

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

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

THE UNDERSIGNED Petitioner, CAHST Naperville, LLC, a Delaware limited liability company (hereinafter “the Petitioner”), respectfully petitions the City of Naperville to approve a plat of subdivision for the portion of property legally described on Exhibit A (“Subject Property”) and grant a deviation to the twenty-foot (20’) platted parking and signage setback along Aurora Avenue, and approve such other deviations or departures as may be necessary to develop the Subject Property as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

BACKGROUND INFORMATION

1. The Petitioner, CAHST Naperville, LLC, a Delaware limited liability company, is the owner of the Subject Property.
2. The Subject Property consists of +/- 8 acres of land, a portion of which is occupied by Advocate Health Care.
3. The Subject Property was formerly occupied as the Standard Market grocery store.
4. When occupied by the Standard Market grocery store, the western portion of the Subject Property was utilized as a parking area to serve said grocery store.
5. Currently, the approximately 2.2 acre western portion of the Subject Property is vacant and underperforming, as it is no longer needed for parking purposes.
6. The vacant portion of the Subject Property is well suited for additional B-1 Neighborhood Convenience Shopping Center District uses which will include an office or retail building and future

coffee house.

7. The Code requires that each building be located on its own legal lot of record, and, accordingly, the Petitioner is requesting plat of subdivision approval to create three separate lots which will be occupied by: Lot 1 Coffee User, Lot 2 Office and/or retail User, and Lot 3 Advocate Health Care.

8. All lots will be in compliance with all Code requirements, including parking and setback requirements.

9. The additional development will provide additional revenues to the city and provide additional convenience uses to the surrounding area.

10. The Petitioner is also seeking to deviate from a prior platted twenty-foot (20') parking and signage setback which was recorded as the Frank's Nursery & Crafts Subdivision as Document No. R84-101331 ("Platted Setback") to permit parking to encroach into the platted setback.

11. The City's parking and signage setback requirements shall control in lieu of the Platted Setback.

REQUIRED DEVELOPMENT ENTITLEMENTS

1. The Petitioner seeks approval of a plat of subdivision.

2. The Petitioner seeks approval of a deviation to allow signage and parking within the platted setback along Aurora Avenue.

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

DEVIATION TO ALLOW SIGNAGE AND PARKING IN THE PLATTED SETBACK ALONG AURORA AVENUE

a. The petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the owner or petitioner; and

The Petitioner's request arises from the fact that the Frank's Nursery & Crafts Plat of Subdivision recorded in DuPage County as document no. R84-101331 depicted a twenty-foot (20')

parking and signage setback line along Aurora Avenue which is inconsistent with the Code and which was not caused by the Petitioner. Notably, the Code requires a five-foot (5') sign setback, and not twenty feet (20'). As a result, compliance with the existing subdivision plat would require the Petitioner to shift the monument signs twenty feet (20'), inconsistent with the Code, which would have a negative effect on the overall development. Without the deviation to the platted parking and signage setback, the proposed monument signs would have to be constructed further away from Aurora Avenue, negatively impacting the visibility to the Subject Property. Instead, granting the requested deviation will be an improvement to the existing use, whereby the monument signage will be set back five feet (5') from Aurora Avenue, consistent with the Code.

b. The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this Title.

The proposed request is consistent with the overall objectives of the City to enhance the commercial tax base as well as our local economy. The proposed development and proposed monument signs will also allow for underperforming land to be utilized for its highest and best use, in turn enhancing the City's property tax bases. Allowing for the signs to be placed consistent with the Code requirement of a five-foot (5') setback maximizes the signs' effectiveness and is consistent with the purpose of the Code.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council take the necessary steps to approve a plat of subdivision and deviation to the sign and parking platted setback for the Subject Property, and such other deviations or departures as may be necessary to develop the Subject Property pursuant to the appropriate provisions of the Code.

RESPECTFULLY SUBMITTED this 5th day of July 2022.

PETITIONER:

CAHST Naperville, LLC,
a Delaware limited liability company

Vincent M. Rosanova

Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner