ZONING VARIANCE FORM



ADDRESS OF SUBJECT	PROPERTY: 1504	-1516 N. Naper Blvd.
PARCEL IDENTIFICATION	N NUMBER (PIN):	08-08-200-048/-049/-050/-051/-052
I. PETITIONER: Napleton I	nvestment Partnership	, LP
PETITIONER'S ADDRESS: 1	Oakbrook Terrace, Su	uite 600
CITY: Oakbrook Terrace	STATE: <u> L</u>	ZIP CODE: 60181
PHONE: (630) 455-2946	EMAIL ADDRESS:	stefanie.day@napleton.com
II. OWNER(S): Napleton Inv	estment Partnership, LP	
OWNER'S ADDRESS: 1 Oakt	prook Terrace, Suite 600	
CITY: Oakbrook Terrace	STATE: <u> L</u>	ZIP CODE: 60181
PHONE: (630) 455-1946	EMAIL ADDRESS:	stefanie.day@napleton.com
III. PRIMARY CONTACT (r	eview comments sent to thi	s contact): Stefanie K. Day
RELATIONSHIP TO PETITION	IER: attorney	
PHONE: (630) 455-2946	EMAIL ADDRESS:	stefanie.day@napleton.com
IV. OTHER STAFF		
NAME: Richard P. Brandstatter		
RELATIONSHIP TO PETITION	IER: Director of Real E	state
PHONE: (630) 455-2645	EMAIL ADDRESS:	rick@napleton.com
NAME:	, M	
RELATIONSHIP TO PETITION	IER:	
PHONE:	FMAIL ADDRESS:	

ZONING VARIANCE FORM



V. SUBJECT PROPERTY INFORMATION
ZONING OF PROPERTY: B3 - General Commercial District
AREA OF PROPERTY (Acres or sq ft): Approx. 8.1 acres (353,430 SF)
DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed): Seeking a parking variance from Code Sections 6-9-3:4 & 6-9-3:6 for approximately 29 spaces at Tower Crossing Shopping Center in order
to allow for potential new restaurant tenant. See attached parking spreadsheet with breakdown of city requirements.
VI. PETITIONER'S SIGNATURE
, Katie Napleton, VP of Real Estate (Petitioner's Printed Name and Title), being duly
sworn, declare that I am duly authorized to make this Petition, and the above information, to the
best of my knowledge, is true and accurate.
(Signature of Petitioner or authorized agent) 5223 (Date)
(Bute)
SUBSCRIBED AND SWORN TO before me this 2nd day of May, 2023
Stellanu K. Day (Notary Public and Seal)
STEFANIE K DAY OFFICIAL SEAL Notary Public, State of Illinois My Commission Expires May 27, 2026

ZONING VARIANCE FORM



VII. OWNER'S AUTHORIZATION LETTER

My Commission Expires May 27, 2026

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).

(Signature of 1st Gwner or authorized agent)	(Signature of 2 nd Owner or authorized agent)
5 2 23	
' (Date)	(Date)
Katie Napleton, VP of Real Estate 1st Owner's Printed Name and Title	2 nd Owner's Printed Name and Title
SUBSCRIBED AND SWORN TO before me	this 2nd day of May, 2023
(Notary Public and Seal)	
STEFANIE K DAY OFFICIAL SEAL Notary Public, State of Illinois	

Honey Jam Cafe II, LLC	Tenant Name	Unit	Total Sq.ft.	Use Type (i.e., retail, office, medical office, fast food, sit down restaurant)	City of Naperville: Parking Requirement	Total SF	Total Required Parking
ba land of Naperville Senior Center) le Senior Center LLC le Senior Senio		1504-104A	Г	Sit Down Restaurant Parking Requirement	10	6.378	63.78
1504-120 1504-120 16 15 15 15 15 15 15 15		1504-116		Retail tea	4.2	1.155	4.851
1504-120A 4,056 D2 1504-132 3,630 Re 1504-136 1,630 Re 1504-144 1,623 Re 1504-152 1,571 Re 1504-152 1,571 Re 1504-152 1,571 Re 1512-124 1,720 Re 1512-135 1,720 Re 1512-144 1,800 Marital Japanese Restaurant "Shabu-You" 1512-146 1,720 Re 1512-156 1,720 Re 1512-160 3,870 Re 1512		1504-120					
1504-132 3,630 Re 1504-136 1,630 1504-136 1,623 Re 1504-144 1,623 Re 1504-148 894 1,000 1504-152 1,571 1504-152 1,571 1504-152 1,677 1512-104 9,685 Be 1512-104 1,000 Re 1512-130 1,720 Re 1512-140 1,747 Re 1512-140 1,747 Re 1512-140 1,720 Re 1512-140 1,720 Re 1512-140 1,720 Re 1512-150 1,720 Re 1512-160 3,870 Re 1512-160 1,720 Re 1720 1,		1504-120A	4,056	Day Care	4.2	4.056	17.0352
1504-136 1,630 1504-144 1,623 Re		1504-132		Retail	4.2	3.630	15.246
1504-144 1,623 Re		1504-136	1,630		4.2	1.630	6.846
1504-148 894 1504-152 1,571 1504-152 1,571 1508-152 1,571 1508-152 1,571 1508-152 1,571 1508-152 1,571 1512-104 9,685 1512-124 2,677 1512-132 1,623 1,720 1512-136 1,720 1512-136 1,747 1512-148 1,000 1,747 1512-148 1,000 1512-156 1,720 1512-160 1,720 1,720 1512-160 1,720		1504-144		Retail-Bakery	4.2	1.623	6.8166
1504-152 1,571		1504-148	894		4.2	0.894	3.7548
1508A		1504-152	1,571		4.2	1.571	6.5982
icoci licoci lic		1508A		Retail	4.2	11.090	46.578
1512-124		1512-104		Beauty shop/salons	4.2	9.685	40.677
Jours Chicago Two Inc 1512-132 1,623 Re County Fly Fishing 1512-136 1,720 Re Leather&Shoe Repair 1512-140 1,747 Re um Physical Therapy 1512-144 1,800 M ntial Japanese Restaurant "Shabu-You" 1512-148 1,000 M ey Baked Ham Company LLC 1512-152 2,440 Re ey Baked Ham Company LLC 1512-168 3,870 Re elitan Family Services 1512-168 3,910 Re E Health&Hospitals Corp 1512-176 11,786 M :ful Yield, Inc. 1512-176 4,588 Re Mexican Grill, Inc. 1516-100 4,588 Re Total 94,127 7300 Fa		1512-124	2,677		4.2	2.677	11.2434
County Fly Fishing 1512-136 1,720 Re St. Leather&Shoe Repair 1512-144 1,747 Re St. Leather&Shoe Repair 1512-144 1,800 M Intial Japanese Restaurant "Shabu-You" 1512-148 1,000 M IS12-152 2,440 S.440 Re IS12-156 1,720 Re IS12-160 3,870 Re IS12-168 3,910 Re IS12-172 5,470 Re IS12-176 11,786 M IS14 Vield, Inc. 1512-176 4,588 Re Mexican Grill, Inc. 1516-100 4,588 Re Total 94,127		1512-132		Retail - Bakery	4.2	1.623	6.8166
i. Leather & Shoe Repair 1512-140 1,747 Re um Physical Therapy 1512-144 1,800 M ntial Japanese Restaurant "Shabu-You" 1512-148 1,000 1,720 ey Baked Ham Company LLC 1512-156 2,440 1,720 ey Baked Ham Company LLC 1512-168 3,910 Re ellitan Family Services 1512-172 5,470 Re e Health & Hospitals Corp 1512-172 5,764 Re full Yield, Inc. 1512-180 5,764 Re Mexican Grill, Inc. 1516-100 4,588 Re Total 94,127		1512-136		Retail	4.2	1.720	7.224
um Physical Therapy 1512-144 1,800 M ntial Japanese Restaurant "Shabu-You" 1512-152 2,440 1,000 ey Baked Ham Company LLC 1512-160 3,870 Re ey Baked Ham Company LLC 1512-168 3,910 Re elitan Family Services 1512-172 5,470 Re e Health&Hospitals Corp 1512-176 11,786 M :ful Yield, Inc. 1512-180 5,764 Re Mexican Grill, Inc. 1516-100 4,588 Re Total 94,127		1512-140		Retail	4.2	1.747	7.3374
ntial Japanese Restaurant "Shabu-You" 1512-148 1,000 1512-152 2,440 1512-156 1,720 1512-160 3,870 ey Baked Ham Company LLC 1512-168 3,910 e) Health& Hospitals Corp 1512-172 5,470 e) Health& Hospitals Corp 1512-176 11,786 M full Yield, Inc. 1512-180 5,764 Re Mexican Grill, Inc. 1516-100 4,588 Re Total 94,127		1512-144		Medical Office Parking	4.2	1.800	7.56
ey Baked Ham Company LLC 1512-156 1,720 1512-156 1,720 1512-160 3,870 Ev Baked Ham Company LLC 1512-168 3,910 Re Ilitan Family Services 1512-172 5,470 Re Health&Hospitals Corp 1512-176 11,786 M 1512-180 5,764 Re Ilid Vield, Inc. 1516-100 4,588 Re Mexican Grill, Inc. 1516-104 2,300 Fa		1512-148	1,000		1		
ey Baked Ham Company LLC 1512-166 3,870 ey Baked Ham Company LLC 1512-168 3,910 a Health& Hospitals Corp 1512-172 5,470 a Health& Hospitals Corp 1512-176 11,786 a Health& Inc. 1512-180 5,764 Mexican Grill, Inc. 1516-100 4,588 Total 94,127		1512-152	2,440	Sit Down Restaurant Parking Requirement	10	5.160	51.6
ey Baked Ham Company LLC 1512-168 3,870 ey Baked Ham Company LLC 1512-168 3,910 alitan Family Services 1512-172 5,470 a Health&Hospitals Corp 1512-176 11,786 :ful Yield, Inc. 1512-180 5,764 Mexican Grill, Inc. 1516-100 4,588 Total 94,127		1512-156	1,720				
ey Baked Ham Company LLC 1512-168 3,910 Ilitan Family Services 1512-172 5,470 E Health& Hospitals Corp 1512-176 11,786 If Yield, Inc. 1516-100 4,588 Mexican Grill, Inc. 1516-104 2,300		1512-160	3,870		4.2	3.870	16.254
Ilitan Family Services 1512-172 5,470 B Health&Hospitals Corp 1512-176 11,786 Iful Yield, Inc. 1512-180 5,764 Mexican Grill, Inc. 1516-100 4,588 Total 94,127		1512-168		Retail	4.2	3.910	16.422
Health&Hospitals Corp 1512-176 11,786 :ful Yield, Inc. 1512-180 5,764 Mexican Grill, Inc. 1516-100 4,588 Total 94,127		1512-172		Retail	4.2	5.470	22.974
ful Yield, Inc. 1512-180 5,764 Mexican Grill, Inc. 1516-100 4,588 Total 94,127		1512-176		Medical Office Parking	4.2	11.786	49.5012
Mexican Grill, Inc. 1516-100 4,588 2,300 Total 94,127		1512-180		Retail	4.2	5.764	24.2088
1516-104		1516-100		Retail	9	4.588	27.528
		1516-104		Fast Food	10	2.300	23
		Total	94,127				483.8522
							455

PETITION FOR ZONING VARIANCE



REQUIRED VARIANCE STANDARDS

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

EXHIBIT 1: Section 6-3-6:2: Standards for Granting a Zoning Variance and/or Sign Variance

- 1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and
 - Explanation: The Zoning Code seeks to improve and protect the public health, safety, comfort, convenience, and general welfare of the people by establishing a uniform set of rules applicable to each zoning district. A variance is a request to deviate from the standard rules. In this response, you should provide an explanation as to how the overall intent of the zoning code (see <u>Purpose and Intent</u> of the Zoning Code) and the comprehensive master plan (see <u>City's website</u>) will still be maintained if the specific variance you are requesting is granted.
- 2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and
 - Explanation: Explain how your property is different from others that are zoned and used in a similar manner (i.e., other residential lots) and how these differences make it difficult to comply with the standard code requirements. For example, the location of a mature tree on your property may make it difficult to build an addition onto your home in a location that complies with required setbacks. As a result, you may be seeking a variance to locate a portion of the addition within the required setback in order to preserve the tree. In this case, the tree presents a special condition and unusual hardship for your property that makes compliance with the code difficult. Per the code, hardships should not be self-imposed (i.e., "I would simply like a bigger addition than permitted") and should not be financially based (i.e., "It will be too costly to build in compliance with the Code").
- 3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.
 - Explanation: Provide details as to how the requested variance, if granted, will not significantly impact the surrounding properties and neighborhood. Questions to ask yourself when preparing this response may include: Will the variance result in an improvement that is out of character or inconsistent with surrounding properties? Will abutting properties be impacted by the variance I am requesting? If so, what considerations/alterations/conditions have been made to protect the adjacent properties from the proposed improvement? Are other properties in the immediate area improved in a similar manner?

Exhibit B

Pursuant to the enclosed Petition for Zoning Variance, petitioner, Napleton Investment Partnership, L.P., an Illinois limited liability partnership, is requesting a parking variance from the City of Naperville Zoning Ordinance (the "Title") to allow for a new restaurant tenant at the Tower Crossing Shopping Center ("Center"). In response to Exhibit B of the Petition for Zoning Variance Standards, petitioner states the following:

- 1) The variance is in harmony with the general purpose and intent of the Title and adopted comprehensive master plan. As many of the residents in the City of Naperville are aware, the Center underwent a significant remodel a few years back. That remodel has opened a renewed interest in the Center by several potential tenants, one of which is a sit-down restaurant. In order to welcome new business at the Center and to continue to support Naperville's strong economic environment, this variance is required. Also, the exterior layout and building footprint at the Center will not change and therefore the master plan is not affected.
- 2) Strict enforcement of the Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district. The Property is a vibrant, multi-tenant shopping center in a prime location of the city. To not allow the variance will keep multiple suites of the Property vacant thereby harming the economic health of the city and financial stability of the owner. Leaving spaces at the Tower Crossing Shopping Center vacant is doing a disservice to all residents of the city that frequent the Center.
- 3) The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. According to the Gewalt Hamilton Associates, Inc. Traffic and Parking Analysis dated May 30, 2023 (a copy of which is attached hereto for reference), the amount of site-generated traffic is expected to have minimal effects on the operations of the external street network and the anticipated peak parking demand is expected to be accommodated within the available parking supply. Also, the other sit-down restaurant at the Center, Honey-Jam Café, is open until mid-afternoon every day, while this new restaurant will not open until 11am so the traffic and parking from both restaurants will only overlap for a few hours each day. A new restaurant will bring excitement to the neighborhood and an additional meeting spot for families, businesses and visitors.

PETITION FOR ZONING VARIANCE



REQUIRED PUD DEVIATION STANDARDS

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

EXHIBIT 2: Section 6-4-3:12.1: Standards for Approving a PUD Deviation

- 1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and
 - Explanation: The purpose of a Planned Unit Development (PUD) is to provide an alternate under which land can be developed with innovation, imagination, and creative architectural design. The objective of a PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise standards zoning regulations. With all PUD's, the underlying zoning district still remains in place and many of the associated zoning regulations continue to apply to the development and redevelopment of land and properties within the PUD. In this response, you should provide details as to why and/or how the deviation will still maintain the overall intention of the underlying zoning district.
- 2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and
 - Explanation: Explain how the request to vary from the approved PUD, if approved, will not significantly impact the delivery of public services. Your response should demonstrate that the deviation will not interfere with the City's ability to provide services; such as traffic control and management, water and sanitary services, maintenance of public space and facilities, etc.
- 3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amonity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.
 - Explanation: Explain how the deviation from the PUD requirements will still maintain the integrity of the planned development's superior design, amenities, or environmental benefits; or further the City's character by the inclusion of attainable housing (if applicable to the requested deviation). Questions to ask yourself when preparing this response may include: will the deviation result in an improvement that is out of character or inconsistent with the remainder of the development? If so, what considerations/alterations/ conditions have been made to protect the PUD from the proposed improvement? Are there similar improvements within the immediate area improved in a similar manner?



CITY OF NAPERVILLE DISCLOSURE OF BENEFICIARIES

In compliance with Title 1 (Administrative), Chapter 12 (Disclosure of Beneficiaries) of the Naperville Municipal Code ("Code"), as amended, the following disclosures are required when any person or entity applies for permits, licenses, approvals, or benefits from the City of Naperville unless they are exempt under 1-12-5:2 of the Code. Failure to provide full and complete disclosure will render any permits, licenses, approvals or benefits voidable by the City.

1.	Petitione	r: Napleton Investment Partnership, LP	
	Address:	1 Oakbrook Terrace, Suite 600	
		Oakbrook Terrace, IL 60181	

- 2. Nature of Benefit sought: Parking Variance
- 3. Nature of Petitioner (select one):
 - a. Individual
- e. Partnership
- b. Corporation
- f. Joint Venture
- c. Land Trust/Trustee
- g. Limited Liability Corporation (LLC)
- d. Trust/Trustee
- h. Sole Proprietorship
- 4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:

- 5. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 11 (or on a separate sheet):
 - Limited Liability Corporation (LLC): The name and address of all members and managing members, as applicable. If the LLC was formed in a State other than Illinois, confirm that it is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
 - Corporation: The name and address of all corporate officers; the name and address of every person who owns five percent (5%) or more of any class of stock in the corporation; the State of incorporation; the address of the corporation's principal place of business. If the State of incorporation is other than Illinois, confirm that the corporation is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
 - Trust or Land Trust: The name, address and interest of all persons, firms, corporations or other entities who are the beneficiaries of such trust.
 - Partnerships: The type of partnership; the name and address of all general and limited
 partners, identifying those persons who are limited partners and those who are general
 partners; the address of the partnership's principal office; and, in the case of a limited
 partnership, the county where the certificate of limited partnership is filed and the filing
 number.
 - **Joint Ventures:** The name and address of every member of the joint venture and the nature of the legal vehicle used to create the joint venture.
 - Sole Proprietorship: The name and address of the sole proprietor and any assumed name.
 - Other Entities: The name and address of every person having a proprietary interest, an interest in profits and losses or the right to control any entity or venture not listed above.

	See attached "Exhibit D-1".
6.	Name, address and capacity of person making this disclosure on behalf of the Petitioner:
	Richard P. Brandstatter, Director of Real Estate
	1 Oakbrook Terrace, Suite 600, Oakbrook Terrace, IL 60181
VER	IFICATION
that I this state	atie Napleton (print name), being first duly sworn under oath, depose and state I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to ma disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the ments contained therein are true in both substance and fact. ature:
Subs	scribed and Sworn to before me this 2^{nd} day of \underline{May} , 20^{23} .
8	ttffne K. Day
	STEFANIE K DAY OFFICIAL SEAL Notary Public, State of Illinois My Commission Expires May 27, 2026

Exhibit D-1

Napleton Investment Partnership, LP, a Delaware Limited Liability Partnership

Principal Office: 1 Oakbrook Terrace, Suite 600, Oakbrook Terrace, IL 60181

State of Delaware, Secretary of State SRV 040029839 - 3752929, Filed January 14, 2004

General Partner:

Napleton Management Company LLC
 1 Oakbrook Terrace, Suite 600, Oakbrook Terrace, IL 60181

Limited Partners:

- Edward F. Napleton Descendants Trust U/A/D 12/27/02
 1 Oakbrook Terrace, Suite 600, Oakbrook Terrace, IL 60181
- Katherine R. Napleton Descendants Trust U/A/D 12/27/02 1 Oakbrook Terrace, Suite 600, Oakbrook Terrace, IL 60181