



**NAPERVILLE PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS – MUNICIPAL CENTER
FINAL AGENDA
12/19/2012 - 7:00 p.m.**

CALL TO ORDER:

A. ROLL CALL

B. APPROVE MINUTES

1. Approve the minutes of the December 5, 2012 Planning and Zoning Commission meeting.

C. OLD BUSINESS

D. PUBLIC HEARINGS

1. PZC Case #12-1-141 Naperville Center South
Petitioner: NAR Business Park, LLC
Location: South of North Aurora Road, south of Frontenac Road

Request: Open the public hearing to consider a preliminary/final plat of subdivision and rezoning to B2 (Community Shopping Center District) and I (Industrial District) for the property located on the south side of North Aurora Road.

Official Notice: Published in the Naperville Sun December 2, 2012.

2. PZC Case #12-1-147 Curves
Petitioner: Daly Jenness Productions, Inc.
Location: 4003 Plainfield/Naperville Road, Naperville, Illinois 60566

Request: Conduct the public hearing to consider a request for a conditional use for a training studio in the B1 PUD district to locate a Curves facility at 4004 Plainfield/Naperville Road, Naperville, Illinois 60566.

Official Notice: Published in the Naperville Sun on December 2, 2012.

E. REPORTS AND RECOMMENDATIONS

AGENDA
NAPERVILLE PLANNING AND ZONING COMMISSION
12/19/2012 - 7:00 p.m. - COUNCIL CHAMBERS
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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 DECEMBER 5, 2012**

Call to Order

7:00 p.m.

A. Roll Call

Present: Bruno, Coyne, Frost, Gustin, Messer, Meyer, Williams
Absent:
Student Members: Attyab Bhatti
Staff Present: Planning Team – Ying Liu, Tim Felstrup

B. Minutes

Approve the minutes of the November 7, 2012 Planning and Zoning Commission meeting.

Motion by: William
Second by: Messer
Approved
(7 to 0)

C. Old Business

**C1.
PZC #12-1-138
Goldfish Swim
School**

The petitioner requests approval of a conditional use for a training studio (i.e., Goldfish Swim School) in I (Industrial District) for the property located at 1688 Quincy Avenue (continued from November 7, 2012).

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

Planning and Zoning Commission inquired about:

- Is overflow parking allowed on Quincy Avenue? Liu indicated that one of the recommended conditions of approval prohibits overflow parking on Quincy Avenue.
- Did the neighboring business owner who spoke at the last public meeting have his concerns addressed? Liu indicated that the petitioner have spoken with the neighboring business owner after the last meeting and addressed his concerns.
- Will the parking expansion proposed along Quincy Avenue be built? Liu indicated that one of the recommended conditions of approval is that the parking expansion be built.

Randall Barba, Petitioner, spoke:

- Barba has spoken with Jim Canneff, the neighboring property owner, twice after the last meeting. Based on the new proposal, he is now supportive of the application.
-

Planning and Zoning Commission inquired about:

- What is the timeframe for the build-out? Barba indicated that the estimate is three months.
- How the petitioner will enforce the parking restriction on the dealership tenant? Barba indicated that upon opening of the school, the dealership will be forced to comply with the 14-space parking restriction.
- Whether the parking restriction is in the lease agreement. Barba indicated no, but they are confident to enforce the parking restriction in order to ensure sufficient parking supply for the school.
- Is the property bank-owned? Barba indicated no.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Coyne – The concerns raised by the adjoining property owner from the last meeting have been addressed with the current proposal.
- Gustin – Is happy with the result of continuing the case from the last meeting. The current proposal is much improved that the original proposal.
- Williams – This is a much more complete presentation than last time. All concerns raised last time have been addressed. Williams agrees with the recommended conditions.

Planning and Zoning Commission moved to recommend approval of the case subject to conditions recommended by staff including:

- In the event that the observed parking demands of all tenants on subject property consistently exceed the parking supply available on the subject property, the owner shall take measures (e.g. adjustments to school operation, providing additional parking spaces on or off-site, etc.) to meet the parking demands of the subject property and avoid any overflow parking on the adjacent properties and on Quincy Avenue.
- Approval of the conditional use is subject to addition of 26 parking spaces on the subject property including 12 garage parking spaces and 14 surface parking spaces as shown on the preliminary parking layout (Attachment 2). Construction of said parking addition shall be subject to the City's review and approval of associated final engineering and landscape plans and building permits. If modifications from the preliminary parking layout become necessary during the final engineering and/or building permit review process, they shall be permitted without further amendment to the conditional use unless a variance to Section 6-9-3 (Schedule of Off-Street Parking Requirements) or any other sections of the Municipal Code is required. A parking variance is required if the City's parking requirements cannot be met on the subject property and is subject to the Planning and Zoning Commission's review and the City Council's approval.

Motion by: Meyer
Seconded by: Williams

Approved
(7 to 0)

D. Public Hearings

D1. PZC #12-1-140 1208 Leverenz Road

The petitioner requests approval of a conditional use for a building-mounted solar energy system as an accessory use to the single-family residence located at 1208 Leverenz Road.

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

Michael McCormick, owner and petitioner, spoke:

- McCormick is a member of the IL Solar Energy Association.
- The proposed project solar panels will have a minimum impact on the neighborhood. The panels are black in color matching the color of the shingle roof.

Planning and Zoning Commission inquired about:

- Whether there is any neighbor opposition? The petitioner has spoken with 26 neighbors and none of them objects to the project.
- The direction of the roof. The house has a south-facing roof slope that can accommodate the panels. View of the panels will be obstructed by the existing trees on the lot.

Public Testimony:

Michelle Hickey, Program Director of the Illinois Solar Energy Association:

- Is excited about the petitioner's project.
- There is a nationally recognized permitting process for this type of solar energy system that does not require a public hearing process.
- Encourage Naperville to consider adopting the national process.

Patricia Armstrong, Naperville resident:

- Installed the first roof-tied solar energy system in Naperville.
- Naperville has always been a leader in sustainability.
- It is silly that a residential project has to go through a public hearing process.

Andrew Close, Naperville resident:

- Installed one of the first solar energy systems in the City.
- Is surprised that this has to go through the public hearing process.

Dr. Walters, WCP Solar Services, LLC, Contractor:

- Encourage the commission to remove the public hearing process for similar projects.

Planning and Zoning Commission:

- Williams – Advised the petitioner to lobby the City Council regarding removing the public hearing process.
- Gustin – The solar energy ordinance was recently approved. Based on recent application of the ordinance, some provisions may need to be amended to better serve the community.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bruno – Bruno commends the project.
- Coyne – Agrees with Williams. It is unfortunate that this case requires a public hearing. Hope the code will be amended to remove the public hearing requirement.
- Gustin – initially had some concerns about aesthetics of the solar panels. But
- Messer – Supports this project. When the PZC considered the solar energy ordinance, Messer was concerned about the ordinance being too restrictive and did not vote for it.
- Meyer – The city should be looking to modifying the ordinance.
- Williams – Is happy that residents, who have installed solar energy systems, are open and willing to educate others about solar energy. Supports the project.

Planning and Zoning Commission moved to recommend approval of the case.

Motion by: Williams
Seconded by: Coyne

Approved
(7 to 0)

**E. Reports and
Recommendations**

F. Correspondence

G. New Business

H. Adjournment

7:40 p.m.



Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

CASE: PZC 12-1-141 **AGENDA DATE:** 12/19/2012
SUBJECT: Naperville Center South
 Petitioner: NAR Business Park, LLC

LOCATION: South of North Aurora Road, south of Frontenac Road

Correspondence New Business Old Business Public Hearing

SYNOPSIS:
 The petitioner is requesting approval of a preliminary/final plat of subdivision and rezoning to B2 (Community Shopping Center District) and I (Industrial District).

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
NA		

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

PREPARED BY: Clint Smith, AICP, Community Planner

EXISTING ZONING, LAND USE, AND LOCATION:
 The subject property is a 36.9-acre lot located on the south side of North Aurora Road where it intersects Frontenac Road, and north of the Burlington Northern & Santa Fe (BNSF) railroad. It is zoned B2 (Community Shopping Center District) and I (Industrial District) and is currently vacant pending development

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:
 The proposed use of the property is consistent with the recommended "Mixed Use" land use in the Northwest Sector Comprehensive Plan.

PLANNING SERVICES TEAM REVIEW:
 The petitioner is requesting a preliminary/final plat of subdivision for a 36.9-acre property to create four lots and will include the dedication of public right of ways. Lot 1 would be rezoned to B2 (Community Shopping Center District), and Lots 2 and 3 and Outlot A, which would be used for stormwater management, would be rezoned to I (Industrial District).

Naperville Center South – PZC 12-1-141

December 19, 2012

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The property was annexed in 2008, and in 2011, the petitioner and the City executed a property exchange to in order to straighten the property line along the petitioner's west property line.

Preliminary/Final Plat of Subdivision

In conjunction with the subdivision of the subject property, the petitioner is dedicating land to the City for public right of ways for Frontenac Court and Enterprise Drive. Frontenac Court will align with Frontenac Road to the north of North Aurora Road and will terminate in a cul-de-sac that will be located west of the subject property, on property owned by the City of Naperville. The cul-de-sac will allow emergency vehicles, as well as standard vehicles, to turn around at the terminus of the roadway. As a note, Frontenac Court can be extended to serve as access to the City's property if needed in the future.

Enterprise Drive will extend along the eastern edge of the subject property and may, at some point in the future, connect with a corresponding roadway to the south of the BNSF Railroad that will allow a connection to Commons Drive.

The cross-hatched area on the proposed plat indicates two easements – a previously recorded ingress/egress easement roughly in the same vicinity as Enterprise Court and a stormwater management easement on the south end of the property within Outlot A. Both of these easements will be removed. The ingress/egress easement is no longer necessary because the petitioner is dedicating the public right of way, and the stormwater easement will be expanded to include all of Outlot A.

After reviewing the preliminary/final plat of subdivision, staff finds that it meets all technical requirements for approval.

Rezoning

The property is currently zoned as both B2 and I (see attachment 3: *Approved Zoning Plat*), and the petitioner is requesting to rezone the property so that each newly established lot has a single zoning designation. Lot 1 would be rezoned to B2, and Lots 2, 3 and Outlot A, which would be used for stormwater management, would be rezoned to I (Industrial).

When the subject property was previously annexed in 2008, a zoning plat was approved that zoned portions of the subject property as B2, including along North Aurora Road, with the remainder of the property zoned I, allowing for two zoning districts on one property. The petitioner is now requesting that Lot 2, which fronts North Aurora Road, be zoned I (Industrial).

It is important to note that the property to the west of the subject property was identified as a location for a STAR (Suburban Transit Access Route) Line rail service station, as well as a connecting station to the BNSF Metra line. The Northwest Sector Comprehensive Plan identifies the rail station as one of the reasons the property was recommended as a mixed-use development. While commercially zoned property would serve the proposed station, until the station is constructed, commercial businesses on the subject property will not see the amount of traffic that would be expected had the station already been constructed.

Naperville Center South – PZC 12-1-141

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With this in mind, and noting the fact that most of the surrounding properties are zoned or used as industrial property, staff finds that zoning Lot 2, which is along North Aurora Road, as I (Industrial) would be a reasonable request due to the circumstances of the STAR Line development. In addition, the development would maintain a commercial presence on Lot 1, which is consistent with the Northwest Sector Comprehensive Plan recommendations of a mixed use district.

ATTACHMENTS:

1. Naperville Center South – Development Application – PZC 12-1-141
2. Naperville Center South – Preliminary/Final Plat of Subdivision – PZC 12-1-141
3. Naperville Center South – Previously Approved Zoning Plat – PZC 12-1-141
4. Naperville Center South – Aerial Photo – PZC 12-1-141

CITY OF NAPERVILLE

APPLICATION FOR DEVELOPMENT APPROVAL

DEVELOPMENT NAME (should be consistent with plat): Naperville Center South

ADDRESS OF SUBJECT PROPERTY: Vacant Land South of North Aurora Rd. and Frontenac Rd., Naperville

PARCEL IDENTIFICATION NUMBER (P.I.N.) 07-17-204-009
(formerly 07-17-204-002 thru 005)

I. APPLICANT: NAR Business Park, LLC
(Clayton R. Olsen, Manager)

APPLICANT'S ADDRESS: 1805 High Grove Lane

CITY: Naperville STATE: IL ZIP CODE: 60540

PHONE: 630-355-1400 E-MAIL ADDRESS: colsen@naperexc.com

II. OWNER: NAR Business Park, LLC

OWNER'S ADDRESS: 1805 High Grove Lane

CITY: Naperville STATE: IL ZIP CODE: 60540

PHONE: 630-355-1400 E-MAIL ADDRESS: colsen@naperexc.com

III. PRIMARY CONTACT (review comments sent to this contact): Paul M. Mitchell

RELATIONSHIP TO APPLICANT: Attorney

PHONE: 630-753-8065 E-MAIL ADDRESS: paul.mitchell@kuhnlaw.com

IV. OTHER STAFF

NAME: Joseph P. Hammer, P.E.
(Ruettiger, Tonelli & Associates, Inc.)

RELATIONSHIP TO APPLICANT: Engineer

PHONE: 815-744-6600 E-MAIL ADDRESS: jhammer@ruettigertonelli.com

NAME: John P. Zediker
(Ruettiger, Tonelli & Associates, Inc.)

RELATIONSHIP TO APPLICANT: Engineer

PHONE: 815-744-6600 E-MAIL ADDRESS: jzediker@ruettigertonelli.com

V. PROPOSED DEVELOPMENT

(check applicable and provide responses to corresponding exhibits on separate sheet)

- | | |
|--|---|
| <input type="checkbox"/> Amending or Granting a Conditional Use (Exhibit 1)* | <input type="checkbox"/> Landscape Variance (Exhibit 4) |
| <input type="checkbox"/> Amending or Granting a Planned Unit Development (Exhibit 2) | <input type="checkbox"/> Planned Unit Development Deviation (Exhibit 5) |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Platted Setback Deviation (Exhibit 6) |
| <input checked="" type="checkbox"/> Plat of Easement/Vacation/Dedication | <input type="checkbox"/> Sign Variance (Exhibit 7) |
| <input checked="" type="checkbox"/> Rezoning (Exhibit 3) | <input type="checkbox"/> Subdivision Deviation/Waiver (Exhibit 8) |
| <input checked="" type="checkbox"/> Subdivision Plat | <input type="checkbox"/> Zoning Variance (Exhibit 9) |

**When requesting approval of a Small Wind and/or a Solar Renewable Energy System complete Exhibit 10 instead of Exhibit 1.*

ACREAGE OF PROPERTY: 36.901 acres

DESCRIPTION OF PROPOSAL/USE (use a separate sheet if necessary)

1. Approve 4 lot (including outlot) final/preliminary subdivision plan
2. Rezone Lot 1 to B-2 and Rezone Lot 2, Lot 3 and Outlot A to I. Presently parts of the property are zoned B-2 and parts are zoned I.
3. Vacate Plat of Easement Grant for ingres and egress recorded May 26, 2005 as Document R2005-109268.

VI. SCHOOL AND PARK DONATION REQUIREMENTS

(residential development only per Section 7-3-5: Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of)

Required School Donation will be met by: NOT APPLICABLE

- Cash Donation Land Dedication

Required Park Donation will be met by: NOT APPLICABLE

- Cash Donation Land Dedication

I am authorized to make this application, and the above information, to the best of my knowledge, is true and accurate:

Paul M. Mitchell

(signature of applicant or authorized agent)
PAUL M. MITCHELL, Attorney
and Authorized Agent

October 22, 2012

(date)

SUBSCRIBED AND SWORN TO before me this 22nd day of October, 2012

Patricia A. Dunlap

(Notary Public and Seal)



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.

of NAPERVILLE CENTER SOUTH

A SUBDIVISION OF PART OF THE
NORTHEAST QUARTER OF SECTION 17,
TOWNSHIP 38 NORTH, RANGE 9 EAST
OF THE THIRD PRINCIPAL MERIDIAN,
IN DU PAGE COUNTY, ILLINOIS

P.I.N.: 07-17-204-009

PROPERTY ADDRESS: NORTH AURORA ROAD
NAPERVILLE, ILLINOIS

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

LEGEND

- BOUNDARY LINE = _____
- ADJOINING PROPERTY LINE = _____
- EASEMENT LINE = _____
- CENTERLINE = _____
- IRON PIPE FOUND = ○
- SET REBAR = ●
- SET CONCRETE MONUMENT = ■
- MEASURED DATA = 000.00
- RECORD DATA = (XXX.XX)
- EASEMENT AREA "HEREBY VACATED" = [Hatched Box]

ABBREVIATION TABLE

- R = RECORD DATA
- N = NORTH
- S = SOUTH
- E = EAST
- W = WEST
- P.U. & D.E. = PUBLIC UTILITIES & DRAINAGE EASEMENT
- A = ARC DISTANCE
- CH = CHORD DISTANCE
- CB = CHORD BEARING

LAND SURVEYOR NOTES:

- 1/8" DIAMETER x 30" INCH REBAR STAKES SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
- ALL MEASUREMENTS AND DISTANCES ON THE PLAT MAP ARE SHOWN IN U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
- DIMENSIONS ALONG CURVED LINES ARE ARC DIMENSIONS.
- BASIS OF BEARINGS IS THE ASSUMED VALUE OF S 00°24'59" W FOR THE EAST LINE OF THE NE 1/4 OF SECTION 17-38-9.
- ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE HEREBY GRANTED FOR PUBLIC UTILITIES AND DRAINAGE PURPOSES UNLESS OTHERWISE NOTED THEREON. REFER TO THE PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS STATEMENT ON SHEET 2 OF 2 FOR SPECIFIC TERMS AND CONDITIONS.
- ALL EASEMENTS ARE HEREBY GRANTED UNLESS OTHERWISE NOTED.
- ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE FOR PUBLIC UTILITIES AND DRAINAGE PURPOSES UNLESS OTHERWISE NOTED. REFER TO THE PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS STATEMENT ON SHEET 2 OF 2 FOR SPECIFIC TERMS AND CONDITIONS.
- ALL STREET RIGHTS OF WAY NOTED ON THIS PLAT AS "HEREBY DEDICATED" ARE HEREBY DEDICATED, CONVEYED & TRANSFERRED TO THE CITY OF NAPERVILLE FOR THE PUBLIC RIGHT OF WAY PURPOSES.
- ALL SEWER AND WATER SERVICES SHALL BE PRIVATELY OWNED AND MAINTAINED.
- LOT 3 SHALL BE SERVED WITH AN EJECTOR SYSTEM AND FORCE MAIN WHICH WILL BE PRIVATELY OWNED AND MAINTAINED (INCLUDING ANY PORTION WHICH WILL BE CONSTRUCTED IN THE PUBLIC RIGHT OF WAY).



SITE LOCATION MAP
NOT TO SCALE

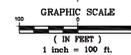
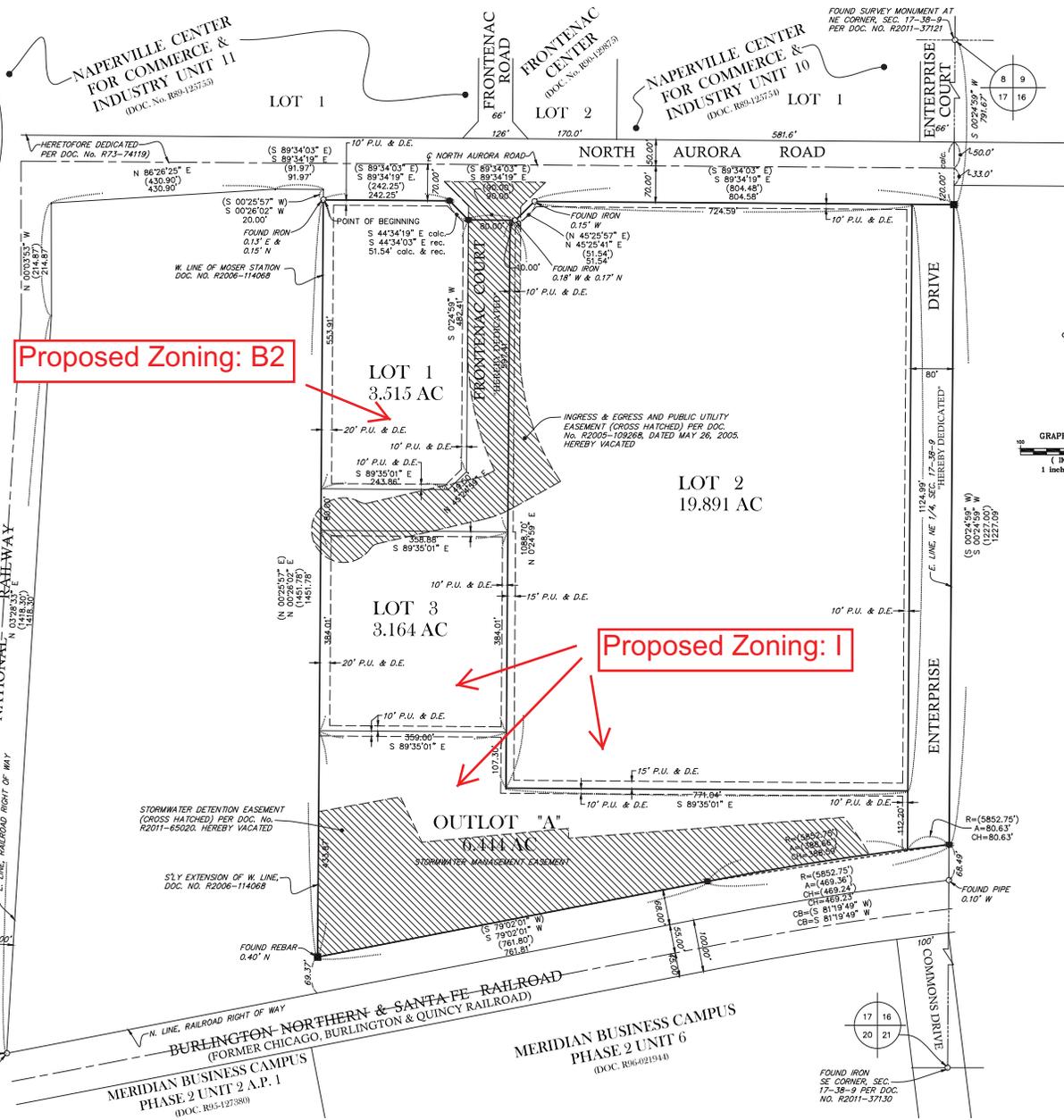
Planning and Zoning Commission - 12/19/2012 - 11

LOT AREA LIST:

LOT 1 = 3.515 ACRES
LOT 2 = 19.891 ACRES
LOT 3 = 2.815 ACRES
OUTLOT "A" = 6.774 ACRES

AREAS:

GROSS = 36.901 ACRES
RIGHT OF WAYS = 3.886 ACRES
LOTS = 33.015 ACRES



Page 11 - Agenda Item D.1.

CONSULTANT: **Ruettiger, Tonelli & Associates, Inc.**
2174 ONEIDA STREET - JOLIET, ILLINOIS 60435
PH. (815) 744-6600 FAX (815) 744-0101
website: www.ruettigertoni.com

PROPERTY OWNER/CLIENT: NAPERVILLE EXCAVATING
1805 HIGH GROVE LANE
NAPERVILLE, ILLINOIS 60540
PHONE: (630) 355-1400

DATE	NO.	REVISION	BY	SHEET TITLE
11-20-2012	1	REVISED PER CITY REVIEW REPORT, 11-13-2012	ECH	NAPERVILLE CENTER SOUTH PRELIMINARY / FINAL SUBDIVISION PLAT

SCALE	DRAWN	CHECKED	DATE	PROJECT NO.	SHEET
1" = 100'	R.P.	D.Z.	10-19-2012	312-0778-FINAL	1 OF 2

LAND SURVEYOR AUTHORIZATION TO RECORD PLAT

STATE OF ILLINOIS)
SS
COUNTY OF WILL)
THIS IS TO STATE THAT _____ PRINT NAME

AN ILLINOIS PROFESSIONAL LAND SURVEYOR, BEING THE SAME LAND SURVEYOR WHO PREPARED AND CERTIFIED THE PLAT OF SUBDIVISION HEREON DRAWN TITLED _____ PRINT SUBDIVISION NAME

DO HEREBY AUTHORIZE THE CITY OF NAPERVILLE CITY CLERK OR AN EMPLOYEE OF THE CITY CLERK'S OFFICE TO PRESENT SAID PLAT OF SUBDIVISION TO THE _____ PRINT COUNTY

COUNTY RECORDER OF DEEDS TO BE RECORDED.
GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ A.D. 2012.

SIGNATURE
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. _____

LAND SURVEYOR'S CERTIFICATE

E OF ILLINOIS)
SS
CITY OF WILL)
I, _____ A NOTARY PUBLIC, IN AND FOR SAID COUNTY OF ILLINOIS, DO HEREBY CERTIFY THAT AT REQUEST OF THE OWNER, _____, I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING PROPERTY:

PART OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 9 OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS COMMENCING AT THE SECTION AT THE EAST LINE OF THE JOLIET AND EASTERN RAILROAD ... PART OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 9 OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS COMMENCING AT THE SECTION AT THE EAST LINE OF THE JOLIET AND EASTERN RAILROAD ...

OTHER CERTIFY THAT THE LAND INCLUDED IN THE ANNEXED PLAT IS WITHIN CORPORATE LIMITS OF THE CITY OF NAPERVILLE, WHICH HAS ADOPTED AN ANNUAL COMPREHENSIVE PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY THE STATE OF ILLINOIS ACCORDING TO 65 ILCS 5/11-12-6 THEREOF AND HEREBY AMENDED.

OTHER CERTIFY THAT I HAVE DRAINED THE BOUNDARY LINES OF THE SUBJECT PROPERTY TO SCALE ON A COPY OF THE FLOOD INSURANCE MAP, COMMUNITY NUMBER 1704300704H, WITH AN EFFECTIVE DATE OF OCTOBER 19, 2005. I HAVE BEEN PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. IT IS MY OPINION THAT THIS PROPERTY APPEARS TO BE LOCATED IN ZONE X AS DETERMINED BY FEMA TO BE OUTSIDE 500 YEAR FLOOD PLAIN.

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

J. J. ZIENTEK
DSE PROFESSIONAL LAND SURVEYOR NO. 035-3524
DSE EXPIRES 11-30-2014

DU PAGE COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

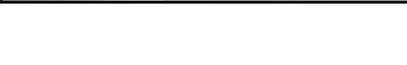
I, _____, COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I, FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT WHEATON, ILLINOIS, THIS _____ DAY OF _____ A.D., 20 _____

COUNTY CLERK

CONSULTANT: Ruettiger, Tonelli & Associates, Inc.
Surveyors • Engineers • Planners • Landscape Architects • GIS Consultants
2174 ONEIDA STREET • JOLIET, ILLINOIS 60435
PH: (815) 744-6600 FAX: (815) 744-0001
website: www.ruettigertonnelli.com



CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
APPROVED AND ACCEPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, ILLINOIS, AT A MEETING HELD

THE _____ DAY OF _____ A.D., 20 _____

BY: _____ MAYOR

ATTEST: _____ CITY CLERK

PLANNING AND ZONING COMMISSION CERTIFICATE
STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

APPROVED BY THE CITY OF NAPERVILLE PLANNING AND ZONING COMMISSION AT A MEETING HELD THE _____ DAY OF _____ A.D., 20 _____

BY: _____ CHAIRMAN

ATTEST: _____ SECRETARY

CITY TREASURER'S CERTIFICATE
STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

I, TREASURER FOR THE CITY OF NAPERVILLE, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE ANNEXED PLAT.

DATED AT NAPERVILLE, ILLINOIS, THIS _____ DAY OF _____ A.D., 20 _____

CITY TREASURER/DIRECTOR, FINANCE DEPARTMENT

DU PAGE COUNTY RECORDER'S CERTIFICATE
STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE 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

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
SS
COUNTY OF _____)

THIS IS TO CERTIFY THAT _____ NAR BUSINESS PARK, LLC, IS THE OWNER OF THE LAND DESCRIBED AND SHOWN ON THE ANNEXED PLAT, AND THAT AS SAID OWNER HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED FOR THE USES AND PURPOSES THEREIN SET FORTH AND HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS _____ DAY OF _____ A.D., 20 _____

BY: _____ SIGNATURE (MANAGER)

PRINT NAME

NOTARY CERTIFICATE
STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

I, _____ A NOTARY PUBLIC, IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ PRINT NAME PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AS THE MANAGER OF NAR BUSINESS PARK, LLC, AS OWNER, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED AND DELIVERED THE ANNEXED PLAT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID LIMITED LIABILITY COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ A.D. 20 _____

NOTARY SIGNATURE

PROPERTY OWNER/CLIENT: NAPERVILLE EXCAVATING
1805 HIGH GROVE LANE
NAPERVILLE, ILLINOIS 60540
PHONE: (630) 355-1400

SCHOOL DISTRICT BOUNDARY STATEMENT

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
THE UNDERSIGNED, BEING DULY SWORN, UPON HIS/HER OATH DEPOSES AND STATES AS FOLLOWS:

1. THAT _____ NAR BUSINESS PARK, LLC, IS/ARE THE OWNER(S) OF THE PROPERTY LEGALLY DESCRIBED ON THIS PLAT OF SUBDIVISION, WHICH HAS BEEN SUBMITTED TO THE CITY OF NAPERVILLE FOR APPROVAL, WHICH LEGAL DESCRIPTION IS INCORPORATED HEREIN BY REFERENCE; AND
2. TO THE BEST OF THE OWNERS KNOWLEDGE, THE SCHOOL DISTRICT IN WHICH TRACT, PARCEL, LOT OR BLOCK OF THE PROPOSED SUBDIVISION LIES IS:

NOTE: SHOW ONE SCHOOL DISTRICT NAME AND ADDRESS ON THE PLAT
NAPERVILLE COMMUNITY UNIT DISTRICT 203
203 W. HILLSIDE ROAD
NAPERVILLE, ILLINOIS 60540-6589

INDIAN PRAIRIE SCHOOL DISTRICT 204
780 SHORELINE DRIVE
AURORA, IL 60504

PRINT OWNER'S NAMES:
NAR BUSINESS PARK, LLC.

BY: _____ SIGNATURE (MANAGER)

PRINT NAME

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ A.D., 20 _____

NOTARY PUBLIC

SURFACE WATER STATEMENT
STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

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

DATED THIS _____ DAY OF _____ A.D., 20 _____

ILLINOIS REGISTERED PROFESSIONAL ENGINEER

STATE REGISTRATION NUMBER _____

REGISTRATION EXPIRATION/RENEWAL DATE _____

BY: _____ SIGNATURE, MANAGER, NAR BUSINESS PARK, LLC.

PRINT NAME

PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS

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

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

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

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

- 1. SURVEYING, CONSTRUCTING, RECONSTRUCTING, REPAIRING, INSPECTING, MAINTAINING, AND OPERATING ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, GRASSES, AND SLOPES ON OUTLOT "A";
2. ENTERING ONTO OUTLOT "A" OR ANY ADJOINING OUTLOT TO PERFORM THE WORK SPECIFIED IN PARAGRAPH 1 TOGETHER WITH THE RIGHT OF ACCESS FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE REQUIRED WORK.
3. CUTTING DOWN, TRAINING, OR REMOVING TREES, SHRUBS, PLANTS, MULCH, LANDSCAPING STRUCTURES, RETAINING WALLS OR ANY OTHER MATERIALS ON OUTLOT "A" WHICH INTERFERE WITH THE OPERATIONS OF THE STORMWATER FUNCTIONS.

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

Table with 4 columns: DATE, NO., REVISION, BY. Row 1: 11-20-2012, 1, REVISED PER CITY REVIEW REPORT, 11-13-2012, ECH

STORMWATER MANAGEMENT EASEMENT AND COVENANT PROVISION - OUTLOT "A"

OWNER AND DEVELOPER SHALL HAVE FULL RESPONSIBILITY FOR THE STORMWATER MANAGEMENT MAINTENANCE OF STORMWATER MANAGEMENT DETENTION/RETENTION AREAS ON OUTLOT "A" UNTIL SUCH TIME AS SAID LOT IS CONVEYED TO THE OWNERS' ASSOCIATION.

UPON CONVEYANCE, THE OWNERS' ASSOCIATION SHALL HAVE THE PERPETUAL DUTY AND OBLIGATION TO PERFORM OR HAVE PERFORMED ALL MAINTENANCE ON SAID OUTLOT "A" AND ALL MAINTENANCE OF THE STORMWATER MANAGEMENT DETENTION/RETENTION AREAS SO THAT THEY FUNCTION AS HYDRAULICALLY AND HYDROLOGICALLY PLANNED IN ACCORDANCE WITH ALL APPLICABLE STATUTES, ORDINANCES, AND RULES AND REGULATIONS.

NEITHER THE OWNER, NOR DEVELOPER, NOR THE OWNERS' ASSOCIATION, OR ANY OF THEIR AGENTS, OR CONTRACTORS SHALL DESTROY OR MODIFY THE GRADES OR SLOPES WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY ENGINEER OF THE CITY OF NAPERVILLE OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON OUTLOT "A".

THE OWNERS' ASSOCIATION SHALL HAVE THE PERPETUAL DUTY AND OBLIGATION TO ASSESS ITS MEMBERS ON A YEARLY BASIS FOR A PRORATED SHARE OF THE COST TO MAINTAIN THE STORMWATER MANAGEMENT DETENTION/RETENTION AREAS ON OUTLOT "A" AS WELL AS FOR A PRORATED PORTION OF THE REAL ESTATE PROPERTY TAXES TO BECOME DUE AND PAYABLE ON THE ENTIRETY OF OUTLOT "A"

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

- 1. SURVEYING, CONSTRUCTING, RECONSTRUCTING, REPAIRING, INSPECTING, MAINTAINING, AND OPERATING ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, GRASSES, AND SLOPES ON OUTLOT "A";
2. ENTERING ONTO OUTLOT "A" OR ANY ADJOINING OUTLOT TO PERFORM THE WORK SPECIFIED IN PARAGRAPH 1 TOGETHER WITH THE RIGHT OF ACCESS FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE REQUIRED WORK.
3. CUTTING DOWN, TRAINING, OR REMOVING TREES, SHRUBS, PLANTS, MULCH, LANDSCAPING STRUCTURES, RETAINING WALLS OR ANY OTHER MATERIALS ON OUTLOT "A" WHICH INTERFERE WITH THE OPERATIONS OF THE STORMWATER FUNCTIONS.

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

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

THE INDIVIDUAL OWNER(S) OF THE LOTS CREATED BY THE FINAL PLAT OF SUBDIVISION, OR THEIR HEIRS, LEGATEES, ASSIGNS, OR SUCCESSORS IN INTEREST, SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL COSTS INCURRED BY THE CITY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON OUTLOT "A", IN PERFORMING SUCH WORK, PLUS AN ADDITIONAL TEN (10%) PERCENT AND ANY REASONABLE ATTORNEYS' FEES, INCLUDING THE COST OF IN-HOUSE COUNSEL, CONNECTED WITH THE COLLECTION OF SUCH COSTS. THE ACTUAL COSTS OF THE CITY, OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION, TO PERFORM ANY NECESSARY WORK, AS DETERMINED BY THE CITY, OR SUCH OTHER GOVERNMENTAL ENTITY, PLUS TEN (10%) PERCENT AND ALL ATTORNEYS' FEES, SHALL CONSTITUTE A LIEN AGAINST THE INDIVIDUAL LOTS, WHICH LIEN MAY BE FORECLOSED BY AN ACTION BROUGHT IN A COURT OF COMPETENT JURISDICTION BY OR ON BEHALF OF THE CITY OR SUCH OTHER GOVERNMENTAL ENTITY.

THE PROVISIONS OF THESE COVENANTS AND DECLARATIONS RELATING TO STORMWATER OBLIGATIONS SHALL NOT BE AMENDED, MODIFIED, OR ABROGATED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON OUTLOT "A".

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

THE INDIVIDUAL OWNER(S) OF THE LOTS CREATED BY THE FINAL PLAT OF SUBDIVISION, OR THEIR HEIRS, LEGATEES, ASSIGNS, OR SUCCESSORS IN INTEREST, SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL COSTS INCURRED BY THE CITY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON OUTLOT "A", IN PERFORMING SUCH WORK, PLUS AN ADDITIONAL TEN (10%) PERCENT AND ANY REASONABLE ATTORNEYS' FEES, INCLUDING THE COST OF IN-HOUSE COUNSEL, CONNECTED WITH THE COLLECTION OF SUCH COSTS. THE ACTUAL COSTS OF THE CITY, OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION, TO PERFORM ANY NECESSARY WORK, AS DETERMINED BY THE CITY, OR SUCH OTHER GOVERNMENTAL ENTITY, PLUS TEN (10%) PERCENT AND ALL ATTORNEYS' FEES, SHALL CONSTITUTE A LIEN AGAINST THE INDIVIDUAL LOTS, WHICH LIEN MAY BE FORECLOSED BY AN ACTION BROUGHT IN A COURT OF COMPETENT JURISDICTION BY OR ON BEHALF OF THE CITY OR SUCH OTHER GOVERNMENTAL ENTITY.

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GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ A.D. 20 _____

NOTARY PUBLIC

PRELIMINARY / FINAL PLAT OF SUBDIVISION

of NAPERVILLE

CENTER SOUTH

A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,

IN DU PAGE COUNTY, ILLINOIS

PROPERTY ADDRESS: NORTH AURORA ROAD NAPERVILLE, ILLINOIS

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

MORTGAGEE CERTIFICATE
STATE OF _____)
SS
COUNTY OF _____)

PRINT MORTGAGEE NAME _____ AS MORTGAGEE, UNDER THE PROVISIONS OF A CERTAIN MORTGAGE DATED _____ AND RECORDED IN THE RECORDER'S OF DEEDS OFFICE OF _____ COUNTY, ILLINOIS ON THE _____ DATE

DAY OF _____ MONTH _____ A.D., 20 _____ YEAR

AS DOCUMENT NO. _____ HEREBY CONSENTS TO APPROVE THE SUBDIVISION OF THE LAND AND THE GRANTING OF THE EASEMENT(S) DEPICTED HEREON.

DATES THIS _____ DAY OF _____ A.D., 20 _____

PRINT MORTGAGEE NAME: _____

BY: _____ ATTEST: _____

ITS: _____ ITS: _____

NOTARY'S CERTIFICATE
STATE OF _____)
SS
COUNTY OF _____)

THE UNDERSIGNED, A NOTARY PUBLIC IN THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT (NAME) _____ (TITLE) _____ OF _____ AND (NAME) _____ (TITLE) _____ OF _____ ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH (TITLE) _____ AND (TITLE) _____ RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THAT SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT

OF SAID _____ AS MORTGAGEE, FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ A.D. 20 _____

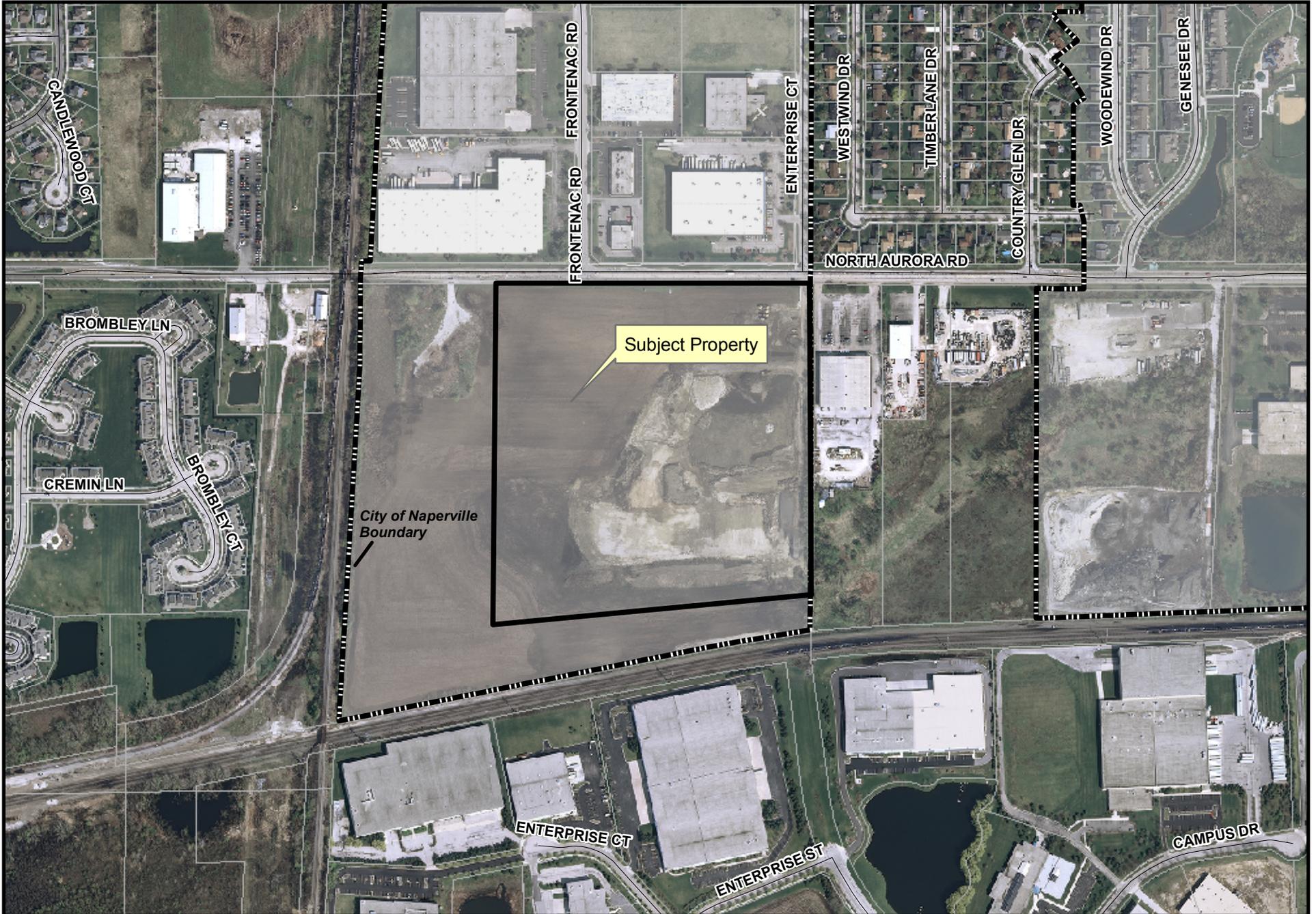
NOTARY PUBLIC

CITY PROJECT NO. 12-10000141 NAPERVILLE CENTER SOUTH PRELIMINARY / FINAL SUBDIVISION PLAT

Table with 4 columns: SCALE, DRAWN, CHECKED, DATE. Row 1: SCALE 1" = 100', DRAWN R.P., CHECKED D.Z., DATE 10-19-2012

Table with 4 columns: PROJECT NO., SHEET. Row 1: PROJECT NO. 312-0778-FINAL, SHEET 2 OF 2

Naperville Center South - PZC 12-1-141
Aerial Photo





Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

CASE: PZC 12-1-147 **AGENDA DATE:** 12/19/2012
SUBJECT: Curves
 Petitioner: Daly Jenness Productions, Inc.
 Location: 4003 Plainfield/Naperville Road, Naperville, Illinois 60566¹

Official Notice: Official notice published in the Naperville Sun on December 2, 2012.

LOCATION: 4003 Plainfield/Naperville Road, Naperville, Illinois 60566

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

The petitioner is requesting approval of a conditional use for a training studio in the B1 PUD district to locate a Curves facility at 4004 Plainfield/Naperville Road, Naperville, Illinois 60566.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Tim Felstrup, Assistant Planner, TED Business Group

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property, 4003 Plainfield/Naperville Road, consists of 3.5 acres and is zoned B1 PUD (Neighborhood Convenience Shopping Center District Planned Unit Development). The subject property, referred to as Naperville South Commons, is currently improved with a multi-tenant commercial building. If approved, the proposed Curves facility would be a tenant within the existing building.

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:

The Southwest Community Area Plan designates the future land use of subject property as “commercial”. Both the existing building and the proposed tenant are consistent with this designation.

¹ Please note: the original petition also included a request for a conditional use for a Curves proposed at Cress Creek Center. This request has since been withdrawn.

*Curves – PZC 12-1-147
December 19, 2012
Page 2 of 2*

PLANNING SERVICES TEAM REVIEW:

Training studios are a conditional use in the B1 zoning district. The petitioner has submitted responses to the standards for granting a conditional use (see petition); staff concurs with these responses and finds that the proposed facility is low intensity and compatible with other existing uses located at Naperville South Commons.

Per code, training studios require 5 parking spaces per 1,000 square feet of gross floor area. Based upon the existing Naperville South Commons tenants, adequate parking exists at the subject property to accommodate the proposed use. Staff will evaluate parking demand/supply for Naperville South Commons through the standard review process as the remaining vacant spaces are filled to ensure that adequate parking continues to exist on site.

RECOMMENDATION:

Conduct the public hearing.

ATTACHMENTS:

1. Curves – PZC 12-1-147 – Application
2. Curves – PZC 12-1-147 – Petition
3. Curves – PZC 12-1-147 – Disclosure
4. Curves – PZC 12-1-147 – Location Map

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

DEVELOPMENT NAME: Curves

Date of Submission: November 13, 2012

I. APPLICANT/PETITIONER:

Name: Daly Jenness Productions, Inc.

Address: 704 West 5th Avenue, Naperville, Illinois, 60563

Telephone Number: (773) 203-6880

Contact Person: Jennifer Daly

Relationship of Applicant to Subject Property: Lessee

II. OWNER OF THE PROPERTY:

Cress Creek Center

Name: Chicago Title Land Trust Company as Trustee under Trust No. 10-22142-09

Address: 1720 West Algonquin Road, Suite 200, Mt. Prospect, Illinois, 60056

Naperville South Commons

Name: Naperville South Commons, LLC

Address: Post Office Box 239, Naperville, Illinois, 60566

III. ACTION REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Preliminary PUD Plat | <input type="checkbox"/> Final PUD Plat |
| <input type="checkbox"/> Major Change to a Conditional Use | <input type="checkbox"/> Minor Change to a Conditional Use |

- | | |
|---|---|
| <input type="checkbox"/> Major Change to a Planned Unit Development | <input type="checkbox"/> Minor Change to a Planned Unit Development |
| <input type="checkbox"/> Preliminary Plat of Subdivision | <input type="checkbox"/> Final Plat of Subdivision |
| <input type="checkbox"/> Subdivision Waivers | <input type="checkbox"/> Zoning Variance |

IV. APPLICANT'S/PETITIONER'S STAFF:

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

Address: 123 Water Street
Naperville, Illinois 60540

Fax Number: 630-355-5976

E-Mail: kcw@dbcw.com

V. PROJECT DATA:

1. Location:

Cress Creek Center: Northwest Corner of Ogden Avenue and Royal St.
George Drive.

Naperville South Commons: Northwest Corner of Plainfield/Naperville
Road and 103rd Street

2. County: DuPage (Cress Creek Center)
 Will (Naperville South Commons)

3. General Description of the Site: Commercial Shopping Center

4. Existing Zoning on the Site:

Cress Creek Center: B1 (Neighborhood Convenience Shopping Center District)

Naperville South Commons: R1A (Low Density Single-Family Residence
District) with a Planned Unit Development.

5. Acreage of Site:

Cress Creek Center: 2.45 acres

Naperville South Commons: 3.5 acres.

6. Character of Surrounding Area:

Cress Creek Center

	ZONING	JURISDICTION	EXISTING LAND USE	ADOPTED CITY PLAN
North	R1A	City of Naperville	Single Family Residential	Low Density Residential
South	R3 PUD B2 PUD	City of Naperville	Multi Family Residential/Shopping Center	High Density Residential
East	R1A	City of Naperville	Single Family Residential	Single Family Residential
West	R3	City of Naperville	Multi Family Residential	High Density Residential

Naperville South Commons

	ZONING	JURISDICTION	EXISTING LAND USE	ADOPTED CITY PLAN
North	R1A	City of Naperville	Multi Family Residential	Medium Density Residential
South	R1A	City of Naperville	Open Space	Open Space
East	R1	City of Naperville	Treatment Plant	Transportation/Utilities
West	R1A	City of Naperville	Open Space	Open Space

7. List Controlling Ordinances, Agreements and Plats:
8. Is this property within the City limits?
- Yes
- No, requesting annexation
- Under review by another governmental agency and requires review due to 1 ½ mile jurisdictional requirements
9. Permanent Parcel Number:
- Cress Creek Center: 07-11-404-031/032
- Naperville South Commons: 01-14-202-104
10. For annexation petition, are there electors living on the property:
- Yes No

VI. PROPOSED DEVELOPMENT:

1. Type of Development:
- Residential Commercial Office
- Industrial Other:
2. Proposed Zoning:
3. Description of Proposal: The Petitioner/Applicant is proposing to develop the Subject Property with a Curves facility.

4. General Land Use Data:

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

*Please explain: Religious Institution

5. Development Densities: Not Applicable

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family								
Townhouse								
Duplex								
Apartment								
Comm.								
Office								
Industrial								

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

6. Community Facilities within the Development:

School Site: Not Applicable

Open Space: Not Applicable

7. Description of any Non-Residential, Commercial or Industrial portion of the Development: Curves Facility
8. Description of Stormwater Management Facilities: Existing facilities
9. Deviations from the Zoning Regulations: None
10. Deviations from the Subdivision Regulations: None
11. Deviations from the Landscaping Regulations: None

VII. SCHOOL AND PARK DONATION REQUIREMENTS:

1. Required School Donation: Not Applicable

Land:

Cash:

How Satisfied:

2. Required Park Donation: Not Applicable

Land:

Cash:

How Satisfied:

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

PETITION TO GRANT A CONDITIONAL USE

The undersigned Petitioner, Daly Jenness Productions, Inc., being the lessee of the real property legally described in Exhibit A and depicted on Exhibit B₁ and Exhibit B₂, said exhibits being attached hereto and made a part, (hereinafter referred to as "Subject Property") respectfully petitions the City of Naperville to grant (a) a Conditional Use for a Training Studio for the Subject Property pursuant to Sections 6-3-8 and 6-7A-3.7 of the Zoning Regulations of the Naperville Municipal Code and (b) any requisite zoning variances associated with the requested Conditional Use for the Subject Property.

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

1. That the Petitioner, Daly Jenness Productions, Inc., whose address is 704 West 5th Avenue, Naperville, Illinois, 60563, is the Lessee of Suite 1019A in Cress Creek Center (hereinafter referred to as ("CCC Unit") and the Lessee of Suite 109 in Naperville South Commons (hereinafter referred to as ("NSC Unit"), CCC Unit and NSC Unit are legally described in Exhibit A and depicted on Exhibit B₁ and Exhibit B₂, (collectively referred to as the Subject Property).

2. That Chicago Title Land Trust Company as Trustee under Trust No. 10-22142-09, whose offices are located at 1720 West Algonquin Road, Suite 200, Mt. Prospect, Illinois, 60056, is the owner of Cress Creek Center and Naperville South Commons, LLC whose offices

are located at Post Office Box 239, Naperville, Illinois, 60566 is the owner of Naperville South Commons.

3. That the Subject Property is within the corporate boundaries of the City of Naperville.

4. That the Subject Property is located as follows:

Cress Creek Center: Northwest Corner of Ogden Avenue and Royal St.
George Drive.

Naperville South Commons: Northwest Corner of Plainfield/Naperville Road and 103rd Street

5. That the area of the Subject Property is as follows:

Cress Creek Center: 2.45 acres

Naperville South Commons: 3.5 acres.

6. That the Subject Property is zoned as follows:

Cress Creek Center: B1 (Neighborhood Convenience Shopping Center District)

Naperville South Commons: R1A (Low Density Single-Family Residence District) with a Planned Unit Development.

7. That each parcel of the Subject Property is improved with a commercial shopping center.

8. That the existing land uses surrounding each parcel of the Subject Property are as follows:

Cress Creek Center:

North: Single-Family Residential

East: Single-Family Residential

West: Multi-Family Residential

South: Multi-Family Residential/Commercial Center

Naperville South Commons

North: Multi-Family Residential/Single-Family Residential

East: Treatment Plant

West: Multi-Family Residential/Single-Family Residential

South: Cemetery/Commercial Center.

9. That the Petitioner requests a Conditional Use for a Training Studio so as to allow the Petitioner to remodel CCC Unit and NSC Unit for a Curves facility.

10. That granting the requested Conditional Use is appropriate, under Section 6-3-8:2 of the Zoning Regulations of the Naperville Municipal Code based on the following factors:

- a. *The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare.*

Cress Creek Center and Naperville South Commons are established commercial centers. The proposed Curves facility is a low intensity use and is compatible with other commercial uses. Therefore, it will not be detrimental to or endanger the public health, safety and general welfare.

- b. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*

Because of its low intensity nature and because all of its activities are conducted indoors, the Curves facility will not be injurious to the use and enjoyment of other properties in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

- c. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.*

Cress Creek Center and Naperville South Commons are located within established neighborhoods. Therefore, the proposed Curves facilities will not impede the normal and orderly development and improvement of the adjacent properties for uses permitted in the district.

WHEREFORE, by reason of the foregoing, the Petitioner requests the City Council and the Planning and Zoning Commission take the necessary steps to grant (a) a Conditional Use for a Training Studio pursuant to Sections 6-3-8 and 6-7A-3.7 of the Zoning Regulations of the Naperville Municipal Code and (b) any requisite zoning variances associated with the requested Conditional Use for the Subject Property as legally described on Exhibit A and depicted on Exhibit B₁ and Exhibit B₂.

RESPECTFULLY SUBMITTED this 13th day of November, 2012.

PETITIONER:

Daly Jenness Productions, Inc.

By: *Fredrick C. West*
Dommermuth, Brestal, Cobine and West, Ltd.,
Its Attorneys

SUBSCRIBED and SWORN to before me
this 13th day of November, 2012.

Susan J. Banks
Notary Public

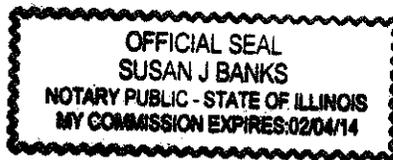


EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

Cress Creek Center

LOTS 1 AND 2 IN CRESS CREEK CENTER, BEING A RESUBDIVISION OF CENTURY CREEK SUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT 31 IN BLOCK 16 IN CRESS CREEK, A SUBDIVISION IN SECTION 11, 12, 13 AND 14, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID CRESS CREEK CENTER RECORDED JULY 16, 1979 AS DOCUMENT R79-61112, IN DUPAGE COUNTY, ILLINOIS.

Naperville South Commons

UNIT 109, LOT 1 OF NAPERVILLE SOUTH COMMONS, BEING A SUBDIVISION IN SECTIONS 11 AND 14, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 29, 2006 AS DOCUMENT 2006-106811, IN WILL COUNTY, ILLINOIS.

Page 28 - Agenda Item D.2.
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: **Daly Jenness Productions, Inc., 704 West 5th Avenue, Naperville, Illinois, 60563**
2. Nature of benefit sought: **Conditional Use**
3. Nature of Applicant: (Please check one)
 - a. Natural Person
 - b. Corporation **X**
 - c. Land Trust/Trustee
 - d. Trust/Trustee
 - e. Partnership
 - f. Joint Venture
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant.
5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venturer in the case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

Name	Address	Interest
a. Barbara Jenness,	704 West 5 th Avenue, Naperville, Illinois, 60563	
b. Jennifer Daly,	704 West 5 th Avenue, Naperville, Illinois, 60563	

6. Name, address and capacity of person making this disclosure on behalf of the applicant:
Kathleen C. West, Dommermuth, Cobine, West, Gensler, Philipchuck, Corrigan and Bernhard, Ltd., 123 Water Street, P.O. Box 565, Naperville, Illinois 60566-0565

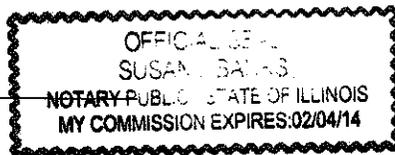
IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each such entity.

VERIFICATION

I, **Kathleen C. West**, 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.

Subscribed and sworn to before me this
13th day of November, 2012.

Susan J. Banks
Notary Public



Kathleen C. West
Kathleen C. West

City of Naperville 4003 PLAINFIELD/NAPERVILLE ROAD - CURVES



Subject Property



Transportation, Engineering and
Development Business Group
www.naperville.il.us
December 2012



0 110 220 330 440 Feet

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