

CITY OF NAPERVILLE
ZONING VARIANCE FORM



Exhibit A

ADDRESS OF SUBJECT PROPERTY: 1504-1516 N. Naper Blvd.

PARCEL IDENTIFICATION NUMBER (PIN): 08-08-200-048/-049/-050/-051/-052

I. PETITIONER: Napleton Investment Partnership, LP

PETITIONER'S ADDRESS: 1 Oakbrook Terrace, Suite 600

CITY: Oakbrook Terrace STATE: IL ZIP CODE: 60181

PHONE: (630) 455-2946 EMAIL ADDRESS: stefanie.day@napleton.com

II. OWNER(S): Napleton Investment Partnership, LP

OWNER'S ADDRESS: 1 Oakbrook Terrace, Suite 600

CITY: Oakbrook Terrace STATE: IL ZIP CODE: 60181

PHONE: (630) 455-1946 EMAIL ADDRESS: stefanie.day@napleton.com

III. PRIMARY CONTACT (review comments sent to this contact): Stefanie K. Day

RELATIONSHIP TO PETITIONER: attorney

PHONE: (630) 455-2946 EMAIL ADDRESS: stefanie.day@napleton.com

IV. OTHER STAFF

NAME: Richard P. Brandstatter

RELATIONSHIP TO PETITIONER: Director of Real Estate

PHONE: (630) 455-2645 EMAIL ADDRESS: rick@napleton.com

NAME: _____

RELATIONSHIP TO PETITIONER: _____

PHONE: _____ EMAIL ADDRESS: _____

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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.

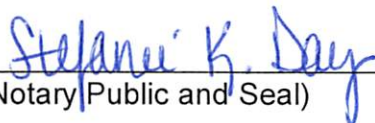
VI. PETITIONER'S SIGNATURE

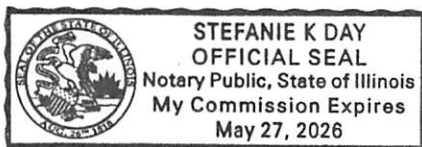
I, Katie Napleton, VP of Real Estate (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.


(Signature of Petitioner or authorized agent)

5/2/23
(Date)

SUBSCRIBED AND SWORN TO before me this 2nd day of May, 2023


(Notary Public and Seal)





VII. OWNER'S AUTHORIZATION LETTER

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).

Katie Napleton _____
(Signature of 1st Owner or authorized agent) (Signature of 2nd Owner or authorized agent)

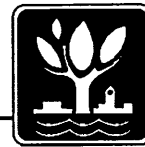
5/2/23 _____
(Date) (Date)

Katie Napleton, VP of Real Estate _____
1st Owner's Printed Name and Title 2nd Owner's Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 2nd day of May, 2023

Stefanie K Day _____
(Notary Public and Seal)





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 Purpose and Intent of the Zoning Code) and the comprehensive master plan (see City's website) 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").

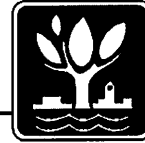
3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

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.



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, amenity 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?

N/A

**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. Petitioner: 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

VERIFICATION

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

Signature: 

Subscribed and Sworn to before me this 2nd day of May, 2023.


Notary Public and seal

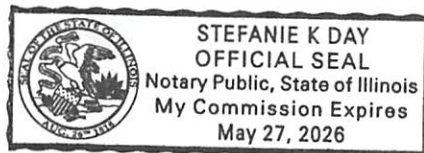


Exhibit D-1

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