONTINUING ALONG THE WEST LINE OF RIVER BEND ASSESSMENT PLAT, SOUTH 02 DEGREES 53 MINUTES 05 SECONDS EAST, 168.03 FEET; THENCE SOUTH 87 DEGREES 06 MINUTES 55 SECONDS WEST, 373.07 FEET; THENCE NORTH 06 DEGREES 08 MINUTES 29 SECONDS WEST 195.50 FEET; THENCE SOUTH 87 DEGREES 10 MINUTES 34 SECONDS WEST, 185.46 FEET; THENCE NORTH 82 DEGREES 35 MINUTES 37 SECONDS WEST, 118.53 FEET; THENCE NORTH 73 DEGREES 55 MINUTES 40 SECONDS WEST, 93.85 FEET; THENCE NORTH 83 DEGREES 27 MINUTES 40 SECONDS WEST, 76.79 FEET; THENCE SOUTH 83 DEGREES 44 MINUTES 31 SECONDS WEST, 182.40 FEET; THENCE SOUTH 86 DEGREES 34 MINUTES 41 SECONDS WEST 221.10 FEET, TO THE EAST LINE OF WILL-O-WAY PARK UNIT TWO, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 1967 AS DOCUMENT NUMBER R67-4418; THENCE NORTH 04 DEGREES 38 MINUTES 24 SECONDS WEST, ALONG SAID EAST LINE AND EAST LINE OF WILL-O-WAY PARK UNIT ONE AFORESAID, 824.28 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

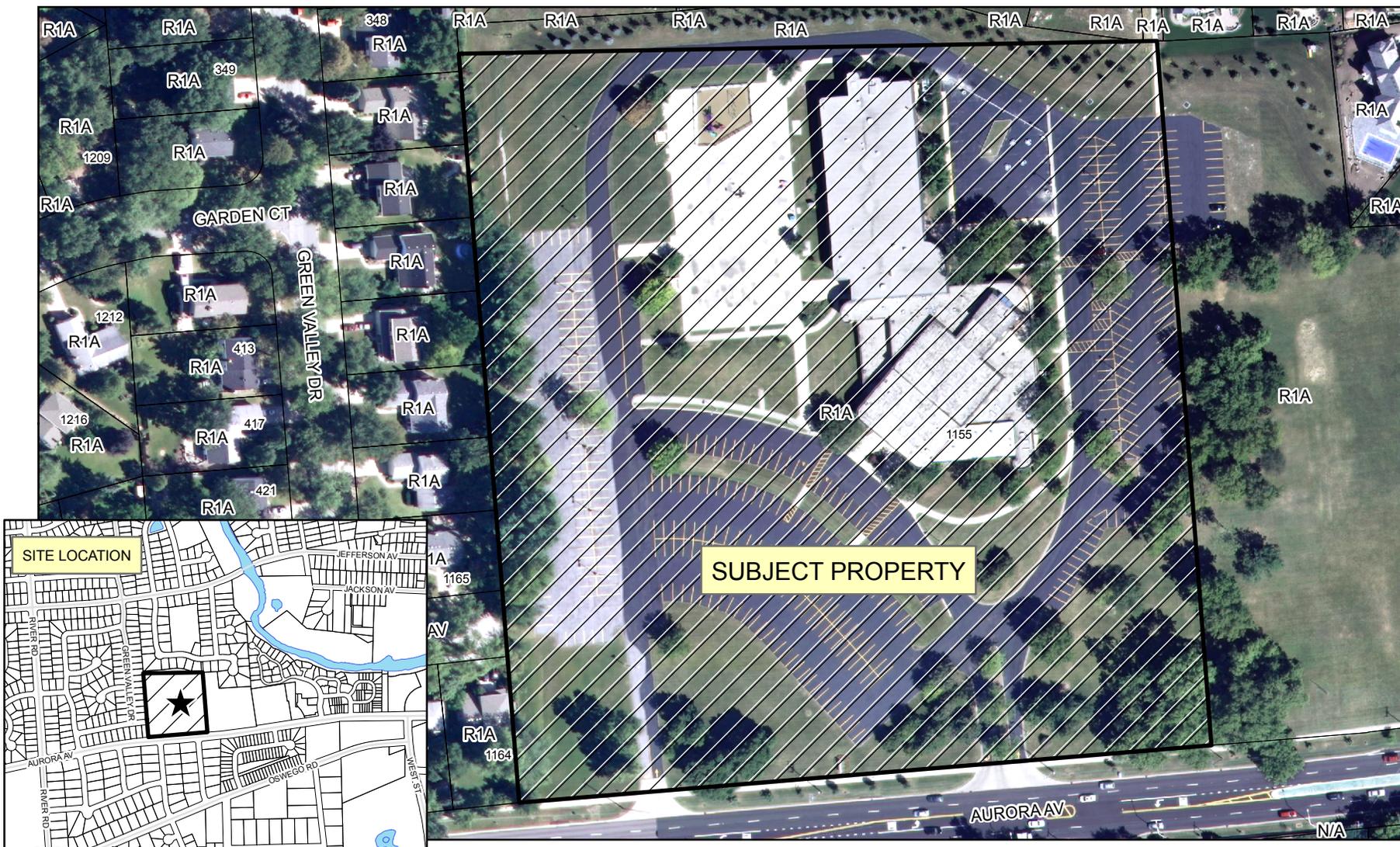
Commonly known as: 1155 Aurora Avenue, Naperville, Illinois 60540

P.I.N.: 07-13-317-020; 07-14-417-003; 07-23-208-010 and 07-24-100-012

EXHIBIT "A"
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City of Naperville ALL SAINTS CATHOLIC ACADEMY



Transportation, Engineering and
Development Business Group
Questions Contact (630) 420-6719
www.naperville.il.us
September 2011



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