

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR
DEVELOPMENT APPROVAL**

THE UNDERSIGNED Petitioner, John Greene Enterprises (“**Petitioner**”) respectfully petitions the City of Naperville (“**City**”) to

- (i) administratively approve a Preliminary/Final Plat of Subdivision (“**Plat of Subdivision**”) to consolidate the properties located at 405 S. Main Street and 115 Aurora Avenue, Naperville, Illinois (“**Subject Property**”);
- (ii) approve a rezoning of the Subject Property from R-2 Single-Family & Low Density Multiple-Family Residence District (“**R-2 District**”) to the Transitional Use District (“**TU District**”);
- (iii) grant a variance from the height limitations of the TU District (Section 6-7I-8) to permit a maximum height of forty-three feet and eight inches (43’8”) in lieu of thirty-five feet (35’);
- (iv) grant a variance from the Design Guidelines / Required Conditions for the TU District (Section 6-7I-4:7) (“**TU Design Guidelines**”) to permit a building that is not residentially styled;
- (v) grant a variance permitting parking spaces three feet and seven inches (3’7”) from the public alley (Section 6-9-2:4.3.2);
- (vi) grant approval pursuant to Section 11-2E-3:3 of the Naperville Municipal Code ("Code") to utilize the parking fee-in-lieu provisions set forth in Section 11-2E-2 and Section 11-2E-3 of the Code; and
- (vii) grant such other variances, departures or deviations as may be necessary to develop the Subject Property legally described on **Exhibit A** as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (“**Code**”).

BACKGROUND INFORMATION

1. The owners of the Subject Property are Water Street Investments LLC, an Illinois limited liability company (115 Aurora Avenue) and Jerome A. Bergamini Jr., not personally or individually, but as sole Trustee of the Leslie M. Bergamini Marital Trust U/A dated January 23, 2010 (405 S. Main Street).

2. The Petitioner is John Greene Enterprises, Inc., an Illinois corporation doing business as John Greene Realtor, a locally owned real estate company that has been based in Naperville since 1976 and seeks to further invest in the City's downtown.

3. The Subject Property consists of two (2) lots totaling approximately 23,043 square feet located at 405 S. Main Street and 115 Aurora Avenue in Naperville, Illinois.

4. The Subject Property is currently improved with two buildings and their associated parking structures that have been used for a variety of purposes, including most recently a residence/group home and dental clinic.

5. Operations have ceased at the Subject Property, such that the Subject Property is currently vacant and underutilized.

6. Petitioner seeks to demolish the existing buildings on the Subject Property for its redevelopment with an approximately 24,850 square foot multi-tenant building.

7. The Subject Property fronts Aurora Avenue and Main Street and has vehicular access from the public alley along the north side of the Subject Property adjacent to the Water Street municipal parking deck and Main Street.

8. The Subject Property is currently zoned in the R-2 District.

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

- a. North: "B-4" (Water Steet Municipal Parking Deck)
- b. East: "B-4" (Walgreens)
- c. South: "R-2" (Row Homes, Dental Office & Single-Family Home)
- d. West: "OCI" & "TU" (Vacant Former Salon and Financial Services Office)

10. The City's Land Use Master Plan approved March 1, 2022 ("Master Plan") designates the future use of the Subject Property as "Downtown", which designation includes professional and corporate offices as primary uses.

11. The Downtown designation also corresponds to the Naperville Downtown 2030 Plan approved April 6, 2011 ("Downtown 2030 Plan"), which designates the future use of the

Subject Property as “Transitional”.

12. Consistent with the proposed development, the stated purpose of the Transitional use designation is in part to provide office uses that are designed in a manner compatible with adjacent neighborhood.

13. Allowable uses in the Transitional district include general office uses.

14. Over the past decade or so the area surrounding the Subject Property has seen significant investment, including redevelopment of Water Street District to the north, the Charleston Row Townhomes to the south, and enhancements to the Raymond James Financial Services Office to the west.

15. It is further anticipated the Walgreens site at 400 S Main Street will be redeveloped in the coming years to further enhance the City’s downtown.

16. Consistent with development trends in the area and in accordance with the City’s Master Plan and Downtown 2030 Plan, Petitioner now seeks to resubdivide and rezone the Subject Property to facilitate its redevelopment for its highest and best use.

17. The proposed entitlements meet all requirements for redevelopment of the Subject Property and will facilitate the beneficial use of the Subject Property as stated herein.

SUMMARY OF DEVELOPMENT

The Subject Property consists of 23,043 square feet currently zoned in the City’s R-2 District. The Subject Property is presently occupied by two vacant buildings and their associated parking structures. The Subject Property has historically been utilized for a variety of purposes, including most recently a residence/group home and a dental facility.

In 2022, the City of Naperville completed and adopted its Master Plan, which strives to establish goals for future development and redevelopment of land within the City. The City’s Master Plan designates the future use of the Subject Property as “Downtown,” which designation includes professional and corporate offices as primary uses and is defined as a “mixed use designation known for its distinct character and walkability.” The Master Plan also notes the Downtown designation corresponds to the City’s Downtown 2030 Plan – a comprehensive plan supplement specifically related to the City’s downtown area. The Downtown 2030 Plan designates the future use of the Subject Property as “Transitional.” The stated purpose of the Transitional use designation is in part to provide office uses that are designed in a manner

compatible with adjacent neighborhoods. Allowable uses in the Transitional district include general office uses. Transitional uses, including offices, are meant to provide an appropriate buffer between downtown retail activities and existing single-family residential neighborhoods abutting the downtown. These uses add to the vibrancy of the downtown area by introducing additional daytime population to support local retailers and service uses including restaurants.

Consistent with the transitional nature of the area and vision set forth in the City's Master Plan and Downtown 2030 Plan, over the past decade, significant development has occurred in the area adjacent to the Subject Property. This includes the high intensity B-4 Downtown Core zoned Water Street District to the north (which includes a hotel, retail shops, restaurants, offices, and five hundred and twenty (520) space municipal parking deck), the Charleston Row townhomes to the south, and the beautification of the Raymond James financial services office to the west. Further, redevelopment of the Walgreens site located a block east of the Subject Property is anticipated in the near future.

The location of the Subject Property makes it ideal for redevelopment as an office building with John Greene Enterprises as the anchor tenant supporting the surrounding area by bringing additional commerce to the downtown and improving currently underutilized and underperforming land. Consistent with the City's planning objectives, redevelopment of the Subject Property within the City's TU District will allow for many substantial benefits including elimination of the vacant and obsolete structures occupying the Subject Property, the Petitioner's granting an access easement to improve the alley circulation, a significant investment in the City's downtown which will enhance the City's real estate tax base and sales tax generation while increasing the City's downtown patronage, enhancing our local workforce and supporting nearby businesses.

With regard to architecture, the building has been designed to fit within the context of the surrounding area. Color and material types were selected to reference the Water Street District and other downtown Naperville buildings. The building is primarily brick masonry of a traditional texture, color range, and material sizing. Masonry openings have been provided with a masonry detail at the perimeter reminiscent of the more traditional architecture seen in downtown Naperville. Likewise, the openings for glass are large, punched openings versus curtain wall systems seen in more modern architecture. The size and scale of the windows are similar to the Water Street District and other downtown Naperville buildings, and between

window details have been added to also complement details seen in the area. The proposed building features upscale and innovative designs, which will not only provide for an enhanced visual impression but will also improve upon the overall property values in the neighborhood.

The height will be approximately twenty-eight feet and eight inches (28'8") to the top of the second floor and approximately forty-three feet and eight inches (43'8") to the top of the rooftop terrace as measured from Aurora Avenue. The intentional step back of the third-floor rooftop terrace area minimizes the overall perceived height and better transitions to the surrounding area. This building height is also consistent with the Downtown 2030 Plan, which recommends a height of forty feet (40') for the Subject Property's location.

Landscaping will be installed along Aurora Avenue and Main Street consisting of decorative trees, shade trees, ornamental plantings, foundation plantings, as well as landscape planters that will be installed to enhance the streetscape along Aurora Avenue. The hardscape outdoor area will be incorporated to include planters, sidewalks and brick pavers generally consistent with the City's Downtown Streetscape objectives to enhance the overall aesthetics of the Subject Property and surrounding area.

Regarding site access and circulation, primary access to the site will be from the public alley to the north adjacent to the Water Street parking deck which has been designed to provide access to the Subject Property. Secondary pedestrian access will be offered at the front of the building along the Aurora Avenue frontage. Sidewalk connections from the building to Aurora Ave, Main Street, and the public alley promote pedestrian connectivity and easy access to downtown.

Twenty-five (25) on-site parking spaces will be located at grade on the north side of the Subject Property along the public alley. The location of the surface parking also allows the building to be setback over eighty-one feet (81') from the alley. In addition to the on-site parking spaces being provided, there are also five hundred twenty (520) parking spaces located in the adjacent Water Street parking deck behind the proposed building, which parking garage was specifically designed to serve the downtown area, including the Subject Property. In fact, over the years, the Subject Property has contributed funding toward downtown special services areas as well as TIFF 1 which partially funded the Water Street parking deck.

To avoid unsightly dumpsters, a single trash enclosure will be fully enclosed with complementary materials and landscaped. The end result will be a development allowing the

Subject Property to be utilized in a manner that is compatible with the surrounding environment while simultaneously enhancing the City's real estate base and the aesthetics of Aurora Avenue, in turn sparking additional commerce to support the downtown during business hours.

REQUIRED DEVELOPMENT ENTITLEMENTS

1. Administrative approval of a Plat of Subdivision to consolidate the Subject Property;
2. Approval of a rezoning of the Subject Property from the R-2 District to the TU District;
3. Approval of a variance to the height limitations of the TU District (Section 6-7I-8) to permit a maximum height of forty-three feet and eight inches (43'8") in lieu of thirty-five feet (35');
4. Approval of a variance to the Design Guidelines for the TU District (Section 6-7I-4:7) to permit a building that is not residentially styled;
5. Approval of a variance permitting parking spaces three feet and seven inches (3'7") from the public alley (Section 6-9-9-2:4.3.2);
6. Grant approval pursuant to Section 11-2E-3:3 of the Naperville Municipal Code to utilize the parking fee-in-lieu provisions set forth in Section 11-2E-2 and Section 11-2E-3 of the Code; and
7. Approval of such other variances, departures or deviations as may be necessary to develop the Subject Property.

REZONING FROM THE R-2 DISTRICT TO THE TU DISTRICT

- a. *The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and official land use plan and other official plans of the City; and*

In conformance with the City's guiding documents, including the Master Plan and Downtown 2030 Plan, Petitioner seeks a rezoning from the R-2 District to the TU District. The requested amendment will promote the public health, safety, comfort, convenience, and general welfare in many ways. The amendment will provide for the development of underperforming land to be utilized for its highest and best use as an office building which will in turn support the

adjacent downtown area, enhance the City's property tax base, and generate additional tax revenue.

The amendment will also have a positive effect on the essential character of the neighborhood by eliminating vacant, underperforming structures and replacing them with a high-quality office building. In addition, the Petitioner has designed the site in a manner that takes the adjacent buildings and land uses into consideration and enhances the overall area. The net result will be increased aesthetics to the adjacent properties and an enhanced property tax base for the City. As intended by the Code, the proposed TU District will provide for a transitional use between the residential uses south of Aurora Avenue, the commercial uses to the east and west, and the Water Street District to the north.

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

The proposed rezoning is consistent with the trend of development in the area, which includes the high intensity B-4 Downtown Core zoned Water Street District to the north (which includes a hotel, retail shops, restaurants, offices, and five hundred twenty (520) space municipal parking deck), the Charleston Row townhomes to the south, and the beautification of the Raymond James financial services office to the west. Further, redevelopment of the Walgreens site located a block east of the Subject Property is anticipated in the near future. The location of the Subject Property makes it ideal for redevelopment as an office building to support the surrounding area by bringing additional commerce to the downtown area and improving currently underutilized and underperforming land. Consistent with the City's planning objectives, redevelopment of the Subject Property within the City's TU District will allow for elimination of the vacant and obsolete structures occupying the Subject Property. The Subject Property's redevelopment with an office use will represent a significant investment in the City's downtown that will complement the area and enhance the area's appearance, property tax base, sales tax generation, and workforce. The proposed use of the Subject Property provides for a complementary transitional land use that takes into account the proximity of the commercial uses to the east and west, residential to the south, and the Water Street District to the north.

c. The requested zoning classification permits uses which are more suitable than the uses

permitted under the existing zoning classification; and

The proposed TU District zoning designation will allow for an upscale office building that will be complementary to the area and is designed to build upon the established character of the neighborhood. The existing antiquated structures are out of character for the area given the investment and trend of development in the area over the past decade. The current R-2 District zoning anticipates residential development, which designation is out of character for this location and inconsistent with the City's Master Plan and Downtown 2030 Plan. Instead, Petitioner is proposing a complementary office use that will support the surrounding uses and build upon the success of downtown redevelopment that is presently occurring.

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

The Subject Property is presently occupied by two buildings and their associated parking structures. The two buildings have historically been utilized for a variety of purposes, including most recently a residence/group home and dental office. However, the structures located on the Subject Property are currently vacant and have been vacant for several years, contributing little to the City and surrounding area. Additionally, the existing buildings are antiquated and not viable as future office buildings without considerable expenditure.

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

The proposed rezoning will not alter the essential character of the neighborhood nor be a substantial detriment to adjacent property. In fact, the proposed rezoning and professional office is both consistent with the existing essential character of the neighborhood as well as the trend of development in the area, which includes the high intensity B-4 Downtown Core zoned Water Street District to the north (which includes a hotel, retail shops, restaurants, offices, and five hundred twenty (520) space municipal parking deck), the Charleston Row townhomes to the south, and the beautification of the Raymond James financial services office to the west. The location of the Subject Property makes it ideal for redevelopment as an office building to support the surrounding area by bringing additional commerce to the downtown area and improving currently underutilized and underperforming land. Consistent with the City's planning

objectives, redevelopment of the Subject Property within the City's TU District will allow for elimination of the vacant and obsolete structures occupying the Subject Property which are inconsistent with the essential character of the area. The Subject Property's redevelopment with an office use will represent a significant investment in the City's downtown that will complement the area and enhance the area's appearance, property tax base, sales tax generation, and workforce. The proposed use of the Subject Property provides for a complementary transitional land use that takes into account the proximity of the commercial uses to the east and west, residential to the south, and the Water Street District to the north. The amendment will also have a positive effect on the essential character of the neighborhood by eliminating vacant, underperforming structures and replacing them with a high-quality office building. In addition, the Petitioner has designed the site in a manner that takes the adjacent buildings and land uses into consideration and enhances the overall area. The net result will be increased aesthetics to the adjacent properties and an enhanced property tax base for the City. As intended by the Code, the proposed TU District will provide for a transitional use between the residential uses south of Aurora Avenue, the commercial uses to the east and west, and the Water Street District to the north.

**A VARIANCE FROM CITY CODE SECTION 6-7I-8:1 TO PERMIT A
BUILDING HEIGHT OF FORTY THREE FEET AND EIGHT INCHES (43'8") IN LIEU
OF A MAXIMUM THIRTY-FIVE FEET (35')**

- a. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The variance is in harmony with the general purpose and intent of City Code and the City's Master Plan and Downtown 2030 Plan. Petitioner believes the site context provides a suitable fit for additional height consideration. By creative design, including the building's tiered approach, the proposed building will create a visually appealing architectural elevation within the context of the area and will more efficiently utilize the area surrounding the Subject Property. The Master Plan states that "compatibility with adjacent uses can be achieved through a combination of creative design approaches... including building height and project location" (e.g. on the perimeter of the B-4 zoned Downtown Core to Aurora Avenue to residential on the south side of Aurora Avenue). Further, the Master Plan clarifies that areas where a residential place type is adjacent to, or across the street from, a non-residential place

type as being suitable locations for variance considerations. While the proposed height deviates from the Code requirements, Petitioner notes that the R-2 zoning district permits heights of up to forty feet (40'). Likewise, the proposed building height is consistent with the Downtown 2030 Plan, which recommends a height of 40' for the Subject Property's location.

The proposed building as viewed from Aurora Avenue will be two stories with an enclosed terrace on the third floor that will open up to a rooftop deck. The building is anticipated approximately twenty-eight feet and eight inches (28'8") to the top of the second floor and approximately forty-three feet and eight inches (43'8") to the top of the rooftop terrace as measured from Aurora Avenue. The enclosed terrace has been intentionally designed to be setback and tiered within the building to soften the appearance of the building's mass from Aurora Avenue. It is also important to note that there is significant grade change from Aurora Avenue to the public alley, further minimizing the perceived height of the building.

The proposed architecture is influenced by the surrounding area along with the trend of development in Naperville's downtown with inspiration taken from the Water Street District and the Charleston Row Townhomes to create a complementary look. To the south, the adjacent Charleston Row Homes are approximately forty feet (40') tall to the midpoint of the roof and approximately forty-five feet (45') to the roof's peak. To the north, the 5-level Water Street District parking deck is significantly taller. Given the heights of the adjacent uses, the scale of the proposed building fits within the context of the scale and massing of the area.

- b. 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*

Strict enforcement of City Code 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. Petitioner seeks to construct a unified building that will complement the surrounding area. The proposed building height will be in harmony with adjacent uses and will allow for the highest and best use of the Subject Property with a development consisting of an office use. Further, the requested variance will permit the Petitioner to provide a building designed with a superior level of design complementary of the adjacent uses.

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

The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. Petitioner specifically considered site context in developing the site layout, building footprint, and the associated building height. The location of the building is intentionally designed with the third story terrace set back within the second floor floorplate to minimize the impact of massing and height. With this design, Petitioner took careful consideration of the adjacent existing townhomes to the south, Water Street District to the north, professional offices to the west, and commercial to the east.

The proposed variance will not alter the essential character of the neighborhood, nor will it be a substantial detriment to adjacent property. The TU Design Guidelines anticipate a height of up to forty feet (40') which is consistent with the forty-three feet and eight inches (43'8") proposed for the 3rd story terrace. Likewise, the proposed building height is consistent with the Downtown 2030 Plan, which recommends a height of 40' for the Subject Property's location.

**VARIANCE FROM CITY CODE SECTION 6-7I-4:7: TO PERMIT THE
PROPOSED ARCHITECTURE IN LIEU OF RESIDENTIALLY STYLED
ARCHITECTURE**

- a. *The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

On February 4, 2003 the City passed Ordinance #03-42 amending the zoning map and zoning ordinance to create a newly created zoning district identified as the TU District which predominantly affected properties on the north side of downtown. The TU District is intended to serve as a mixed-use transitional area between the downtown commercial areas and adjoining residential neighborhoods. Properties in this district were anticipated to be residentially styled, which generally consisted of conversions of single-family homes, the framework which was established by the Downtown Design Standards. Fast forward to present day, and several of the premises on which the TU Design Guidelines were based no longer hold true.

First, although the TU Design Guideline apply to all TU zoned properties, the TU Design Guidelines were predominantly intended to apply to the properties north of downtown, but the

Subject Property is located south of downtown. Next, the TU District and applicable TU Design Guidelines were intended to serve as a bridge from residential property to commercial property. In this instance, the properties to the north and east are high intensity B-4 downtown core property, the property to the west is a long vacant beauty salon, and the properties to the south are separated from Subject Property by Aurora Avenue (a minor arterial roadway) and consist of the French Country styled Charleston Row Homes, a single family home, and a home to office conversion that has served as a dental practice for over 20 years. Therefore, justification to serve as a bridge between residentially used property and commercial areas no longer holds true. Lastly, the structures on the Subject Property are past their useful life is not an opportunity for a conversion.

Perhaps most notably, in 2015-2016 the Water Street District was constructed immediately adjacent to the Subject Property. The Water Street District is a high intensity B-4 Downtown Core zoned commercial development consisting of office, retail, and restaurant uses, a five hundred twenty (520) space municipal parking deck, a full service hotel and banquet center, and a public alley serving said uses – evidencing that the area has developed primarily with high intensity commercial uses. Additionally, it is likely the Walgreens site immediately to the east will redevelop as a mixed-use commercial development in the near future, further shifting the character of the area away from residential and toward commercial. Lastly, the northeast corner of South Webster Street and Aurora Avenue will further develop with commercial uses, making said TU Design Guidelines inapplicable at this location and counterproductive to the highest and best use of the Subject Property.

- b. 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*

Strict enforcement of the TU Design Guidelines would result in practical difficulties and impose exceptional hardships due to the special and unusual conditions which are not generally found on other properties in the same zoning district. First, unlike the properties that are north of the downtown, which are zoned TU and subject to the TU Design Guidelines, the Subject Property is presently zoned R-2 and not currently subject to said design guidelines. It is only upon rezoning to the TU District that said TU Design Guidelines become applicable. Second, it

is important to note that the TU Design Guidelines are intended for the north downtown area where there are transitional zones bridging between residential and high intensity commercial uses. As previously noted, in this instance the Subject Property is bordered by high intensity B-4 downtown core property to the north and east and bound by Aurora Avenue (a minor arterial roadway) to the south. The trend of development in the area has also been high intensity commercial development and home to office conversion. Therefore, application of the TU Design Guidelines would cause development of the Subject Property in a residential manner that is not complementary of the surrounding area and is inconsistent with the surrounding architecture – ultimately yielding an unattractive result not conducive to the John Greene Enterprises brand and creating a hardship.

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

The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. To the contrary, the variance will permit development of the Subject Property with a building that is complementary of the essential character of the area. Considerable development has occurred adjacent to the Subject Property, including the Water Street District (which includes a hotel, retail shops, restaurants, offices, and five hundred twenty (520) space municipal parking deck), the Charleston Row Homes, and improvements to the Raymond James Building. Accordingly, the proposed John Greene Enterprises building has been designed to fit within the context of Aurora Avenue and the greater downtown area.

The two-story Aurora Avenue elevations fit within the context of the scale and massing of the surrounding buildings on Aurora Ave. The step back of the upper floor transitions to the larger Water Street Development by pushing the mass of the building off the street and to the alley side facing the Water Street District. Color and material types were selected to reference the Water Street District and other downtown Naperville buildings. The building is primarily brick masonry of a traditional texture, color range, and material sizing. Masonry openings have been provided with a masonry detail at the perimeter reminiscent of the more traditional architecture seen in downtown Naperville. Likewise, the openings for glass are large, punched openings versus curtain wall systems seen in more modern architecture. The size and scale of the

windows are similar to the Water Street District and other downtown Naperville buildings. Finally, between window details have been added to also reference the details in the Water Street District and downtown Naperville.

VARIANCE FROM THE CITY CODE SECTION 6-9-2:4.3.2 TO PERMIT PARKING SPACES WITHIN 5' OF THE PUBLIC ALLEY

- a. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The variance is in harmony with the general purpose and intent of this title and the adopted comprehensive plan which anticipates a complimentary office use at this location. Additionally, the Petitioner will be incorporating a 25-space parking lot adjacent to the public alley in conformance with the City's downtown parking model to better serve its employees and visitors. The closest parking space will be approximately three feet and 7 inches (3'7") from the right-of-way line. This mirrors the same condition that exists along the adjacent properties located to the west of the Subject Property. Additionally, at the City's request the Petitioner will grant the City it's requested additional easement (2') along the alley. The end result is consistent with the intent of this title and the comprehensive plan as it paves the way for a quality office building to be built and to maximize the width of the adjacent public alley.

- b. 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*

Strict enforcement of this title would result in practical difficulties and impose exceptional hardships due to several conditions which are not generally found on other properties in the same zoning district. First, the Property is adjacent to a public alley that serves the Water Street parking deck which is a design constraint for the Property. Additionally, the City has requested a two foot (2') easement adjacent to the alley which the Petitioner will grant to the City. Furthermore, the alley configuration has been long established by the Moser Building and Water Street so there are existing constraints not caused by Petitioner. Not granting the variance would cause the elimination of parking spaces along the alley which would serve no practical benefit and undermine the intent of the development.

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

The variance will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. In fact, the variance will allow for the Petitioner to maximize the alley width, install attractive landscape islands, and grant the City the requested easement along the public alley, all of which are benefits. Parking along the public alley exists today so there would be no detriment to the essential character of the area. The overall result is positive.

GRANT APPROVAL PURSUANT TO SECTION 11-2E-3:3 OF THE NAPERVILLE MUNICIPAL CODE TO UTILIZE THE PARKING FEE-IN-LIEU PROVISIONS SET FORTH IN SECTION 11-2E-2 AND SECTION 11-2E-3 OF THE MUNICIPAL CODE.

The Subject Property is comprised of two lots, 115 Aurora Avenue and 405 S. Main Street. 115 Aurora Avenue is fully within the boundaries of the City's Downtown Parking Map and 405 S. Main Street is adjacent to them. Both 115 Aurora Avenue and 405 S. Main Street are included in Special Service Area 33 and 36 as well as TIF 1 which funded the City's Water Street parking deck. The overall development is less than the permitted FAR of 2.5 and will hold a zoning designation of TU consistent with all the requirements for a 50% exemption from off street parking pursuant to Ordinance 08-200. Accordingly, Petitioner will provide twenty-five (25) on-site spaces to accommodate the +/- 24,850 square foot building in compliance with the City's downtown parking formula. In light of the foregoing, the Petitioner respectfully requests approval pursuant to Section 11-2E-3:3 of the Naperville Municipal Code to utilize the parking fee-in-lieu provisions set forth in Section 11-2E-2 and Section 11-2E-3 of the Code. Utilization of the parking fee-in-lieu provisions results in no parking buy in being required as twenty-five (25) on-site spaces are being provided consistent with the intent of Ordinance 08-200.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to (i) administratively approve a Plat of Subdivision; (ii) approve a rezoning of the Subject Property from the R-2 District to the TU District; (iii) grant a variance from the height limitations of the TU District (Section 6-7I-8) to

permit a maximum height of forty three feet and eight inches (43'8") in lieu of thirty-five feet (35'); and (iv) grant a variance from the Design Guidelines for the TU District (Section 6-7I-4:7) to permit a building that is not residentially styled; (v) grant a variance permitting parking spaces less than 5' away from the public alley; (vi) grant approval pursuant to Section 11-2E-3:3 of the Naperville Municipal Code to utilize the parking fee-in-lieu provisions set forth in Section 11-2E-2 and Section 11-2E-3 of the Code; and (vii) grant such other variances, departures or deviations as may be necessary to develop the Subject Property.

RESPECTFULLY SUBMITTED this 23rd day of June 2026.

PETITIONER:

A handwritten signature in cursive script that reads "Vince Rosanova".

Vince Rosanova, Attorney for Petitioner
Rosanova & Whitaker, Ltd.

EXHIBIT A
LEGAL DESCRIPTION

LOT 14 AND THE WEST 1/2 OF LOT 15 IN BLOCK 4 IN MARTIN'S ADDITION TO NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 6, 1847 AS DOCUMENT 2584, IN DUPAGE COUNTY, ILLINOIS AND ALSO, LOT 16 AND THE EAST 1/2 OF LOT 15 IN SAID BLOCK 4.

PINS:

07-13-442-019

07-13-442-017

Commonly known as:

115 Aurora Avenue, Naperville, IL 60540

405 S. Main Street, Naperville, IL 60540