



**NAPERVILLE PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS – MUNICIPAL CENTER
FINAL AGENDA
09/05/2012 - 7:00 p.m.**

CALL TO ORDER:

A. ROLL CALL

B. APPROVE MINUTES

1. Approve the minutes of the August 22, 2012 Planning and Zoning Commission meeting.

C. OLD BUSINESS

D. PUBLIC HEARINGS

1. PZC Case # 12-1-080 Harter Subdivision
Petitioner: Harter Investment Strategies, LLC
Location: 24W255 Hobson Road

Request: Conduct the public hearing to consider rezoning to E2 (Medium Density Estate District) upon annexation and a preliminary/final plat of subdivision for property at 24W255 Hobson Road

Official Notice: Published in the Naperville Sun on Sunday, August 19, 2012.

2. PZC Case # 12-1-105 Siena Construction, Inc
Petitioner: Siena Construction, Inc
Location: 5S425 Wright Street

Request: Conduct the public hearing to consider rezoning upon annexation to R1A (Low Density Single-Family Residence District) for the property at 5S425 Wright Street.

Official Notice: Published in the Naperville Sun on August 19, 2012

3. PZC Case # 12-1-119 Main Street Promenade Signage

AGENDA
NAPERVILLE PLANNING AND ZONING COMMISSION
09/05/2012 - 7:00 p.m. - COUNCIL CHAMBERS
Page 2

Petitioner: LFP Holdings, LLC; Yackley Holding Company, LLC;
Block 418, LLC
Location : Main Street Promenade, Main Street Promenade West, and
Main Street Promenade East

Request: Conduct the public hearing to consider sign variances for the
developments known as Main Street Promenade, Main Street
Promenade West and Main Street Promenade East

Official Notice: Published in the Naperville Sun on August 19, 2012

- 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
DRAFT MINUTES OF AUGUST 22, 2012**

Call to Order

7:00 p.m.

A. Roll Call

Present: Bruno, Coyne, Frost, Gustin, Messer, Meyer, Trowbridge, Williams, Herzog
Absent:
Student Members:
Staff Present: Planning Team – Clint Smith, Ying Liu
Engineer – Andy Hynes

B. Minutes

Approve the minutes of the August 8, 2012 Planning and Zoning Commission meeting subject to amendments.

Motion by: Gustin
Second by: Messer

Approved
(9 to 0)

C. Old Business

D. Public Hearings

**D1.
PZC Case #12-1-121
Quick Service
Auto Center**

The petitioner is requesting a variance from Section 5-4-5:1 (Commercial Signs) to allow a Secondary Business Wall Sign that would exceed the maximum allowed by current regulations.

Clint Smith, Planning Services Team, gave an overview of the request.

Adam Acosta, with Divine Signs, spoke on behalf of the petitioner.

- Acosta answered Planning and Zoning Commission’s questions.

Planning and Zoning Commission inquired about:

- Whether Kmart is agreeable to the condition recommended by staff. Staff confirmed yes.
- Whether the petitioner would be a sub-tenant of Kmart. Staff confirmed yes.
- Whether the proposed business can be accessed from Kmart. Staff confirmed yes.
- What are the hours of the business? The petitioner responded that the business hours would be 8 a.m. to 5 p.m.
- Whether there will be overnight parking generated from the business. The petitioner indicated no.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Messer – The proposed business is different from most secondary businesses as it has a separate entrance for customers.

Planning and Zoning Commission moved to recommend approval of PZC 12-1-121 for a variance from Section 5-4-5:1 (Commercial Signs) to allow a Secondary Business Wall Sign that would exceed the maximum allowed by current regulations.

Motion by: Meyer
Seconded by: Messer

Approved
(9 to 0)

**D2.
PZC Case #12-1-093
Ashwood Park
North Townhomes**

The petitioner is requesting approval of a major change to the Ashwood Park North - Townhomes Planned Unit Development to allow the removal of an age restriction on residency.

Clint Smith, Planning Services Team, gave an overview of the request.

Mike Steck, owner of Crestveiw Builders, Inc. spoke on behalf of the petitioner:

- Only one building has been constructed and one unit has been sold partially because of the age restriction.
- Three-bedroom townhomes will be developed on the site.
- The intent is to sell the units rather than renting them out.

Planning and Zoning Commission inquired about:

- The type of residential housing to be developed on the site. Staff indicated that the development will remain as approved which are townhomes.
- Whether this development will restrict rentals. Commissioner Frost indicated that the development allows for renters now.
- Whether the parking requirement are different for rental and owner-occupied dwelling units. Staff indicated the parking requirement stays the same for rental and owner-occupied dwelling units.
- Will the site layout be able to accommodate school buses. Staff indicated that the existing site layout was approved to accommodate fire trucks and therefore, would be able to accommodate school buses.
- Whether future changes to the layout, height or bulk of the buildings would trigger another Planning and Zoning Commission review.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bruno – The request meets the standards for granting a major change to the PUD.
- Gustin – Gustin will support the request, although Gustin is concerned about the rental aspect of the development, which can have an impact on traffic generation.
- Meyer – The best use of the site is not an age-restricted community. There are elementary and middle schools in close proximity to the site. The site is not close to commercial or other community amenities, and is not suitable for senior housing. Meyer will support this request.

Planning and Zoning Commission moved to recommend approval of PZC 12-1-093 for a major change to the Ashwood Park North - Townhomes Planned Unit Development to allow the removal of an age restriction on residency.

Motion by: Trowbridge
Seconded by: Meyer

Approved
(9 to 0)

**D3.
PZC Case #12-1-084
Walmart**

The petitioner requests approval of a major change to the Brach Brodie Property Unit 1 PUD; a preliminary/final PUD plat and associated site development details; a preliminary/final plat of subdivision; a sign variance from Section 5-4-5 (Commercial Signs) to allow wall signage in excess of the maximum allowed and a monument sign along a private road; and a deviation from Section 6-14-4 (Performance Standards; Standards) to allow light poles in excess of the 25-foot maximum allowed height in a commercial district for the construction of a Walmart.

Clint Smith, Planning Services Team, gave an overview of the request.

Aaron Matson, Engineer with CESO, Inc., spoke on behalf of the petitioner:

- Matson identified pedestrian access to the site from the multi-use path along 75th Street.
- 200 watts LED light fixtures are proposed for the parking lot. LED light is a new technology that provides very directional light with minimal spill or glare. It also provides more uniformity in term of light intensity across the parking lot.
- The optimal pole height for maximum LED light efficiency for the parking lot is 42’.
- Bugs are attracted to ultraviolet light, which the LED light doesn’t produce.

Michael Dudley, Architect with Chipman Design Architecture, Inc., spoke on behalf of the petitioner:

- Dudley gave an overview of the building's architecture and exterior materials.

Planning and Zoning Commission inquired about:

- Whether there is any lighting proposed on the south side of the building and whether there are any special provisions to reduce lighting impacts on the Forest Preserve.
- Whether any variances have been granted for light pole heights for adjacent properties or for any other properties in the City. Staff indicated no.
- Staff's reasons for recommending denial of the proposed pole height. Staff was concerned about the broader visual impact of taller light poles and a greater amount of sky to be illuminated.
- The commission noted that this development is mostly surrounded by other commercial properties and the Forest Preserve. The nearest residential is on the north side of 75th Street east of Fort Hill Drive.
- What would be the impact on the lighting design if the height of the poles is reduced below 42'. The petitioner indicated that the cost of lowering the pole height is more light poles with double heads and shedding more light on the ground which causes sky glow.
- Location and number of the light poles if the pole height were reduced to 25' in accordance with the city ordinance.
- Information regarding the existing LED lights along Modaff Road. Hynes responded that the LED lights along Modaff were installed as an experiment of the city to save energy consumption. It was not done based on the proximity to the Forest Preserve.
- Whether diming the lights per the request of the IDNR letter would be possible. The petitioner indicated that the proposed Walmart will operate 24 hours a day and therefore, diming the lights is not an option.
- The heights of the telephone poles and light poles along 75th Street. The petitioner indicated that they are probably at least 42' or higher.
- The Commission noted that the Lexus dealership on Aurora Avenue and the Naperville Jeeb/Eagle Dealer have LED lights. What are their pole heights?
- Whether sidewalk access from the parking lot to the building should be required as part of the PUD requirements.
- How bicyclists and pedestrians can get from 75th Street to the building.
- Location of the Southern DuPage County Regional trail.
- Location of any proposed landscaping along the south and east property lines.
- The possibility of changing the proposed trees along the south and east lot lines to evergreen trees.
- Whether the site layout can be modified to provide a landscape buffer along the east lot line the lot.
- The effort of screening the site is inadequate. Whether berming can be provided along the east lot line as recommended by the Forest Preserve

District? The petitioner indicated that berming is prohibited by the limited space as well as the location of a stormwater detention pond along the east lot line. The petitioner believes that the building will be screened by the existing natural vegetation on the Forest Preserve property.

- Whether stormwater runoff and filtration have been accommodated by the development. The petitioner responded that all stormwater facilities required by the DuPage County Stormwater Ordinance have been installed at the time of the original PUD development. Stormwater from the Walmart will enter into the existing detention pond and flow to the west (it will not enter the Forest Preserve site).
- Traffic circulation and access to the site.
- The commission is concerned about sight line issues for the south entrance on Beebe Drive.
- Does staff agree with the IDNR (Illinois Department of Natural Resources) recommendations as noted in the Forest Preserve District's letter? Staff indicated that staff has not formulated a response to the IDNR recommendations but will request the petitioner to respond to the recommendations and staff will review their responses before City Council.
- The commission would like to see the recommendations of IDNR being addressed by the petitioner.
- What are the architectural features of the proposed building that are above and beyond the prototype design?
- Location of the trash enclosure and loading area.
- Interior energy-efficient features.
- The commission would like to see the building to be four-sided and requested additional articulations be added to the south façade of the building. The petitioner indicated that they can add additional architectural features to the south façade.
- Whether the petitioner has reached out to Aero Estate residents and the airport regarding the 42' tall poles. Petitioner indicated that they have reached out to the Aero Estate airport and also filed the plans with FAA for review. No response has been received from FAA.

Public Testimony: None

Planning and Zoning Commission Discussion: None

Planning and Zoning Commission continued the case to September 19, 2012 and requested the following additional materials to be provided.

- A copy of the traffic study with details on any proposed modifications to 75th Street.
- The petitioner's responses to the IDNR letter, including any necessary changes to the site plan.
- The Forest District and IDNR's second review on the petitioner's

responses to the IDNR letter and any potential site changes.

- City Engineer's opinion on LED lighting as it relates to the necessity for the 42' pole height and information on the existing roadway lights along Modaff.
- City Engineer to provide information regarding the impact of the development on the stormwater drainage system and the features in place to protect the Forest Preserve.
- FAA's response regarding the development if it is received prior to September 19th.
- Heights of the adjacent buildings particularly the XSport building.
- Revised south elevation of the building to add additional architectural elements.
- A copy of the sightline study of the south entrance on Beebe Drive.
- Information on whether the development would affect the healthiness of the stormwater retention pond.
- Signage proposal along Beebe Drive.
- A rendering of the parking lot with the 42' poles.
- A rendering of the site and building as viewed from the Forest Preserve pathway to demonstrate the existing vegetation buffer plus the proposed landscaping.
- Petitioner to provide alternative lighting design in accordance with the city's standard 25' pole height.
- Examples of the LED light application at existing Walmarts.

**E. Reports and
Recommendations**

F. Correspondence

G. New Business

H. Adjournment

9:50 p.m.



Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

CASE: PZC 12-1-080 **AGENDA DATE:** 9/5/2012
SUBJECT: Harter Subdivision
 Petitioner: Harter Investment Strategies, LLC

LOCATION: 24W255 Hobson Road

Correspondence New Business Old Business Public Hearing

SYNOPSIS:
 The petitioner is requesting rezoning to E2 (Medium Density Estate District) upon annexation and approval of a preliminary/final plat of subdivision.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

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

PREPARED BY: Clint Smith, Community Planner

EXISTING ZONING, LAND USE, AND LOCATION:
 The 110,582 square-foot property is generally located at the southeast corner of the intersection of Hobson Road and Shamrock Court, approximately 2,000 feet east of Wehrl Road, and is zoned R-1 in unincorporated DuPage County. While currently vacant, the lot was improved at one time with a single-family residence.

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:
 The proposed use is consistent with the East Sector Plan’s designation as “low density residential”.

PLANNING SERVICES TEAM REVIEW:
 The petitioner is requesting annexation of property into the City of Naperville, rezoning of the property to E2 (Medium Density Estate District) upon annexation, and approval of a preliminary/final plat of subdivision. The petitioner’s annexation request is not reviewed by the Planning & Zoning Commission, but information on the request is provided for reference. The annexation request will be heard at a subsequent public hearing during a City Council meeting.

*Harter Subdivision – PZC 12-1-080
September 5, 2012
Page 2 of 2*

Rezoning

Upon annexation, staff is recommending the rezoning of the property to E2 (Medium Density Estate District), which is consistent with recommendations from the Hobson Road Study (1988), which recommends a minimum lot size of 40,000 square feet (SF) for this property (see attached Hobson Road Study Excerpt). These recommendations are upheld again in the East Sector Update (1998). The proposed E2 zoning is also consistent with surrounding properties that have previously annexed into Naperville (see attached Site Map for zoning information).

Per the Zoning Code, the E2 District is intended to provide an environment suitable for single-family residence and compatible uses at a low rate of urban population density. The minimum lot size in the E2 is 40,000 SF for single-family detached dwellings, with a minimum lot width of 125 feet. The subject property meets all code requirements.

Preliminary/Final Plat of Subdivision

The petitioner has submitted a plat of subdivision for the current property, which is Lot 2 in Hill's Assessment Plat, in order to establish a legal lot of record (an assessment plat is not considered a legal lot of record). The plat of subdivision does not create any additional buildable lots other than the existing lot and does not require the dedication of additional right of way. The submitted plat maintains the 50-foot building setback line along Hobson Road that was previously recorded, which is consistent with the current code requirements for setbacks on E2-zoned properties along Hobson Road.

Conclusion

Staff has reviewed the petitioner's response to the Standards for Granting a Map Amendment (Rezoning) and concurs with the petitioner's findings. Staff supports both the request for rezoning and a preliminary/final plat of subdivision upon annexation to the City.

ATTACHMENTS:

1. Harter Subdivision – Petition – PZC 12-1-080
2. Harter Subdivision – Site Map – PZC 12-1-080
3. Harter Subdivision – Annexation Plat – PZC 12-1-080
4. Harter Subdivision – Rezoning Standards – PZC 12-1-080
5. Harter Subdivision – Hobson Road Study Excerpt – PZC 12-1-080
6. Harter Subdivision – Prelim/Final Plat – PZC 12-1-080

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

Development Name (should be consistent with plat): Harter Subdivision

Development Address: 24 W 255 Hobson Road, Naperville, Illinois 60540

P.I.N. Number (s): 08-28-200-018

Date of Submission: June 1, 2012

I. APPLICANT:

<u>Harter Investment Strategies, LLC</u>			
<u>Name</u>	<u>Corporation</u>		
<u>1400 Shore Road</u>			
<u>Street</u>			
<u>Naperville,</u>	<u>Illinois</u>	<u>60563</u>	<u>(630) 276-0514</u>
<u>City</u>	<u>State</u>	<u>Zip Code</u>	<u>Telephone Number</u>
<u>John P. Martin</u>	<u>Attorney</u>		<u>(630) 221-1755</u>
<u>Primary Contact Person</u>	<u>Relationship to Applicant</u>		<u>Telephone Number</u>
<u>(630) 221-1756</u>	<u>jmartin@huckbouma.com</u>		
<u>Fax Number</u>	<u>E-Mail Address</u>		

II. OWNER OF THE PROPERTY:

<u>Harter Investment Strategies, LLC</u>	
<u>Name</u>	
<u>1400 Shore Road, Naperville, Illinois 60563</u>	<u>(630) 276-0514</u>
<u>Address</u>	<u>Telephone Number</u>

III. APPLICANT'S/PETITIONER'S STAFF:

Attorney: John P. Martin, Huck Bouma PC Telephone Number: (630) 221-1755

Email Address: jmartin@huckbouma.com Fax Number: (630) 221-1756

Address: 1755 South Naperville Road, Suite 200, Wheaton, Illinois 60189

Intech Consultants, Inc.

Engineer: Edward F. Seifert / Telephone Number: 630-964-5656 (x323)

Architect: Bruce George, Charles Vincent George Architects - 630-357-2023

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

- Annexation (see Section V below)
- Subdivision Waiver / Deviation to Platted Setback Line (Complete Exhibit 4)
- Rezoning from R1 To E2 (Complete Exhibit 1)
- Zoning Variance (Complete Exhibit 5)
- Preliminary PUD Plat (Complete Exhibit 2)
- Final PUD Plat (Complete Exhibit 2)
- Major Change to a Planned Unit Development (Complete Exhibit 2)
- Minor Change to a Planned Unit Development (Complete Exhibit 2)
- Preliminary Plat of Subdivision
- PUD Deviation (Zoning or Subdivision)
- Conditional Use (Complete Exhibit 3)
- Final Plat of Subdivision
- Minor Change to a Conditional Use (Complete Exhibit 3)
- Major Change to a Conditional Use (Complete Exhibit 3)
- Site Plan Review
- Landscape Variance (Complete Exhibit 6)
- Sign Variance (Complete Exhibit 5)
- 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.)

Property is vacant.

- 2. Existing Utility Services (water, sewer, electricity): Electricity, well/septic
- 3. Existing zoning on the site: DuPage Count, R-1
- 4. Existing Land Use: Vacant - residential
- 5. Acreage & Square Footage of the site: 2.5386 Acres - 110,582 square feet
- 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: _____

- 2. Proposed Zoning: _____

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):

Property is intended to be developed as one single family residence.

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

1 House, including attached garage - 12,263 square feet

1 Swimming Pool and Pool House - Please see renderings for detail

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:

None

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

None

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

None

7. General Land Use Data:

	Residntl.	Comrcl.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres	2.5386									
% 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			
Townhome						NA			
Duplex						NA			
Apartment						NA			

Comrc.			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 \$14,228.02 ~~acres~~ will be met by a cash contribution.

2. Required Park Donation of \$17,280.24 ~~acres~~ will be met by a cash contribution.

IX. PRIVATE FACILITIES

1. Private open space and recreational facilities include:

Not Applicable

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

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

Not Applicable

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

3. Detention, retention, open space/recreation and school uses within the development: Not

Applicable

	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				

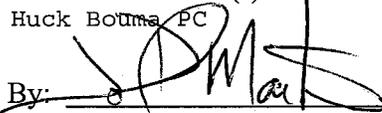
*Please Explain:

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]

Huck Botma PC

By: 

John P. Martin, Attorney

[Type in Name of Signatory]

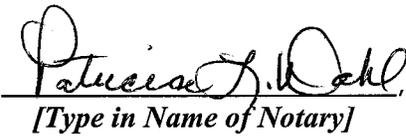
[Type in Title of Signatory (e.g. Owner, Atty., etc.)]

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

Patricia L. Dahl

The foregoing petition was acknowledged before me by ~~[Type in Name of Notary]~~ on the ____ day of May, 2012 A.D.



By: 

Patricia L. Dahl

[Type in Name of Notary]

Notary Public

LLC PETITIONERS

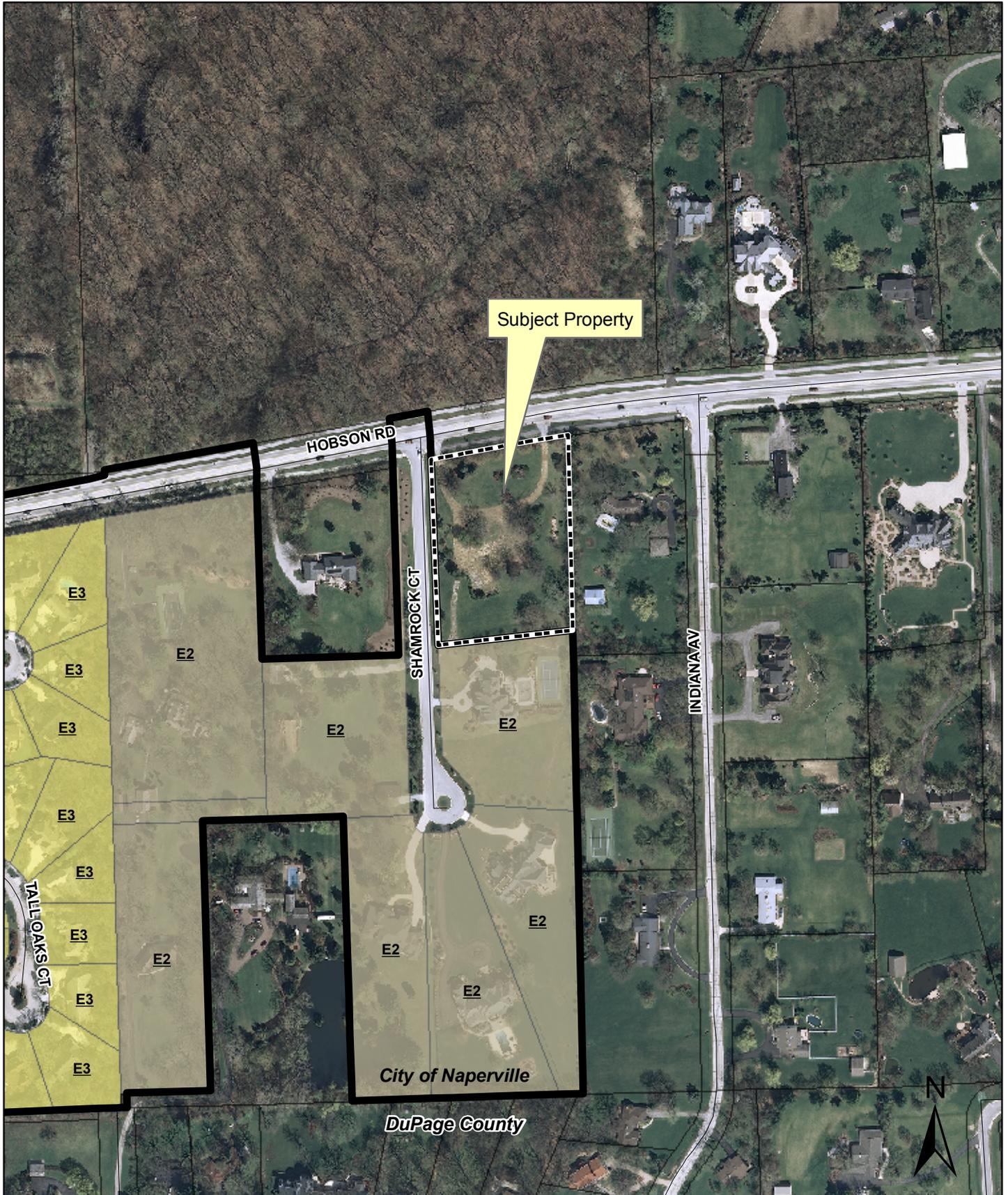
LLC petitioners are required to produce the articles of organization that are on file with the Illinois Secretary of State's Office. If an LLC is manager-managed, this petitioner may be executed by the manager identified within the articles of organization. If an LLC is member-managed, this petition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



Harter Subdivision 24W255 Hobson Road



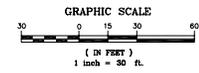
PLAT OF ANNEXATION

OF
PART OF SECTIONS 21, 22 AND 28, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

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



SCALE: 1" = 30'
BASIS OF BEARING - ASSUMED



LEGAL DESCRIPTION

THAT PART OF LOT 2 OF HILL'S ASSESSMENT PLAT OF TRACT 7 IN WATERLOO'S ASSESSMENT PLAT OF PART OF SECTIONS 21, 22 AND 28, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HILL'S ASSESSMENT PLAT RECORDED MARCH 29, 1903 AS DOCUMENT RECORDED IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 2, THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 2, 355.34 FEET FOR A POINT OF BEGINNING, THENCE CONTINUING NORTHERLY ALONG SAID EASTERN LINE 409.31 FEET TO THE SOUTHERLY LINE OF HOBSON ROAD AS NOW PLATTED AND RECORDED; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF HOBSON AS NOW PLATTED AND RECORDED 277.37 (RECORDED) 277.25 FEET (MEASURED) TO THE WESTERLY LINE OF SAID LOT 2, THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 2, 262.51 FEET THENCE NORTHEASTERLY ALONG A STRAIGHT LINE MAKING AN ANGLE OF 93 DEGREES 48 MINUTES 19 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 276.19 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

ALONG WITH THAT PORTION OF HOBSON ROAD DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF HOBSON ROAD WITH THE EAST LINE OF SAID LOT 2 OF HILL'S ASSESSMENT PLAT, THENCE NORTH 02°13'48" WEST ALONG THE NORTHERLY EXTENSION OF THE SAID EAST LINE OF LOT 2 OF HILL'S ASSESSMENT PLAT, 100.51 FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID HOBSON ROAD; THENCE SOUTHWESTERLY ALONG SAID NORTH RIGHT OF WAY LINE OF HOBSON ROAD, ALSO BEING ALONG A CURVE NON-TANGENT TO THE LAST DESCRIBED COURSE, BEING CONVEX TO THE SOUTH, HAVING A RADIUS OF 8779 FEET AND ARC LENGTH OF 289.16 FEET, A CHORD OF 298.16 FEET AND A CHORD BEARING OF SOUTH 89°41'52" WEST TO POINT OF TANGENCY; THENCE SOUTH 79°44'32" WEST CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF HOBSON ROAD, 8.11 FEET TO A POINT WHICH IS THE INTERSECTION OF SAID NORTH RIGHT OF WAY LINE OF HOBSON ROAD WITH THE NORTHERLY EXTENSION OF SAID WEST LINE OF LOT 2 IN HILL'S ASSESSMENT PLAT; THENCE SOUTH 02°15'09" EAST ALONG SAID NORTHERLY EXTENSION OF THE WEST LINE OF LOT 2 IN HILL'S ASSESSMENT PLAT, 100.98 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID HOBSON ROAD; THENCE NORTH 79°44'32" EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF HOBSON ROAD, 22.51 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF HOBSON ROAD, ALSO BEING A CURVE CONVEX TO THE SOUTH, HAVING A RADIUS OF 8079 FEET, AN ARC LENGTH OF 254.80 FEET, A CHORD OF 254.78 FEET AND A CHORD BEARING OF NORTH 80°38'03" EAST, TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE)
I, MARK B. STIMAC, ILLINOIS PROFESSIONAL LAND SURVEYOR #30-2887, HEREBY STATE THAT I HAVE PREPARED THE ANNEXED PLAT FOR THE PURPOSE OF ANNEXATION, DATED THIS _____ DAY OF _____, A.D., 2012.
BY: _____
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2887
MY LICENSE EXPIRES/RENEWS 11-30-12

NOTE: THERE ARE NOT ANY ELECOTRS THAT RESIDE ON THE PROPERTY ANNEXED HEREBY.

OWNER INFORMATION

TOM HARTER, SR.
1134 KINZIE COURT
NAPERVILLE, ILLINOIS
PHONE NO.: (630) 276-0514
E-MAIL: THARTERS@MICRODGC.COM

CITY OF NAPERVILLE PROJECT NUMBER: 12-1-80

INTECH CONSULTANTS, INC.
ENGINEERS / SURVEYORS
1989 UNIVERSITY LANE, SUITE D LISLE, ILLINOIS
TEL: (630) 964-5656 FAX: (630) 964-5052
E-MAIL: CAD@INTECHCONSULTANTS.COM
ILLINOIS REGISTRATION NO. 184-001040

REVISED: 8-20-12 PER CITY REVIEW 8-15-12
REVISED: 7-24-12 PER CITY REVIEW 6-26-12
PREPARED: 3-9-12

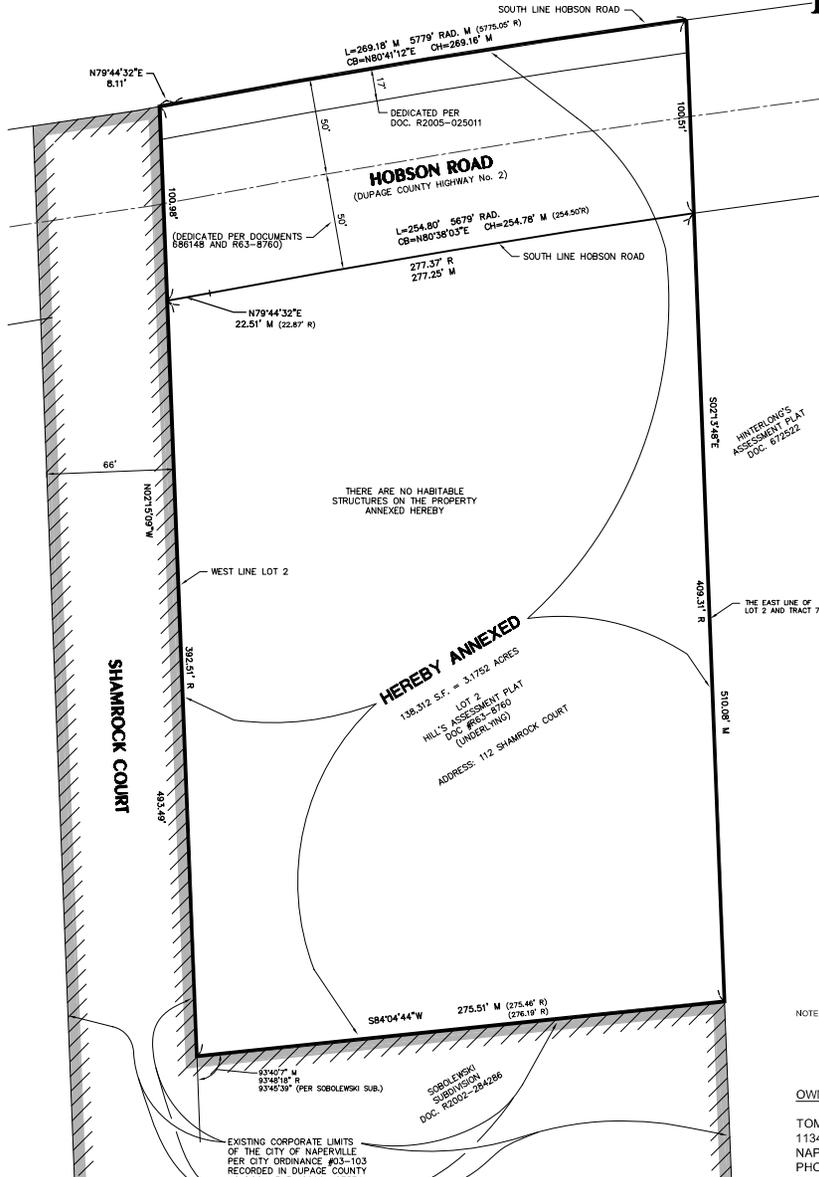
SHEET No. 1 of 1 JOB No.: 2011-018



LOCATION MAP

NOT TO SCALE

SITE DATA
CURRENT ZONING: R-1 DUPAGE COUNTY
ANNEXED PROPERTY: 138,312 S.F. = 3.1702 AC.



THERE ARE NO HABITABLE STRUCTURES ON THE PROPERTY ANNEXED HEREBY

HEREBY ANNEXED
138,312 S.F. = 3.1702 ACRES
LOT 2
HILL'S ASSESSMENT PLAT
DOC #183-8-40
(UNDERLINO)
ADDRESS: 112 SHAMROCK COURT

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
SS
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 _____ M., AND WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____
RECORDER OF DEEDS _____

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
SS
THIS PLAT OF ANNEXATION IS IDENTIFIED AS THAT REAL ESTATE INCORPORATED INTO AND MADE A PART OF THE CITY OF NAPERVILLE OF WILL AND DUPAGE COUNTIES BY ORDINANCE NO. _____ ADOPTED BY THE CITY COUNCIL AT A MEETING HELD ON _____ THE _____ DAY OF _____, A.D., 20____
BY: _____ MAYOR ATTEST: _____ CITY CLERK

NAPERVILLE PARK DISTRICT CERTIFICATE

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

ABBREVIATION TABLE

- N = NORTH
- S = SOUTH
- E = EAST
- W = WEST
- S.F. = SQUARE FEET
- R = RECORD DIMENSION
- M = MEASURED DIMENSION

LEGEND

- BOUNDARY
- LIMITS OF ANNEXATION
- EXISTING CORPORATE LIMITS OF THE CITY OF NAPERVILLE
- EXISTING CORPORATE LIMITS OF THE NAPERVILLE PARK DISTRICT

EXHIBIT 1

**Standards for Granting a Map Amendment (Rezoning)
Section 6-3-7:2**

(Please use a separate sheet of paper to respond to the criteria listed below)

The commission shall not recommend nor shall the city council grant an amendment to alter the zoning district boundary lines unless it shall make findings based upon the evidence presented to it in each specific case that:

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; and

The proposed amendment conforms with existing development in the area and further conforms with the City's future Land Use Map.

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

The requested zoning will equate that of adjoining properties.

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

The requested zoning classification will enable uses which are more consistent with adjoining and nearby uses than would be the R-1 classification inasmuch as the R-1 classification is inconsistent with area uses.

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

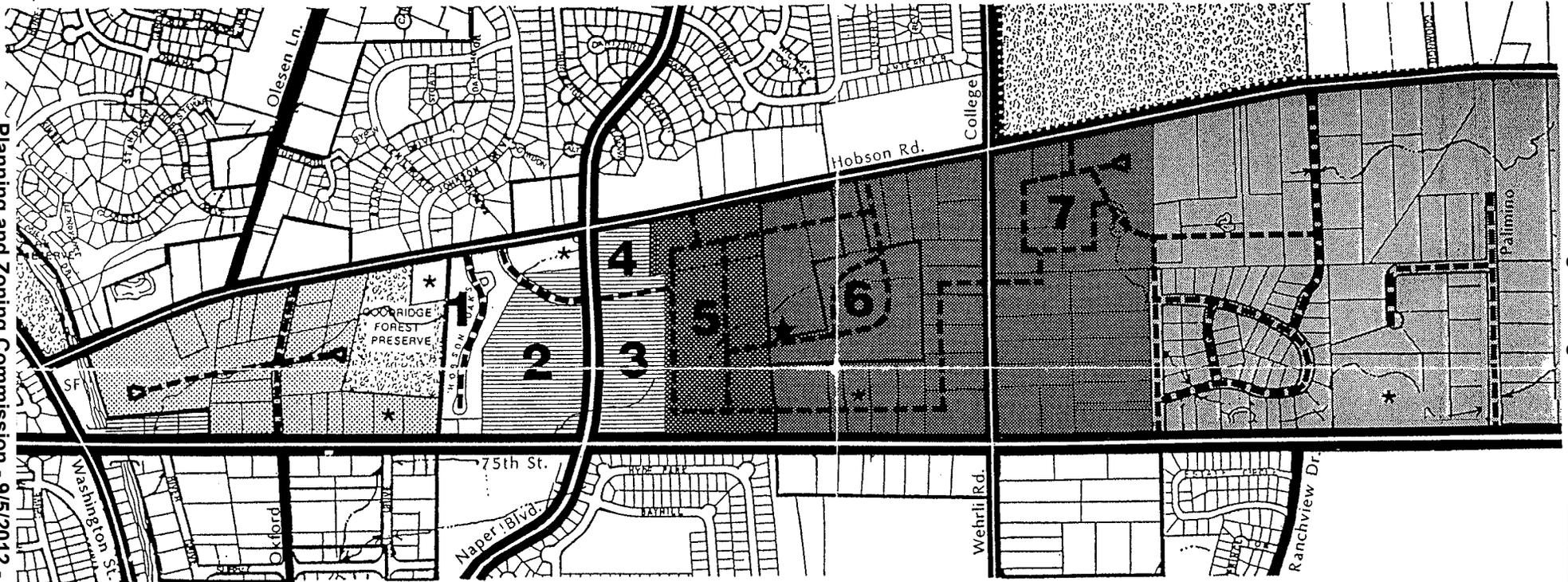
Its application to the present site would be disruptive to adjoining properties and nearby properties and not allow construction of improvements consistent with other area residences.

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

Existing property is vacant and is presently not being utilized as residential within the City.

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 granting of the requested zoning will be absolutely consistent with present and future land usage within the area.



Land Use		Projects	Thoroughfare System
Residential	Minimum Lot Size	1. Hobson Oaks Townhouses	Major Arterial
	100,000 sq. ft.	2. Market Meadows Shopping Center	Minor Arterial
	40,000 sq. ft.	3. Fox Run Square Shopping Center	Collector
	20,000 sq. ft.	4. Fox Run Commercial (proposed)	Local Street
	13,000 sq. ft.	5. Fox Run Subdivision	
Proposed Neighborhood Park	★	6. Hobson Meadows Subdivision	
Institutional	★	7. Hobson Hollow Subdivision	
Commercial			

HOBSON ROAD PLAN

DEPARTMENT OF COMMUNITY DEVELOPMENT, NAPERVILLE



FEB. 1988



Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

CASE: PZC 12-1-105 **AGENDA DATE:** 9/5/2012
SUBJECT: Siena Construction, Inc
 Petitioner: Siena Construction, Inc

LOCATION: 5S425 Wright Street

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

The petitioner is requesting rezoning upon annexation to R1A (Low Density Single-Family Residence District).

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Clint Smith, Community Planner

EXISTING ZONING, LAND USE, AND LOCATION:

The 29,185 square-foot property is generally located on Wright Street, approximately 150 feet south of 14th Avenue, and is zoned R-4 in unincorporated DuPage County. While currently vacant, the lot was improved at one time with a single-family residence.

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:

The proposed use is consistent with the East Sector Plan’s designation as “low density residential”.

PLANNING SERVICES TEAM REVIEW:

The petitioner is requesting annexation of the subject property into the City of Naperville, with rezoning of the property to R1A (Low Density Single-Family Residence District) upon annexation. The property is currently a legal lot of record and does not require a new plat of subdivision, nor is the petitioner requesting to subdivide the property to create additional lots. The petitioner’s annexation request is not reviewed by the Planning & Zoning Commission, but information on the request is provided for reference. The annexation request will be heard at a subsequent public hearing during a City Council meeting.

Siena Construction – PZC 12-1-105

September 5, 2012

Page 2 of 2

Rezoning

Upon annexation, staff is recommending the rezoning of the property to R1A, which is consistent with the low density residential land use recommendations from the East Sector Plan Update (1998). The Plan further states that a goal of the Plan is to “Preserve/create high quality residential development”, and goes on to recommend a policy to implement that goal: “Retain the overall low density residential character of this sector as indicated on the future land use map”. Staff is of the opinion that the R1A zoning meets the intent of the recommendations in the East Sector Plan Update to ensure the continued land use as low density residential. The proposed R1A zoning is also consistent with most surrounding properties that are currently within Naperville (see attached Site Map for zoning information).

Per zoning regulations, the R1A District is intended to provide single-family areas of a low density character with lots containing a minimum of 10,000 square feet. The minimum lot width is 70 feet. The subject property meets all code requirements.

As a note, the subject property is located within a pocket of unincorporated properties that are primarily single-family in nature. Staff is of the opinion that most properties in this area would be suitable for R1A zoning in the event that the owners petition the City for annexation and rezoning in the future. This area is roughly bound by Bauer Road to the north, Ogden Avenue to the South, Charles Avenue to the east and Wright Street to the West.

Conclusion

Staff has reviewed the petitioner’s response to the Standards for Granting a Map Amendment (Rezoning) and concurs with the petitioner’s findings. Staff supports the request for rezoning to R1A upon annexation to the City.

ATTACHMENTS:

1. Siena Construction – Petition – PZC 12-1-105
2. Siena Construction – Site Map – PZC 12-1-105
3. Siena Construction – Annexation Plat – PZC 12-1-105
4. Siena Construction – Rezoning Standards – PZC 12-1-105

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

Development Name (should be consistent with plat): Siena Construction, Inc.

Development Address: 5S425 Wright Street

P.I.N. Number (s): 08-04-400-002

Date of Submission: July 30, 2012

I. APPLICANT:

Siena Construction, Inc.
Name Corporation

409 Bayberry Lane
Street

Naperville, Illinois 60563 630.355.8170
City State Zip Code Telephone Number

Leonard M. Monson Attorney 630.420.8228 x6
Primary Contact Person Relationship to Applicant Telephone Number

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

II. OWNER OF THE PROPERTY:

Same as Applicant
Name

Address Telephone Number

III. APPLICANT'S/PETITIONER'S STAFF:

Attorney: Leonard M. Monson Telephone Number: 630.420.8228 x6

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

Address: 552 S. Washington, Ste 100, Naperville, IL 60540

Engineer: Ridgeline Consultants Telephone Number: 530.801.7927

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

- | | |
|---|---|
| <input checked="" 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>R4 (cnty)</u> To <u>R1</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 type="checkbox"/> PUD Deviation (Zoning or Subdivision) |
| <input type="checkbox"/> Conditional Use
(Complete Exhibit 3) | <input type="checkbox"/> Final Plat of Subdivision |
| <input type="checkbox"/> Minor Change to a Conditional Use
(Complete Exhibit 3) | <input type="checkbox"/> Major Change to a Conditional Use
(Complete Exhibit 3) |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Landscape Variance
(Complete Exhibit 6) |
| <input type="checkbox"/> Sign Variance
(Complete Exhibit 5) | <input type="checkbox"/> 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.)

Vacant lot, 100' x 294'

- 2. Existing Utility Services (water, sewer, electricity): Stubbed contiguous to lot.
- 3. Existing zoning on the site: R4, under County jurisdiction
- 4. Existing Land Use: Vacant, previously used for single family residence
- 5. Acreage & Square Footage of the site: .68 acres, 29,400 sf
- 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):
N/A

VII. PROPOSED DEVELOPMENT:

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

2. Proposed Zoning: R1

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):

Annexation for construction of a single family residence

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

Single family residence in compliance with all City requirements.

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.	Comrcl.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres	.68									
% 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	1	.68	1.47	1.47	1.47	NA	.68	.68	.68
townhome						NA			
Duplex						NA			
apartment						NA			

Comrc.			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 0 acres will be met by a _____
Credit for previously existing home.
2. Required Park Donation of 0 acres will be met by a _____
Credit for previously existing home

IX. PRIVATE FACILITIES

1. Private open space and recreational facilities include:
N/A
 Which will be maintained by: _____ The City of Naperville
 _____ Homeowners Association
 _____ Other (_____)
2. Outlots and/or detention/retention facilities include (size, number and location)
N/A
 Which will be maintained by: _____ The City of Naperville
 _____ Homeowners Association
 _____ Other (_____)

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

	Private -- Homeowners Association (acres)*	Public --To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*	N/A			
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.)

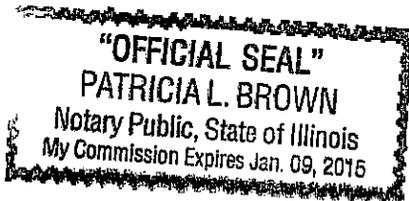
Respectfully Submitted,

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

By: 
 Leonard M. Monson

STATE OF ILLINOIS)
 COUNTY OF ~~DECATUR~~ Kane
 CITY OF NAPERVILLE)

The foregoing petition was acknowledged before me by [Type in Name of Notary] on the 30th day of July, 2012 A.D.



By: 
 Patricia L. Brown
 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

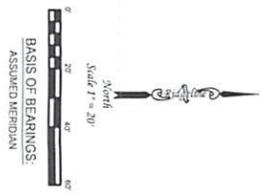
EFFECTIVE PERIOD OF APPLICATION

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.



Siena Construction 5S425 Wright Street





LEGAL DESCRIPTION OF THE PROPERTY:
 LOT 11 IN BLOCK 6 IN ARTHUR T. MONTGOMERY AND COMPANY'S COMMON WEALTH OF SECTION 4, TOWNSHIP 28 NORTH RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS PLAT 12-10000105 IN DUPAGE COUNTY, ILLINOIS.

ABBREVIATIONS:
 (N) = RECORD VALUE
 (M) = MARKET VALUE
 (D) = DEED VALUE
 (C) = CREDIT VALUE
 (OC) = OCCUPANT

AREA SUMMARY:
 NET AREA 29,366 SQ. FT. (0.67 AC.)
 AREA IN ROW 0 SQ. FT.
 AREA TO BE ANNEXED 29,366 SQ. FT. (0.67 AC.)

OWNER:
 SIENA CONSTRUCTION INC.
 691 BARBERS LANE
 NAPERVILLE, IL 60563



SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed professional land surveyor, have surveyed and prepared this plat from field measurements taken on the 12th day of August, 2012. ALL DISTANCES ARE SHOWN ON THE SURVEY MAPS THEREON.

DATED THIS _____ DAY OF _____ A.D. 2012.

REGISTERED TO: TOWNSHIP 28 NORTH, RANGE 10 EAST, SECTION 4, TOWNSHIP 28 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

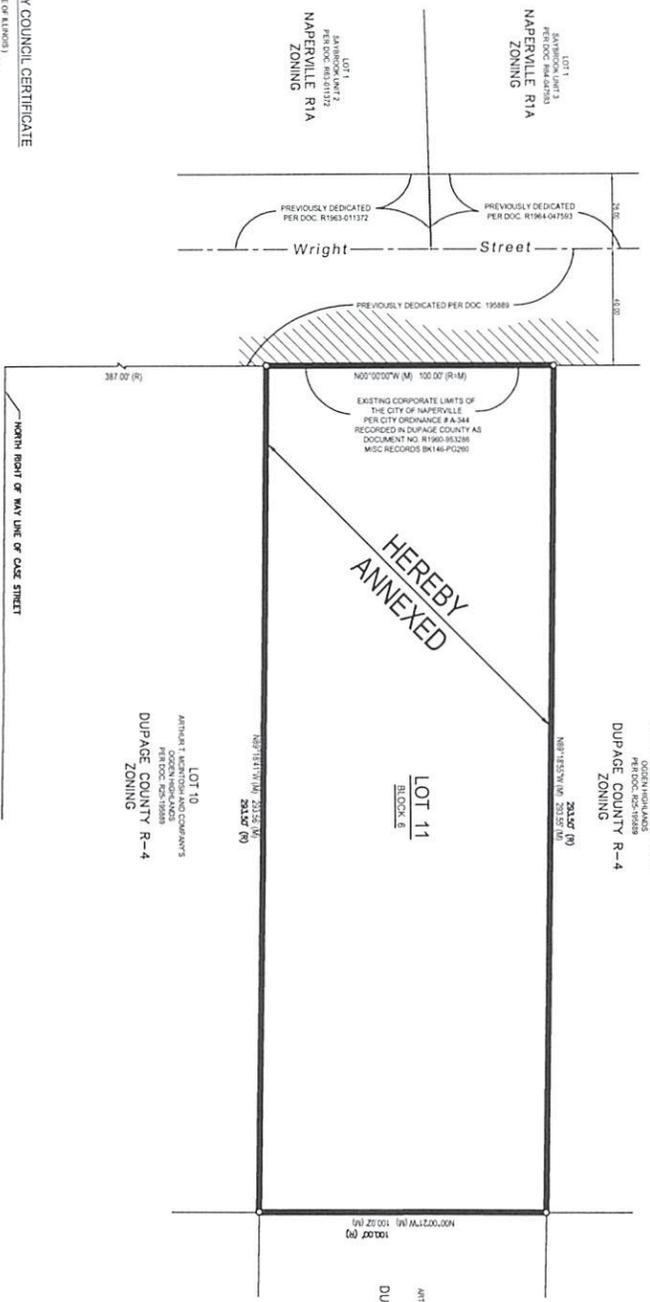
DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF DUPAGE)
 I, the undersigned, duly qualified and licensed recorder of Deeds in the Recorder's Office of DuPage County, Illinois, do hereby certify that the within and foregoing plat was recorded in Book _____ at _____ O'Clock _____ M. and was recorded in Book _____ of Plate 12-10000105.

RECORDER OF DEEDS

Plat of Annexation

OF PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 28 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.



CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF DUPAGE)
 I, the undersigned, duly qualified and licensed recorder of Deeds in the Recorder's Office of DuPage County, Illinois, do hereby certify that the within and foregoing plat was recorded in Book _____ at _____ O'Clock _____ M. and was recorded in Book _____ of Plate 12-10000105.

BY: _____ MAYOR
 _____ ATTEST: _____ CITY CLERK

SURVEYOR'S NOTES:
 THERE ARE NOT ANY ELECTORS THAT RESIDE ON THE PROPERTY ANNEXED HEREBY.
 THERE ARE NO HABITABLE STRUCTURES ON THE PROPERTY ANNEXED HEREBY.

THIS PLAT HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:
 NAME: SIENA CONSTRUCTION, INC.
 ADDRESS: 691 BARBERS STREET
 NAPERVILLE, IL 60563



TAX PARCEL NUMBER: 08-07-214-002

SIENA CONSTRUCTION, INC. - PLAT OF ANNEXATION
 5 S. 425 WRIGHT STREET, NAPERVILLE, IL
 CITY OF NAPERVILLE PROJECT NUMBER 12-10000105

EXHIBIT 1

Standards for Granting a Map Amendment (Rezoning) Section 6-3-7:2

(Please use a separate sheet of paper to respond to the criteria listed below)

The commission shall not recommend nor shall the city council grant an amendment to alter the zoning district boundary lines unless it shall make findings based upon the evidence presented to it in each specific case that:

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 petition fully complies with the policies and official land use plan of the city, and therefore promotes the public health, safety, comfort, convenience and general welfare of the city.
2. The trend of development in the area of the subject property is consistent with the requested amendment.
The trend of development in the area is single family residences which is consistent with the petition.
3. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and
The requested zoning classification is the default designation on annexation and is fully suitable with the surrounding permitted use of single family residential.
4. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.
The existing zoning is consistent with the proposed petition.
5. The subject property has not been utilized under the existing zoning classification for a substantial period of time; and
The subject property has been utilized under the existing zoning classification for a substantial period of time, and is currently vacant.
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 petition is consistent with existing uses and will not alter the essential character of the neighborhood.

EXHIBIT 1



Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

CASE: **PZC 12-1-119** **AGENDA DATE:** **9/5/2012**

SUBJECT: Main Street Promenade Signage
 Petitioner: Dwight Yackley on behalf of Block 418, LLC (MSP),
 Yackley Holding Company, LLC (MSP(W)), and LFP Holdings, LLC
 (MSP(E)).

LOCATION: Main Street Promenade, Main Street Promenade West, and Main Street
 Promenade East

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

The petitioner is requesting a variance from Section 5-4-9 (Special Areas of Control: Downtown Central Business District) to permit tenant signs which are not located directly over the leased area, permit blade signs in excess of the size allowed per code and placed in a manner not in compliance with the code, exceed the 1.5 square feet per lineal foot of wall signage permitted by code; and a variance to Section 5-4-3:5 (Prohibited Signs: Off Premises Signs) to permit wall signage for tenants of Main Street Promenade and Main Street Promenade West to be located on a sign to be erected on Main Street Promenade East.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Tim Felstrup, Assistant Planner

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property consists of approximately 3.25 acres and is located at the northeast and northwest corners of Van Buren Avenue and Main Street. The properties are zoned B4 PUD and B4 (Central Business District). The surrounding properties are also zoned B4 (Central Business District) and are improved with a variety of commercial uses. The owners of the property are LFP Holdings, LLC; Yackley Holding Company, LLC; and Block 418, LLP, whose address is 55 S. Main Street, Naperville, Illinois 60540.

Main Street Promenade Signage – Staff PZC Memo – PZC 12-1-119

September 5, 2012

Page 2 of 4

PLANNING SERVICES TEAM REVIEW:

The petitioner has submitted several sign variance requests which will be applicable to Main Street Promenade (existing), Main Street Promenade East (under construction), and Main Street Promenade West (future addition). The sign package proposed will be consistently applied to each of the buildings noted above in order to unify these buildings and add to the character and architectural appeal of the overall development.

Office Tenant Wall Signage Location

Section 5-4-9:1 (Special Areas of Control; Downtown Central Business District) requires that wall signage for businesses located above the first floor must be displayed on the portion of the building that the business occupies in such a fashion as to complement the architectural integrity of the building. This requirement is intended to clearly direct patrons to the appropriate exterior entrance which should be used to access a particular upper floor tenant.

In new construction, such as the buildings located on the subject properties, upper floor tenants are often accessed through a shared entrance, which makes this code requirement less critical. Accordingly, the petitioner requests that this requirement be waived to allow increased flexibility to place the wall signage for upper floor tenants (office users) in a manner which does not interfere with the building's aesthetic appeal or architectural design features. Given the shared access to upper floor tenants, staff has no concerns regarding the proposed variance.

Projecting Signs

Section 5-4-9:1.2 (Special Areas of Control; Downtown Central Business District) allows one projecting sign per each first floor establishment but limits the square footage of such signs to five (5) square feet as well as requires them to be at least six (6) inches from the façade of the business and not extend out more than thirty six (36) inches from the vertical plane of the building façade.

Due to visibility complications with their current compliant first floor projecting signs installed at Main Street Promenade (see photo provided by petitioner), the petitioner is requesting to increase the allowable projecting sign area from five (5) square feet to eight (8) square feet, flexibility to place the sign at a distance which exceeds the six (6) inch maximum requirement from the vertical plane of the building façade, and the ability for the sign to project up to six (6) feet from the building.

The applicant believes that the proposed projecting signs will have better pedestrian-level visibility and will not result in sight obstructions from building features and design elements, such as awnings, as exist today. The petitioner also feels that the application of consistent projecting sign designs for all three developments will add to the character and architectural appeal of the overall development. Staff supports the proposed projecting signs based upon the information provided by the petitioner.

Multi-tenant Sign at Main Street Promenade East

Section 5-4-9:1 (Special Areas of Control; Downtown Central Business District) requires the sum of the area of all ground, wall, and permanent window signs facing the public right of way

*Main Street Promenade Signage – Staff PZC Memo – PZC 12-1-119
September 5, 2012
Page 3 of 4*

to not exceed an area equal to one and one-half (1 ½) square feet per linear foot of frontage per side. Section 5-4-3:5 (Prohibited Signs; Off Premises Signs) prohibits signs that direct attention to a business or service conducted or offered at a location other than the premises on which the sign is located.

The petitioner proposes to install a 266 square foot internally illuminated multi-tenant wall sign on the east façade of the Main Street Promenade East building for use by select retail tenants from each of the Main Street Promenade developments. This sign will help address visibility concerns of potential tenants to the Main Street Promenade developments due to the unique configuration of the development and a narrow visibility window from Washington Street down Benton. As tenants from each of the subject buildings may be advertised on this sign, a variance to the off-premise signage regulations is required.

The proposed sign size also requires a variance. The petitioner feels that the 34.5 square feet that the development would be allotted for signage in the proposed location, based on the 23 foot frontage of the eastern facade, is not an adequate amount of signage to advertise the retail spaces included in the subject buildings; the petitioner has submitted data and a sight line drawing indicating the minimum size signage required for visibility from the intersection of Washington Street and Benton Avenue. Furthermore, given that the wall signage included on the existing Main Street Promenade building is roughly 1/3 of the total signage allowed for this façade, the petitioner proposes to re-allocate a portion of the unused sign square footage to the wall sign proposed for the eastern façade where it will be most effective to identify select tenants.

The petitioner feels that incorporating a sign presence for select retail tenants from both Main Street Promenade and the future Main Street Promenade West into the proposed sign will not only allow for increased visibility for those tenants but also promote harmonization and consistency between all three developments.

Staff supports the proposed wall signage on the eastern façade given the reduced wall signage present along the Main Street Promenade façade today, as well as the visibility findings presented by the petitioner. Staff finds that the proposed wall signage will help to advertise tenants within each of the subject buildings, thus unifying the overall development. In addition, staff finds that the proposed wall sign design adds an architectural feature to an otherwise blank façade.

Conclusion

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 variances as proposed by the petitioner are in harmony with the intent of the Street Graphics Ordinance and maintain an overall aesthetically pleasing proposal for signage that takes into consideration consistency throughout the Main Street Promenade developments. While some aspects of the sign package are larger in areas than allowed by code, the overall impact of the signage as a whole avoids clutter and enhances the architectural appeal of the

Main Street Promenade Signage – Staff PZC Memo – PZC 12-1-119

September 5, 2012

Page 4 of 4

developments while addressing both the identification and visibility needs of the tenants as well as the Naperville customer.

ATTACHMENTS:

1. Main Street Promenade Signage – Application and Findings– PZC 12-1-119
2. Main Street Promenade Signage – Disclosure of Beneficiaries– PZC 12-1-119
3. Main Street Promenade Signage – Legal Descriptions – PZC 12-1-119
4. Main Street Promenade Signage – Sign Renderings – PZC 12-1-119
5. Main Street Promenade Signage – Existing Signage Exhibit – PZC 12-1-119
6. Main Street Promenade Signage – Signage Visibility Exhibit – PZC 12-1-119
7. Main Street Promenade Signage – Obstructed Projecting Sign – PZC 12-1-119

CITY OF NAPERVILLE APPLICATION FOR A SIGN VARIANCE

ADDRESS OF SUBJECT PROPERTY: NEC Main Street & Van Buren Avenue (MSP(E))
NWC Van Buren & Main Street (MSP) and SWC of Benton & Main Street (MSP(W))

PARCEL IDENTIFICATION NUMBER (PIN): 07-13-419-027; 028; 024; 025; and 026 (MSP(E)),
07-13-418-007; 013; 004; 005; 006 (MSP(W)), and 07-13-418-017 (MSP)

APPLICANT'S NAME: Dwight Yackley, Manager, LFP Holdings, LLC (MSP(E)), Yackley
Holding Company, LLC (MSP(W)), and Block 418, LLC (MSP)

APPLICANT'S ADDRESS: P.O. Box 544

CITY: Naperville STATE: Illinois ZIP CODE: 60566

DAYTIME PHONE: (630) 605-7171 ext. #4

E-MAIL ADDRESS: DWIGHT@BBMincorporated.com

OWNER OF PROPERTY: LFP Holdings, LLC (MSP(E)), Yackley Holding Company, LLC
(MSP(W)), and Block 418, LLC (MSP)

OWNER'S ADDRESS: 55 S. Main Street

CITY: Naperville STATE: IL ZIP CODE: 60540

OWNER'S DAYTIME PHONE: (630) 305-7171 ext. #4

ZONING OF PROPERTY: B-4 (Downtown Core District)

AREA OF PROPERTY (Acres or sq ft): +/- 3.25
acres

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

MSP(E) – Vacant Property, MSP (W) – Vacant Property, and MSP – Commercial and Office
Mixed Use Development

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

East wall sign (5-4-5-1.2) to exceed 1.5 square feet per lineal foot of frontage along the eastern
facing elevation (MSP(E))

Wall signs (5-4-9 1.4) to permit tenant signs which are not located directly over leased area.

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.**

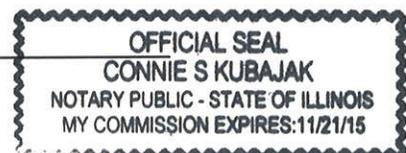
I have reviewed the Standards for a Sign Variation and understand and acknowledge that my request will be considered based upon the extent to which it fulfills these standards. Further, I understand and acknowledge that I may be required to provide a written explanation detailing how my request fulfills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

V.M.12 (signature of applicant) 8/15/12 (date)

SUBSCRIBED AND SWORN TO before me this 15th day of August, 2012

Connie S. Kubajak
 (Notary Public and Seal)

EXHIBIT A (continued)



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

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR ENTITLEMENTS REGARDING MAIN STREET PROMENADE, MAIN STREET PROMENADE EAST, AND MAIN STREET PROMENADE WEST

THE UNDERSIGNED Petitioners, LFP Holdings, LLC, an Illinois limited liability company, (owner of Main Street Promenade East), Block 418, LLC, an Illinois limited liability company, (owner of Main Street Promenade), and Yackley Holding Company, LLC, an Illinois limited liability company (owner of Main Street Promenade West), (hereinafter collectively referred to as “Petitioner”) respectfully petitions the City of Naperville to grant the following variances from Chapter 4 of the City’s Municipal Code (“Street Graphics Control Ordinance”) to: (1) permit blade signage of up to eight (8) square feet which blade signs shall extend up to six (6) feet from the vertical plane of the façade, and be located more than six inches from the façade (2’6” maximum) (Section 5-4-9-1.2); (2) permit wall signs which are not located directly over the leased space for the office tenants on floors 2, 3, and 4 (Section 5-4-9-1.4); (3) permit a wall sign on the eastern façade of Main Street Promenade East which is approximately 266 square feet (Section 5-4-5-1.2); (4) permit off-site signage so that Main Street Promenade and Main Street Promenade West retailers can display signage on the proposed Main Street Promenade East wall sign (Section 5-4-3-5); and (5) for such other variances, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** (“Subject Property”), as depicted on the signage plans submitted herewith as **Exhibit B** pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

In support of this Petition, the Petitioner represents to the City of Naperville as follows:

1. LFP Holdings, LLC, Block 418, LLC, and Yackley Holding Company, LLC are located at 55 S. Main Street, Suite 351, Naperville, Illinois 60540 and are the Owners of the Subject Properties.

2. The Subject Properties consist of the existing Main Street Promenade, Main Street Promenade East, and Main Street Promenade West located in Naperville, Illinois.

3. The existing land uses surrounding the Subject Property are as follows:

- a. North: TU and B-5 – Residential & Medical Uses
- b. East: B-4 – Van Buren Parking Deck
- c. South: B-4 – City Surface Parking Lots, Naper Place Mixed Use Development & Commercial Uses
- d. West: TU & B-4 – Office & Residential Uses.

4. The Petitioner seeks approval of Variances from the City's Street Graphics Control Ordinance to:

(a) Permit blade signage of up to eight (8) square feet which blade signs shall extend up to six (6) feet from the vertical plane of the façade, and which may be located more than six inches from the façade (2'6" maximum) (Section 5-4-9-1.2); and

(b) Permit wall signs which are not located directly over the leased space for the office tenants on floors 2, 3, and 4 (Section 5-4-9-1.4); and

(c) Permit a wall sign on the eastern façade of Main Street Promenade East which is approximately 266 square feet (Section 5-4-5-1.2); and

(d) Permit off-site signage so that Main Street Promenade and Main Street Promenade West retailers can display signage on the proposed Main Street Promenade East wall sign facing Washington Street (Section 5-4-3-5); and

(e) For such other variances, departures or deviations as may be necessary to develop the property in accordance with the signage plans attached hereto as Exhibit B.

11. The proposed variance requests meet all City and State requirements for the development of the Subject Property and will facilitate the beneficial use of the Subject Property as stated below.

(a) The plight of the owner is due to unique circumstances and the proposed variances 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.

(1) Permit blade signage of up to eight (8) square feet which blade signs shall extend up to six (6) feet from the vertical plane of the façade, and which shall be located more than six inches from the façade (2'6" maximum) (Section 5-4-9-1.2);

The requested blade signs will be of similar character and design to the existing blade signs which are currently utilized at the Main Street Promenade development to maintain an upscale appearance. However, the existing blade signs at Main Street Promenade, which are currently restricted to a maximum of five (5) square feet, are not readily visible. In addition, they are often times blocked from view by awnings, which results in reduced retail tenant visibility. The Petitioner seeks to avoid this issue moving forward. Allowing the increased blade sign size will allow pedestrians to more readily identify retail opportunities and reduce retailer concerns associated with visibility.

Lastly, it is important to note that, the entire Main Street Promenade, Main Street Promenade East, and Main Street Promenade West developments will be under unified

ownership, and all blade signage will be consistent to match the character and architectural appeal of the proposed developments.

(2) permit wall signs which are not located directly over the leased space (Section 5-4-9-1.4);

Substantial architectural features and decorative accents have been incorporated into the design of the Subject Properties in an effort to be consistent with the upscale environment envisioned by the Petitioner and the City's 2030 Downtown Plan. In certain instances, the enhanced design elements and large windows preclude the ability to locate tenant signage directly over certain tenant spaces on the 2nd, 3rd, and 4th floors of the proposed Main Street Promenade East and Main Street Promenade West developments. If the variance were not permitted, the Petitioner would have to eliminate certain architectural features to ensure that its office tenants would have appropriate signage.

(3) to permit a wall sign on the eastern façade of Main Street Promenade East which is approximately 266 square feet (Section 5-4-5-1.2);

The Main Street Promenade East development has a unique configuration in that it is to be constructed around the Van Buren parking deck expansion. As a result, the Main Street Promenade East development will protrude out only twenty-three (23) feet from the parking deck along the eastern façade, thereby limiting the allowable signage on the most critical eastern façade to only 34.5 square feet. The end result is that the Main Street Promenade East signage will not be readily visible from Washington Street due to the minimal frontage on the eastern façade and also due to the recent construction of the four story fertility clinic at the northwest corner of Washington Street and Benton Avenue.

Potential tenants of the Main Street Promenade developments require visibility or they will look at other opportunities in other communities. To address these tenant concerns the Petitioner is seeking to allocate a larger percentage of the allowable signage to the area that would serve the greatest benefit to the tenants, motorists, and pedestrians.

(4) to permit off-site signage so that Main Street Promenade and Main Street Promenade West retailers can display signage on the proposed Main Street Promenade East wall sign (Section 5-4-3-5);

The Petitioner seeks to eliminate tenant concerns associated with visibility to the existing Main Street Promenade and future Main Street Promenade West developments by providing additional visibility on the proposed Main Street Promenade East wall sign facing Washington Street. The Petitioner has designed the overall development as a unified mixed use development consisting of a variety of retail and office uses. Within the overall development visibility to the existing Main Street Promenade and future Main Street Promenade West developments are often hindered primarily due to the location of these developments. Allowing certain retail tenants to advertise on the proposed Main Street Promenade wall sign will help to alleviate this concern as well as provide for a consolidated development, providing a balanced and compatible system of signage throughout the developments. The Petitioner's request is in harmony with City's Street Graphics Control Ordinance (Section 5-4-5-2.10) which envisions such shared signage, and even provides a density bonus for shared signage in the context of monument signage as an incentive to promote the use of shared signage.

(b) The alleged hardship has not been created by any person presently having a proprietary interest in the subject sign (or property).

The alleged hardships have not been created by the Petitioner. The configuration and location of the Main Street Promenade, Main Street Promenade East, and Main Street Promenade West developments are the primary reasons for the requested variances. The configuration and orientation of the properties have existed long prior to the Petitioner's acquisition and development.

(c) The proposed variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

(1) permit blade signage of up to eight (8) square feet which blade signs shall extend up to six (6) feet from the vertical plane of the façade, and which shall be located more than six inches from the façade (2'6" maximum) (Section 5-4-9-1.2);

The proposed blade signs will enhance the overall aesthetics of other property and improvements in the neighborhood, and enhance the aesthetics of the Subject Properties as they will match the quality and design associated with the existing blade signs at Main Street Promenade. In addition the proposed blade signs will enhance the public welfare by more readily allowing pedestrians and passersby to determine the location of retail destinations in the downtown area.

(2) permit wall signs which are not located directly over the leased space (Section 5-4-9-1.4);

Allowing office tenants signage on floors 2, 3, and 4 to not be located directly above the tenant's space will not be detrimental to the public welfare or injurious to other properties in the neighborhood. The petitioner is not seeking to increase the amount of signage allotted pursuant to City Code, but instead seeking flexibility on the upper floors to ensure that it can incorporate

all proposed architectural features and design elements while still allowing for necessary tenant signage.

(3) to permit a wall sign on the eastern façade of Main Street Promenade East which is approximately 266 square feet (Section 5-4-5-1.2);

Permitting a wall sign in excess of the allowable size along the eastern façade will not be detrimental to the public welfare or injurious to other properties in the neighborhood. The proposed wall sign will be designed and incorporated into the Main Street Promenade East development as an architectural feature of the building which will also provide notification to vehicular traffic and pedestrians of the office and retail opportunities located on the Subject Property. The proposed wall sign will be constructed using quality materials such as a glass fiber reinforced concrete top and base providing a limestone appearance, decorative banding, and goose neck lamps, to match and enhance the character of Subject Property, adjacent properties, and to be consistent with the City's 2030 vision.

(4) to permit off-site signage so that Main Street Promenade and Main Street Promenade West retailers can display signage on the proposed Main Street Promenade East wall sign (Section 5-4-3-5);

Allowing Main Street Promenade and Main Street Promenade West retailers to utilize the Main Street Promenade East wall sign will facilitate a unified system of signage through the developments and will not in any way be detrimental to the public welfare or injurious to other property owners or improvements in the neighborhood. It will however, serve to enhance visibility of the Main Street Promenade developments and the downtown area.

(d) The proposed variation will not impair visibility to the adjacent property, increase the danger of traffic problems or endanger public safety.

(1) permit blade signage of up to eight (8) square feet which blade signs shall extend up to six (6) feet from the vertical plane of the façade, and which shall be located more than six inches from the façade (2'6" maximum) (Section 5-4-9-1.2);

The proposed blade signs will not impair visibility to any adjacent property, increase danger of traffic problems or endanger public safety. The proposed blade sign variance is being requested to improve visibility by making the signage and retailers more visible, which will have a positive impact on vehicular and pedestrian traffic.

(2) permit wall signs which are not located directly over the leased space (Section 5-4-9-1.4);

Allowing upper floor office tenant signage not to be placed directly above the leased space will have no effect on the visibility to adjacent properties, nor will it increase traffic problems or endanger public safety. It will only amount to the shifting of upper floor tenant signage so that architectural features are not affected while providing for adequate tenant signage as permitted under City Code. The Petitioner is not seeking any additional signage allotment. Sufficient tenant location signage and directional information will be provided within the proposed development

(3) to permit a wall sign on the eastern façade of Main Street Promenade East which is approximately 266 square feet (Section 5-4-5-1.2);

The proposed wall sign will be incorporated into the eastern façade of the Subject Property and will not protrude in any manner as to impair visibility to any adjacent properties. It will improve traffic problems and public safety by more efficiently notifying vehicular and pedestrian traffic of the retail and office opportunities within the proposed development.

(4) to permit off-site signage so that Main Street Promenade and Main Street Promenade West retailers can display signage on the proposed Main Street Promenade East wall sign (Section 5-4-3-5);

The proposed off-site signage will actually enhance visibility to the adjacent properties (Main Street Promenade and Main Street Promenade West), and will not impair the visibility to any adjacent property or increase the danger of traffic problems or endanger public safety. In fact, the proposed off-site signage will reduce traffic problems by readily notifying pedestrian and vehicular traffic of certain retail opportunities located in the Main Street Promenade and Main Street Promenade West developments.

(e) The proposed variation will not alter the essential character of the neighborhood.

(1) permit blade signage of up to eight (8) square feet which blade signs shall extend up to six (6) feet from the vertical plane of the façade, and which shall be located more than six inches from the façade (2'6" maximum) (Section 5-4-9-1.2);

The blade signs will be of high quality consistent with the City's vision for the downtown and consistent with the quality in design and construction as the existing blade signs located at the Main Street Promenade. The blade signs therefore will be in conformance with the essential character of the neighborhood and will serve as an overall improvement.

(2) permit wall signs which are not located directly over the leased space (Section 5-4-9-1.4);

The wall sign variance will not affect the essential character of the neighborhood. The Petitioner is not seeking to increase the number or size of the tenant signage, and is only looking for flexibility in this regard. From the viewpoint of passersby and adjacent properties it will be

virtually impossible to determine if the tenant signs are located above the leased spaces on the upper floors.

(3) to permit a wall sign on the eastern façade of Main Street Promenade East which is approximately 266 square feet (Section 5-4-5-1.2);

The proposed wall sign on the eastern façade has been designed as an architectural enhancement which will be consistent with the overall design of the Main Street Promenade East. It will actually improve the eastern façade, and will also improve the overall essential character of the neighborhood while enhancing visibility to the downtown area at a key gateway location.

(4) to permit off-site signage so that Main Street Promenade and Main Street Promenade West retailers can display signage on the proposed Main Street Promenade East wall sign (Section 5-4-3-5);

Allowing off-site signage within the consistent and unified Main Street Promenade developments will not in any way alter the essential character of the neighborhood. The proposed wall sign will increase visibility to retail tenants and will serve as an overall enhancement to the downtown area.

(f) The proposed variation is in harmony with the spirit and intent of this Chapter.

(1) permit blade signage of up to eight (8) square feet which blade signs shall extend up to six (6) feet from the vertical plane of the façade, and which shall be located more than six inches from the façade (2'6" maximum) (Section 5-4-9-1.2);

The enhanced blade signage is consistent with the City's Street Graphics Control Ordinance in that it will provide for a balanced system of signage in that all blade signage will be consistent within the Main Street Promenade, Main Street Promenade East, and Main Street

Promenade West developments. In addition, in that the proposed signs will be more readily visible they will enhance communication between the community and their environment thus improving pedestrian and vehicle safety, improving property values, and improving business opportunities.

(2) permit wall signs which are not located directly over the leased space (Section 5-4-9-1.4);

The proposed upper floor tenant sign location variance is consistent with the intent of the City's Street Graphics Control Ordinance in that it will enhance communication between people and the environment, while providing a balanced system of signage within the proposed Main Street Promenade East development and preserving the architectural integrity of the proposed development. In addition, the variance will enhance property values and business opportunities and have no harmful effect on traffic or pedestrian safety.

(3) to permit a wall sign on the eastern façade of Main Street Promenade East which is approximately 266 square feet (Section 5-4-5-1.2);

The Petitioner is not seeking to increase the total allowable permitted signage for the proposed Main Street Promenade East project. In fact, the Petitioner only utilized approximately 1/3 of allowable signage at the existing Main Street Promenade. The petitioner is only seeking to re-allocate a larger portion of the permitted signage to the eastern façade where it will be most effective to properly identify the tenants. The proposed wall sign will be constructed as a design element which will match the character of the proposed development.

(4) to permit off-site signage so that Main Street Promenade and Main Street Promenade West retailers can display signage on the proposed Main Street Promenade East wall sign (Section 5-4-3-5);

The request for off-site signage is in harmony with the spirit and intent of the City's Street Graphics Control Ordinance in that it will preserve the value of private property by assuring compatibility of the Main Street Promenade developments signage, enhance the physical appearance of the City, enhance the City's overall economy and businesses by promoting the orderly and effective display of signage, and by encouraging strong communication between downtown retailers and the public.

The end result is a signage package which is consistent with the intent of the City's Street Graphics Control Ordinance by providing a balanced system of signage which maximizes visibility and promotes communication between the proposed development and the environment while avoiding clutter that is harmful to traffic and pedestrian safety, enhances property values, creates business opportunities, and improves community appearance.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to approve variances from the City's Street Graphics Control Ordinance which (1) permit blade signage of up to eight (8) square feet which blade signs shall extend up to six (6) feet from the vertical plane of the façade, and which shall be located more than six inches from the façade (2'6" maximum) (Section 5-4-9-1.2); (2) permit wall signs which are not located directly over the leased space for the office tenants on floors 2, 3, and 4 (Section 5-4-9-1.4); (3) permit a wall sign on the eastern façade of Main Street Promenade East which is approximately 266 square feet (Section 5-4-5-1.2); (4) permit off-site signage so that Main Street Promenade and Main Street Promenade West retailers can display signage on the proposed Main Street Promenade East wall sign (Section 5-4-3-5); and (5) such other variances, departures, deviations or other relief which is deemed necessary to approve the signage plans attached hereto as Exhibit B.

RESPECTFULLY SUBMITTED this 8th day of August, 2012.

PETITIONERS:

LFP HOLDINGS, LLC,
An Illinois limited liability company

BLOCK 418, LLC,
An Illinois limited liability company

YACKLEY HOLDING COMPANY, LLC,
An Illinois limited liability company

Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

State of Illinois)
) ss.
County of DuPage)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Vincent M. Rosanova, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this 15 day of August, 2012.



(MSP), MSP(E), and MSP(W).

Blade signs (5.4-9 1.2) to permit blade signs that extend more than thirty-six (36) inches from vertical plane of the building, exceed five (5) square feet (ten (10) square feet requested), and which are located more than six (6) inches away from the façade of the buildings (MSP), MSP(E), and MSP(W).

Off Premises Signs (5.4-3.5) To permit off-premises signs so that MSP and MSP(W) retail tenants may utilize a portion of the eastern facing wall sign located on MSP(E)>

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

V.M.R (signature of applicant) 8/15/12 (date)

SUBSCRIBED AND SWORN TO before me this 15th day of August, 2012

Connie S. Kubajak
(Notary Public and Seal)



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: YACKLEY HOLDING COMPANY LLC
Address: PO BOX 544
NAPERVILLE, IL 60566

2. Nature of Benefit sought: _____

3. Nature of Applicant (Please check one):

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

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. Dwight Yackley - 99% interest
- b. _____
- c. _____
- d. _____

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

Dwight Yackley President, Yackley Holding Co, LLC

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, Dwight Yackley, 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: Dwight Yackley

Subscribed and sworn to before me this 14th day of August, 2012

Stephane F Hill
Notary Public

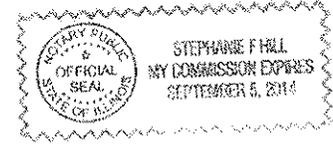


EXHIBIT B

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: Block 418, LLC
Address: PO Box 544
Naperville, IL 60566

2. Nature of Benefit sought: _____

3. Nature of Applicant (Please check one):

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

LLC X

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. BBM Incorporated
- b. 55 S. MAIN ST, LLC
- c. Dwight Yackley - 100%
- d. _____

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

Dwight Yackley, President Block 418, LLC

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, Dwight Yackley, 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: Dwight Yackley

Subscribed and sworn to before me this 11th day of August, 2012.

Stephanie F. Hill
Notary Public

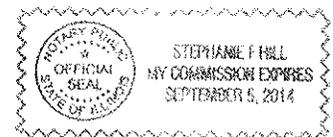


EXHIBIT B



Naperville

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: LFP Holdings, LLC
Address: PO Box 544
Naperville, IL 60566
- 2 Nature of Benefit sought: Property Conveyance, Sign Variances, PLAT OF RESUBDIVISION, Easements
- 3 Nature of Applicant (Please check one):

a. Natural Person	d. Trust/Trustee <input type="checkbox"/>	<u>LLC. X</u>
b. Corporation	e. Partnership <input type="checkbox"/>	
c. Land Trust/ Trustee	f. Joint Venture <input type="checkbox"/>	
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. Yackley Holding Company LLC
 - b. Dwight Yackley 99% interest
 - c. _____
 - d. _____
- 6 Name, address and capacity of person making this disclosure on behalf of the applicant:
Dwight Yackley, manager, LFP HOLDINGS, LLC

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

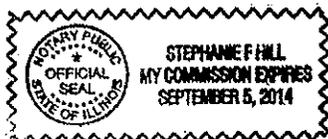
VERIFICATION

I, Dwight Yackley, 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: Dwight Yackley

Subscribed and Sworn to before me this 7th day of August, 2012.

[Signature]
Notary Public



MSP EAST
LEGAL DESCRIPTION

LOT 1, PARCEL C AND LOT 2 IN NAPER MAIN LLC LOT 1 RESUBDIVISION NO. 1, BEING A PART OF THE SOUTH ½ OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 30, 2009 AS DOCUMENT R2009-46004, IN DUPAGE COUNTY, ILLINOIS.

MSP WEST
LEGAL DESCRIPTION

THE NORTH 82.5 FEET OF LOT 8 IN BLOCK 11 IN THE PLAT OF THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1842, AS DOCUMENT NO. 131 IN DUPAGE COUNTY, ILLINOIS;

AND

THE NORTH 82.5 FEET OF LOT 9 IN BLOCK 11 IN THE PLAT OF THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1842, AS DOCUMENT NO. 131 IN DUPAGE COUNTY, ILLINOIS;

AND

LOT 11 IN BLOCK 11, EXCEPT THE SOUTH 110.00 FEET THEREOF, IN THE PLAT OF THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1842, AS DOCUMENT NO. 131 IN DUPAGE COUNTY, ILLINOIS;

AND

THE NORTH 82.50 FEET OF LOT 12 IN BLOCK 11 IN THE PLAT OF THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1842, AS DOCUMENT NO. 131 IN DUPAGE COUNTY, ILLINOIS;

AND

THE SOUTH 82.50 FEET OF LOTS 8, 9, AND 12 IN BLOCK 11 IN THE PLAT OF THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE SOUTH 41.00 FEET, ACCORDING TO THE PLAT

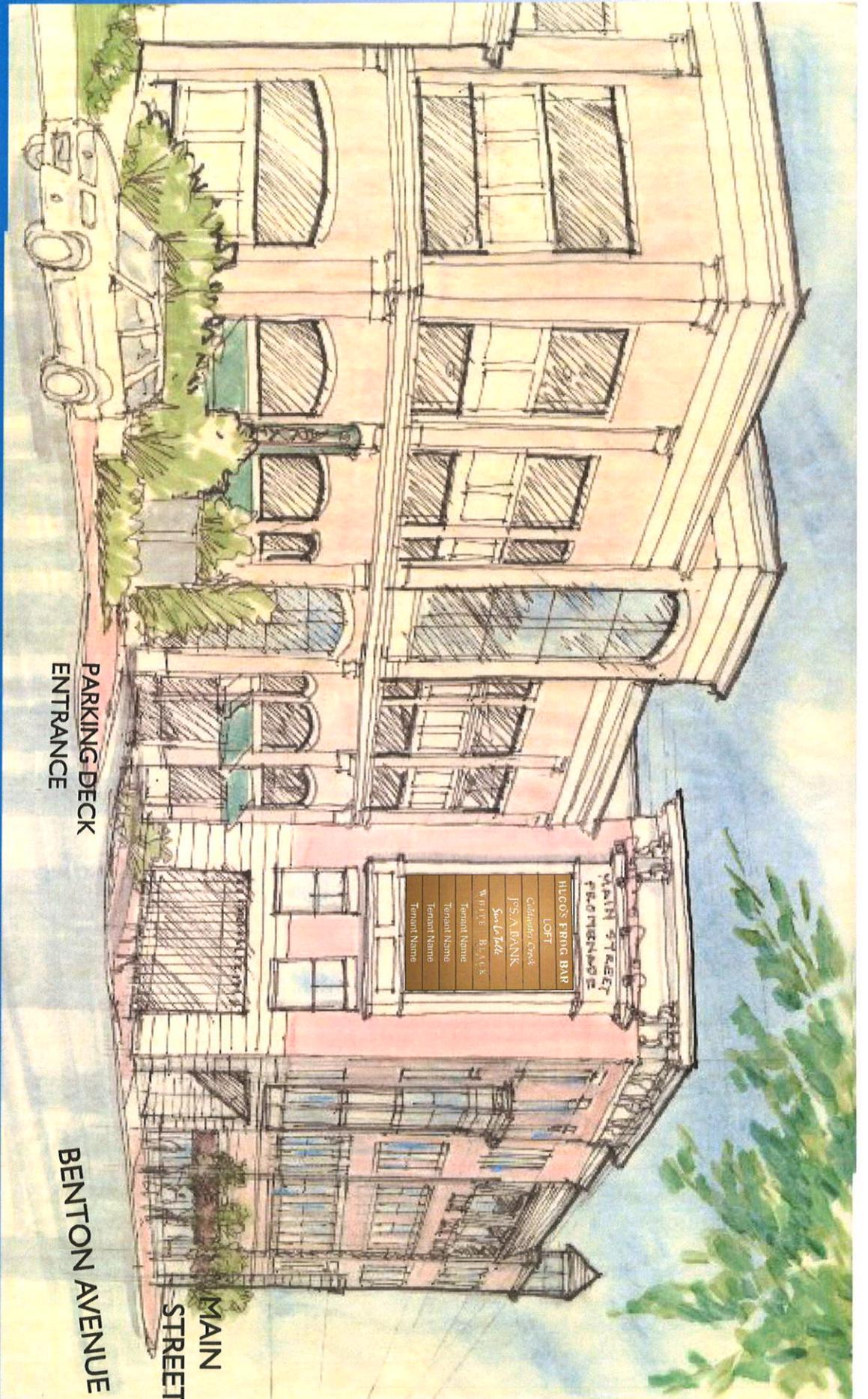
THEREOF RECORDED FEBRUARY 15, 1842, AS DOCUMENT NO. 131 IN DUPAGE COUNTY, ILLINOIS;

AND

THE SOUTH 41.00 FEET OF LOTS 8, 9, AND 12 IN BLOCK 11 IN THE PLAT OF THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1842, AS DOCUMENT NO. 131 IN DUPAGE COUNTY, ILLINOIS.

MAINSTREET PROMENADE
LEGAL DESCRIPTION

LOT 1 IN MAIN STREET PROMENADE, BEING A SUBDIVISION OF PART OF THE SOUTH ½ OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 26, 2004 AS DOCUMENT R2004-052476, IN DPCI.



VIEW OF NORTHEAST CORNER

MAIN STREET PROMENADE - EAST

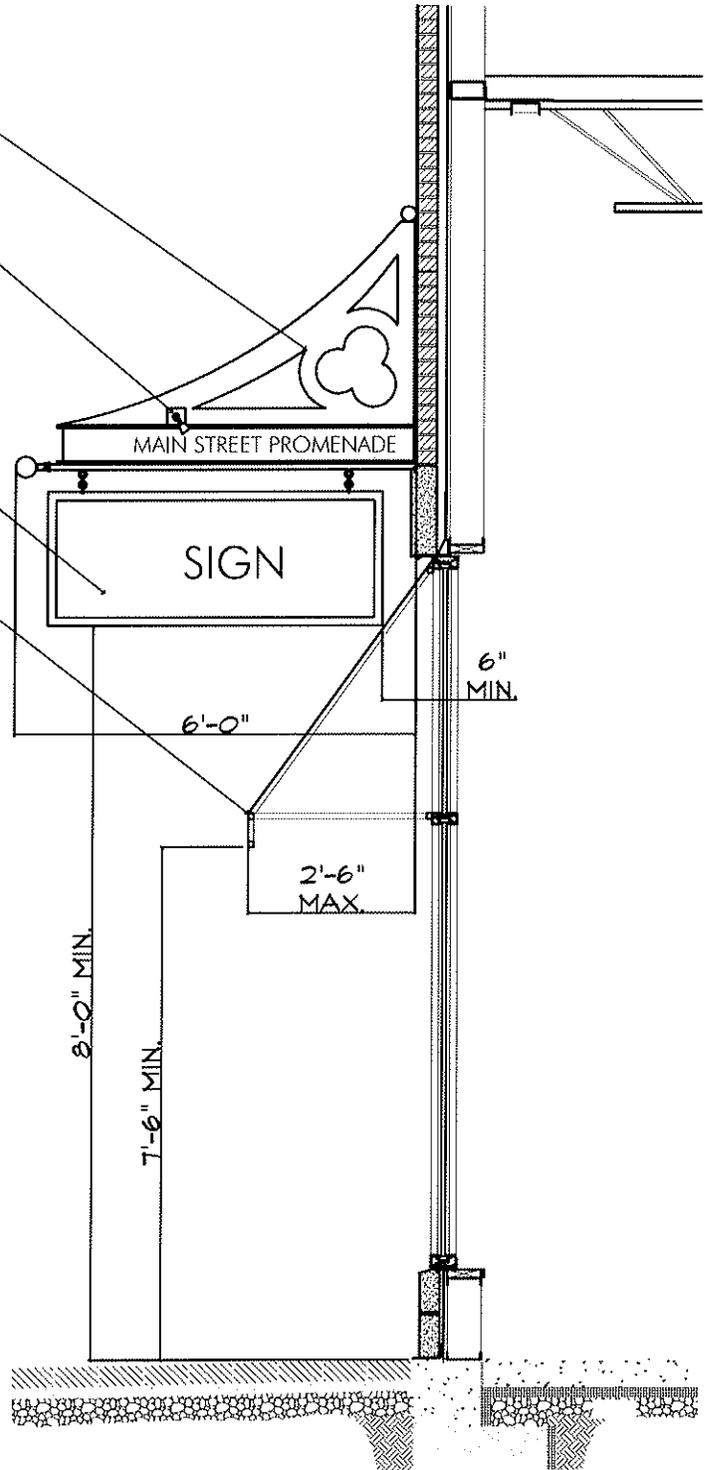
© 2012 Oppermann Architects, Ltd.
All Rights Reserved

BLACK PAINTED STEEL PLATE
ARMATURE BY LANDLORD

BK SIGN STAR BLADE SIGN
LIGHTING BY TENANT

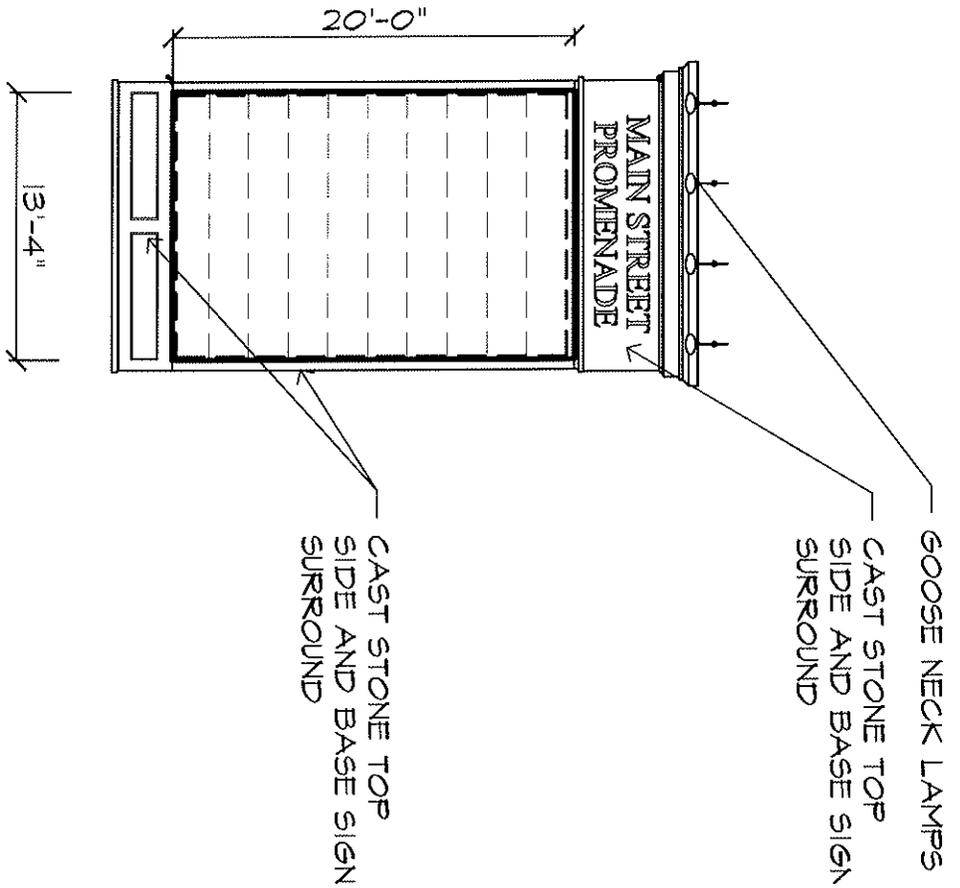
DOUBLE SIDED
PREFINISHED ALUM.
BLADE SIGN & S.F. MAX

FABRIC AWNING W/
OPEN ENDS ON ALUM.
TUBULAR FRAME
BY TENANT

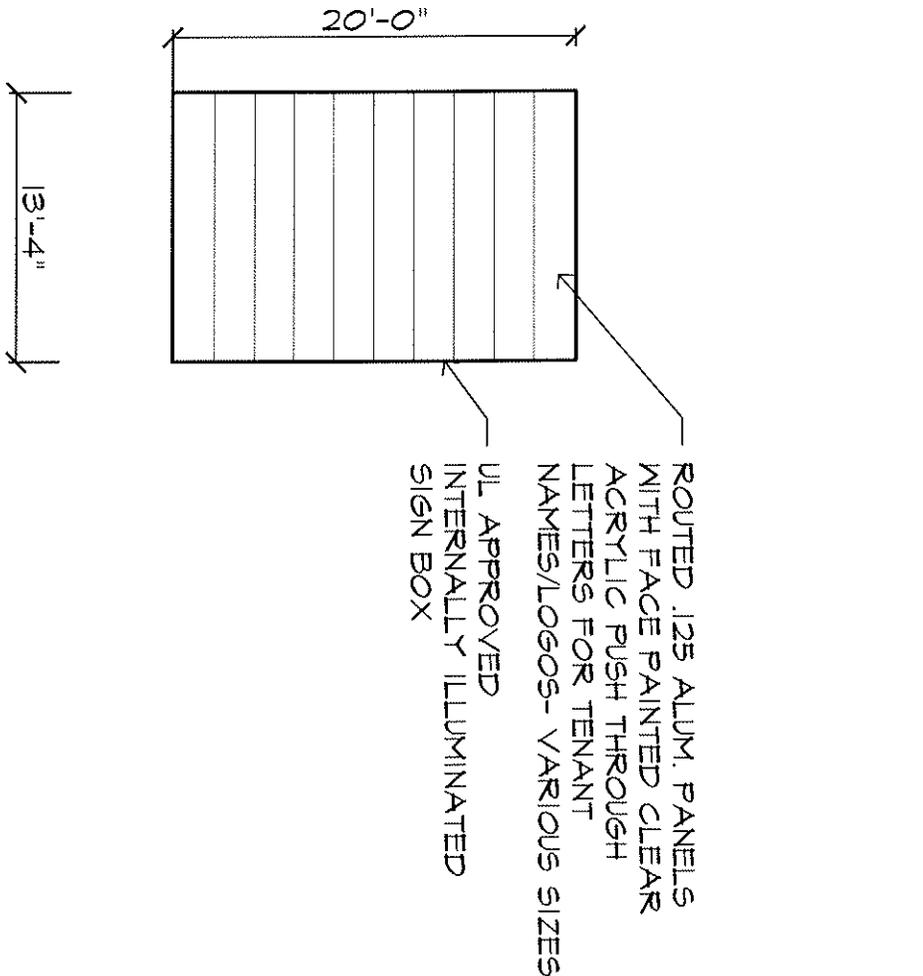


MSP BLADE SIGN AND AWNING SECTION

SCALE: 3/32" = 1'-0"

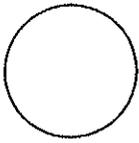


BUILDING FEATURE
 SCALE: 3/32" = 1'-0"



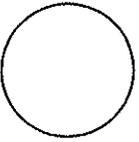
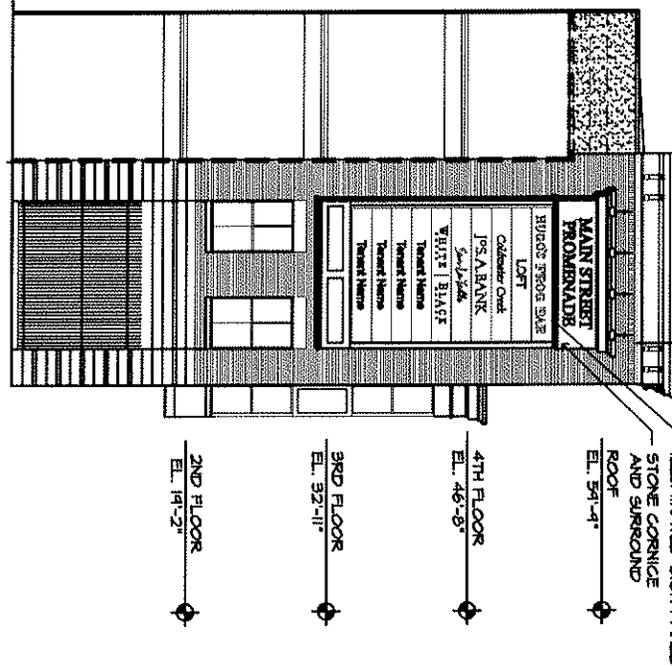
SIGN PANEL
 SCALE: 3/32" = 1'-0"

© 2012 Oppermann Architects, Ltd.
All Rights Reserved



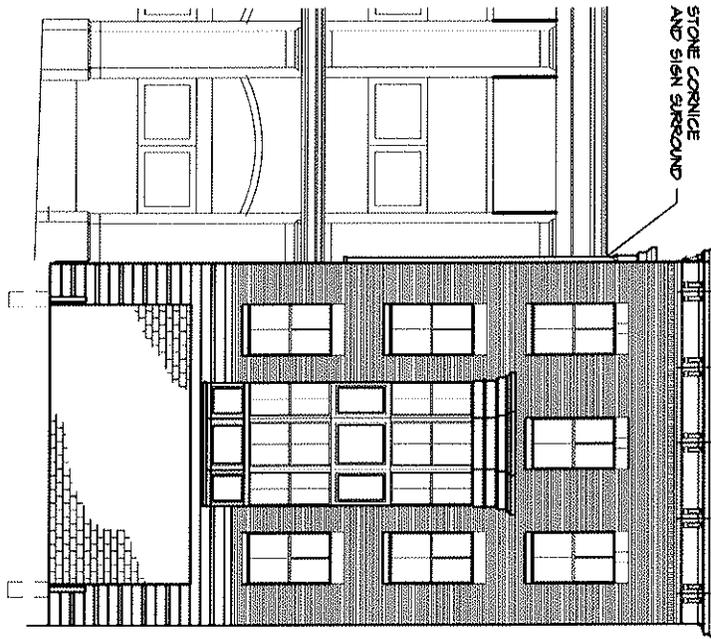
EAST ELEVATION

SCALE: 3/32" = 1'-0"



NORTH ELEVATION

SCALE: 3/32" = 1'-0"



MAIN STREET PROMENADE -EAST 50 S. MAIN ST. NAPERVILLE, IL	Proj #	110-3	01
	Date:	07-31-12	
	Rev:	2-RM	
	From Dwg:		

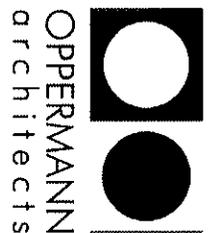




Photo - RM 06.12.12



Planning and Zoning Commission - 9/5/2012 - 65

SOUTH WATER
SIGNS

934 N Church
Elmhurst, IL 60126

tel: 630.333.4900
fax: 630.333.4915

CLIENT
BBM Incorporated

CUSTOMER ASSOCIATE

PROJECT NAME
Main Street Promenade Directory
Naperville, IL

PROJECT NUMBER
33183

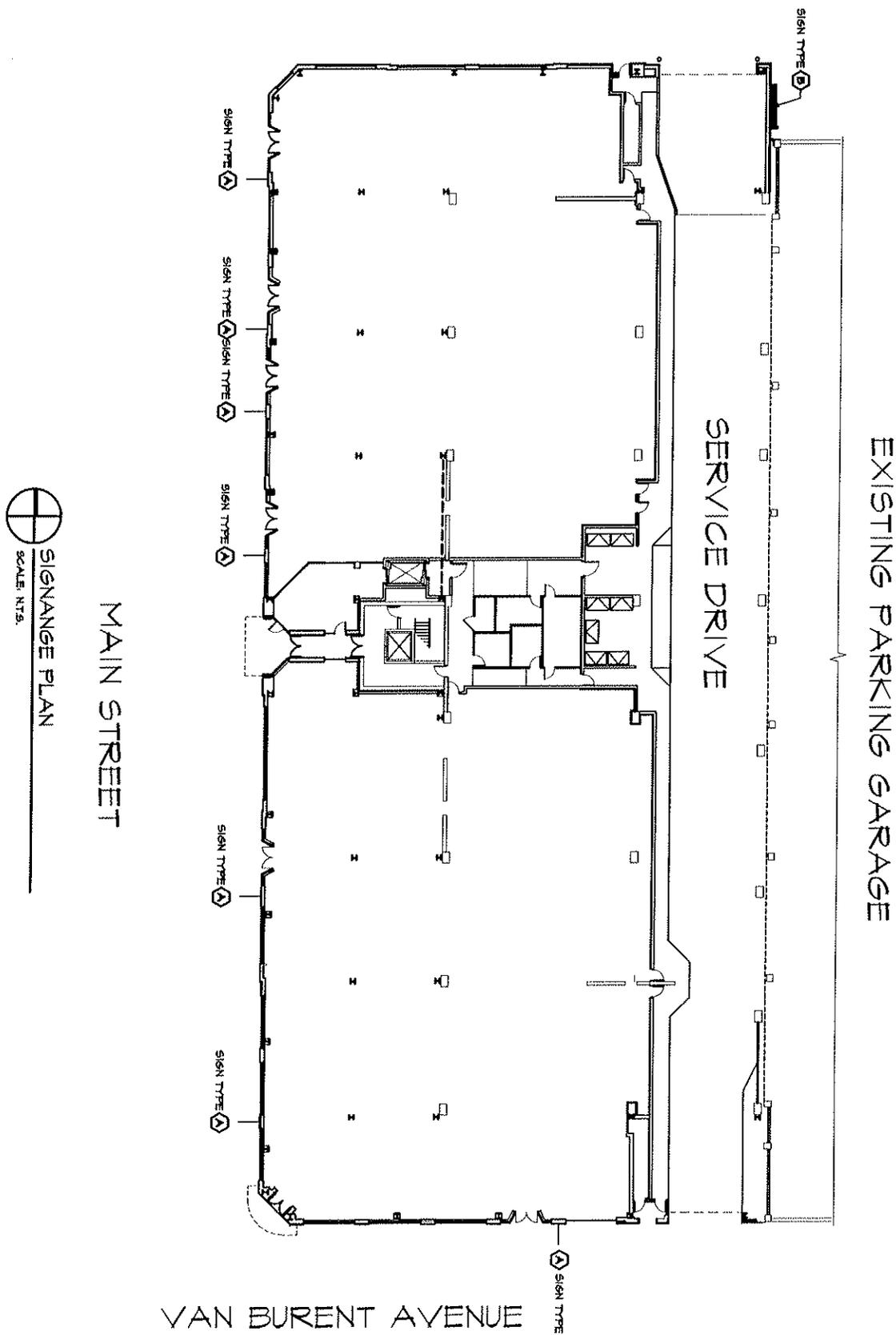
DATE
06.15.12

DESIGN BY
mm

REVISIONS
08.14.12
08.15.12

THIS DRAWING IS THE PROPERTY
OF SOUTH WATER SIGNS, LLC.
ALL RIGHTS OF REPRODUCTION
ARE RESERVED BY
SOUTH WATER SIGNS, INC.

BENTON AVENUE



8/8/2012 12:19 PM

Main Street Promenade

Ratio of Signage SF to Store Front LF

Retail Tenant Signs	Suite	Width Inches	Height Inches	Qty	Area (SF)	Frontage (LF)
Coldwater Creek (both sides corner)	103	160	18.2	2	40.44	134.83
J. Jill	111	48	24.7	1	8.23	41.00
Loft	119	64	23.4	1	10.40	47.58
Hugo's Frog Bar	127	224	15.6	1	24.27	42.67
Sur La Table	143	80	15.6	2	17.33	52.33
Jos A Bank	151	152	26	1	27.44	51.00
White House Black Market	159	144	23.4	1	23.40	25.00
Hot Mama	165	120	26	1	21.67	25.00
Chase Bank (both sides corner)	175	160	23.4	2	52.00	138.92
TOTAL					225.19	558.33
					Average SF per LF	0.40



934 N Church Rd
Elmhurst, IL 60126
P: 630.333.4900
F: 630.333.4915
www.southwatersigns.com

Dwight Yackley
President
BBM Incorporated
55 South Main Street, Suite 201
Naperville, Illinois 60540-5371

Dear Mr. Yackley

RE: Sign Legibility

The industry standard for sign legibility provides that a one inch (1") letter is legible from a distance of thirty feet (30') while a pedestrian or vehicle is stationary. The United States Sign Council (USSC) has performed extensive studies on this topic and has authored a sign legibility index titled "Sign Legibility Rules of Thumb" supporting this standard.

The intersection of Benton Avenue and Washington Street is approximately three-hundred feet (300') away from the proposed Main Street Promenade East wall sign. Therefore, in accordance with the USSC Legibility Index, and my experience with similarly distanced signs it is my recommendation that the minimum height the tenant's sign letters must be ten inches (10").

Therefore, we have designed the proposed wall sign so that there are ten (10) individual tenant placements each having a height of two feet (2') to provide for appropriate clear space between the letters to enhance the legibility of the sign.

Sincerely

A handwritten signature in black ink, appearing to read "Rob Miller", with a stylized flourish at the end.

Rob Miller
Designer
South Water Signs

