

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

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

THE UNDERSIGNED Petitioners (hereinafter “the Petitioner”) respectfully petition the City of Naperville (the “City”) to (i) approve a plat of subdivision to subdivide the property located at 1001 S. Washington Street, Naperville, Illinois (“Subject Property”) to provide for redevelopment of the Subject Property as an office and retail mixed-use development; (ii) approve a rezoning of the Subject Property from “OCI” (Office, Commercial & Institutional) to B-1 (Neighborhood Convenience Shopping Center); (iii) grant a front yard parking setback variance along S. Washington Street to reduce the front yard parking setback from thirty feet (30’) to twenty feet (20’) from the right-of-way line; (iv) grant a variance to permit off-site monument signage on lot 1 and lot 4 of the Tartan Highlands Subdivision; (v) grant a variance to permit monument signage within forty feet (40’) feet of an interior setback line; (vi) grant a variance to eliminate a loading berth; (vii) grant a variance to eliminate a bypass lane on the north side of lot 1; grant a variance to exceed the B-1 zoning districts maximum floor area ratio of .325 on lot 3 and (ix) 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 (hereinafter the “Code”).

BACKGROUND INFORMATION

1. The Petitioners DJR Acquisitions 1001 Washington, LLC, an Illinois limited liability

company; CCK 1001 Washington, LLC, an Illinois limited liability company; SOS 1001 Washington LLC, an Illinois limited liability company and Naperville Washington LLC, an Illinois limited liability company, all with a registered office at 350 W. Hubbard Street, Suite 640, Chicago, Illinois 60654, are the owners of the Subject Property.

2. The Subject Property consists of one (1) lot totaling approximately 3.5 acres located at the southwest corner of W. Gartner Road and S. Washington Street in Naperville, Illinois.

3. The Subject Property is surrounded by roadways on all four sides and currently has full access points from S. Washington Street, W. Gartner Road, Sycamore Drive and Catalpa Lane.

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

- a. North: "R1A" (Washington Street & Single-Family Homes)
- b. East: "OCI" & "B-2" (Mobile Gas Station & Shopping Center)
- c. South: "B-2" & "R1A" (Single-Family Homes & Shopping Center)
- d. West: "R1A" (Sycamore Drive & Single-Family Homes)

SUMMARY OF DEVELOPMENT

The Subject Property consists of 3.5 acres currently zoned "OCI" (Office, Commercial & Institutional) and was formerly occupied by a PNC bank building. The location of the Subject Property and adjacent uses make it ideal for redevelopment as neighborhood convenience commercial and office uses. The Subject Property is located at the intersection of W. Gartner Road and S. Washington Street, adjacent to the Naperville Plaza shopping center whereby thousands of motorists travel each day. Additionally, the Subject Property is surrounded by roadways on all four sides including Catalpa Lane to the south and Sycamore Drive to the west. Overall, the surrounding uses include a vibrant mix of residential, institutional, retail, office, service retail, restaurants, fast food, as well two grocery stores.

Consistent with the City planning objectives, the redevelopment of the Subject Property within the City's B-1 zoning district allows for elimination of the vacant bank building and redevelopment with neighborhood convenience retail and office uses complimenting the surrounding area and enhancing upon the City's appearance, retail sales tax base, and workforce. The proposed development will provide for a significant investment within the area providing for sales tax generating uses which will complement the greater neighborhood.

The proposed architecture is strongly influenced by the immediate and surrounding area. The proposed architectural expression respects the traditional character of the neighboring residential community through the use of masonry, punched window openings, and pitched roofs. The proposed buildings feature modern upscale design as well as innovative site design which will not only provide for an enhanced visual impression but will also improve upon the overall property values in the neighborhood. The three proposed buildings together are harmoniously designed as one cohesive assembly and unified through its composition of forms, materials and details. All three buildings have been designed with extensive architectural detail as well as quality materials including masonry facades along with metal and architectural shingle roofs. These features have been carried through on all four sides of the buildings and are utilized in ways that fit within the context of the development.

Consistent with the City's design guidelines, landscape enhancements will include a consistent theme of parkway trees, ornamental plantings, and shrubs throughout the entire development. Extensive landscaping will also be installed along all perimeter roadways consisting of parkway trees, shade trees, ornamentals as well as foundation plantings. Landscape islands will be installed with additional decorative plantings to enhance the overall feel of the development. Additionally, the buildings will be setback approximately sixty-three (63') along

Catalpa Lane and thirty-nine feet (39') from Sycamore Drive which is more than double the required setbacks to create additional separation from the homes to the south and west as well as to preserve a mature grove of trees. A complimentary hardscape outdoor area will be incorporated adjacent to buildings b and c to provide for outdoor seating and enhance the aesthetics of the overall site.

With regard to site access and circulation, primary access to the site will be from Washington Street which is a major arterial roadway and Gartner which is a collector street. Both are full access points. The existing access drive from Catalpa Lane will be eliminated to enhance the residential character of the neighborhood to the south. There are currently two access points from Sycamore Drive. One is a +/- 70' wide access drive which served the bank teller drive through lanes for the 30,000 square foot bank and the other served as access to the diesel generator on the side of the building. As part of the future development, one access from Sycamore will be closed completely and the other access point will be reduced to a standard width. Additionally, the remaining Sycamore Drive access point will restrict any existing left turn movements into the neighborhood to minimize any impact on the adjacent neighborhood. Any vehicles leaving the site will only be allowed to make a right to head towards Washington Street.

Perimeter sidewalks as well as inviting internal sidewalks will promote pedestrian and neighborhood connectivity. To avoid unsightly dumpsters throughout the development, the trash enclosures will be hidden from sight, fully enclosed with complimentary materials and landscaped. The end result is a development allowing the Subject Property to be utilized in a manner that is compatible with the surrounding environment and to its highest and best use while

enhancing the City's real estate and sales tax base, providing convenience to the surrounding area and greatly improving the aesthetics of the Washington Street corridor.

CITY OF NAPERVILLE COMPREHENSIVE PLAN

In 1998, the City of Naperville completed its comprehensive plan relative to this specific area of the community known as the East Sector Update ("Comprehensive Plan"). The Comprehensive Plan strives to establish goals for future development and redevelopment within the East Sector of Naperville. Moreover, the Comprehensive Plan encourages commercial uses that facilitate convenient shopping and access to professional services, which helps achieve social and public service goals that are vital to quality living, while also contributing to the economic vitality of the City.

REQUIRED DEVELOPMENT ENTITLEMENTS – B1 ZONING DISTRICT

1. The Petitioner seeks approval of a plat of subdivision to re-subdivide the Subject Property into four (4) lots.
2. The Petitioner seeks a rezoning from OCI to B-1.
3. The Petitioner seeks a variance to reduce the front yard parking setback along Washington Street from thirty feet (30') to twenty feet (20') from the right-of-way line.
4. The Petitioner seeks a variance to allow off-site monument signs on lot 1 and lot 4 and a variance to allow monument signs within forty (40) feet of interior setback lines.
5. The Petitioner seeks a variance to eliminate the lot 1 bypass lane along the south side of the building.
6. The Petition seeks a variance to exceed the B-1 zoning districts permitted floor area ratio on lot 3.
7. The Petitioner seeks a variance to eliminate the loading berth requirement.

8. 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.

VARIANCE TO REDUCE THE PARKING LOT SETBACK ALONG WASHINGTON STREET FROM 30' TO 20'

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

The Subject Property is surrounded by public roadways on all four sides. Washington Street to the north is considered a major arterial which consists of a four-lane one hundred foot (100') wide right-of-way. The retail buildings will actually be setback considerable distances of between sixty-one feet (61') (building a) and two hundred and fifteen feet (215') (buildings b & c) from Washington Street, thereby significantly exceeding the City's B-1 zoning district requirement of thirty feet (30'). However, City Code also requires that when parking lots are across from residential zoned property, the parking lots are setback thirty feet (30') from the property line. In this case the residentially zoned property is on the other side of Washington Street which is over one hundred and fifty feet (150') away. Therefore, Petitioner proposes to provide a twenty foot (20') parking setback along Washington Street which will also allow for attractive parkway landscaping including parkways trees, decorative shrubs as well as a fully sodded parkway. Without the variance, Petitioner would be required to shift the parking lot south ten feet (10') along with retail buildings b and c which would then reduce the enhanced setback from the residences along Catalpa Lane and negatively impact the grove of trees that Petitioner is seeking to preserve along the south property line. The parking setback variance will also allow for enhanced vehicular circulation including necessary drive aisles, pedestrian walks, drive through lanes as well as parking space depth.

- 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*

The requested parking setback variance is consistent with the trend of development along Washington Street whereby the existing business uses and new business uses have parking lots that are twenty feet (20') or less from the right-of-way line including the recently constructed 720 N. Washington building and First Midwest Bank building. Strict enforcement of this requirement would cause the parking areas and buildings to be shifted ten feet (10') to the south and reduce the enhanced setback along the south property line where the buildings are adjacent to residential uses. Additionally, compliance with the parking setback requirement would have a detrimental effect on the parking lot circulation, layout and function.

- 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 help pave the way for a significant investment on Washington Street which is in conformance with the Comprehensive plan and the highest and best use of the property. Additionally, the area adjacent to the parking area will include significant landscape enhancements further improving upon the appearance of the area. The front yard parking variance will allow Petitioner to increase the setback along the south property adjacent to residential and will also provide for the preservation of the mature grove of trees along the north property line and a twenty foot (20') landscape buffer yard.

VARIANCE TO PERMIT OFF-SITE MONUMENT SIGNAGE ON LOT 1 AND LOT 4

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

The off-site monument sign request is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. A stated purpose of the Sign Code is to

“advance the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage, and to encourage effective communication between signs and the public.” The off-site monument sign variance arises only due to a technical platting matter. The Petitioner intends to create a shared lot for parking purposes which will be lot 4. Lot 4 is being created for the purposes of conveying it to a business owners association that will be formed and responsible for all common area parking maintenance. As the monument sign will be located on lot 4, City Code then considers the monument signs as off-site even though it is adjacent to the building it serves. If the Petitioner did not create a separate lot for the parking areas, no variance would be required. For all practical matters the monument signs will be adjacent to the retail buildings they serve and have no negative effect.

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

The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. The proposed monument signs meet the criteria required for ground signs. The variance arises solely out of platting parameters. If the parking area were not platted as its own separate lot, no off-site signage variances would be required. Therefore, if granted, the variance will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. Strict enforcement of the Sign Code would result in the petitioner having to re-plat the Subdivision and not have the parking areas owned by a business owners association. In lieu of creating a separate out lot for the parking, Petitioner would then have to record easements over this area for the association to maintain. This later approach is not the proper way to provide for ownership and maintenance of open space areas.

Lastly, the proposed variation will not be materially detrimental or injurious to other property or improvements in the neighborhood. In fact, approval of the variance will provide a substantial improvement to the Subject Property. Moreover, the proposed variation will have no effect on the visibility to adjacent property, will not increase danger or traffic problems, and will not endanger the public safety. Allowing construction of the new monument signs will improve the overall aesthetic of the neighborhood. Additionally, approval of the variance will allow the Subject Property to be used as many other properties are utilized in the vicinity.

- c. *Strict enforcement of this Title would result in practical difficulties or impose exceptional hardship due to special and unusual conditions which are not generally found on other properties in the same zoning district.*

The hardship has not been created by the Petitioner or any person having a proprietary interest in the monument sign. The platting of the site along with the surrounding neighborhood creates a unique set of circumstances.

VARIANCE TO PERMIT MONUMENT SIGNS WITHIN 40' OF AN INTERIOR PROPERTY LINE

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

The variance to locate monument signs within forty feet (40') of an interior property line is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. A stated purpose of the Sign Code is to "advance the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage, and to encourage effective communication between signs and the public." The need for a variance in this case also arises due to a platting matter. Due to the Petitioner creating a separate lot for the parking area and ownership purposes, the monument signs located along Gartner Road and Sycamore Drive are considered within forty feet (40') of the lot 4 interior setback. The intent of the forty foot (40') interior setback requirement is to

protect adjacent property owners from clutter and interference of sight lines. In this case, the forty foot (40') setback in question is internal to the site and will have no effect on any adjacent property. Additionally, monument signs should as a practical matter be placed in close proximity to access roads to insure adequate site identification. Therefore, not only will this variance not have any detrimental effect on neighboring properties, but it will provide for the monument signs to be placed in optimal locations. The Petitioner will also meet all other sign requirements, including lot width, required sight lines and dimensions. Additionally, through the use of landscape treatments the monument signs will provide substantial aesthetic improvement to the existing condition and provide an enhancement to the Washington Street Corridor. Lastly, there will be no negative impact to the character of the neighborhood.

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

The variances, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. The proposed monument signs meet the design criteria required for ground signs. The variance arises solely out of platting parameters. If the parking lot were not platted as its own separate lot, no interior setback variance would be required. Therefore, if granted, the variance will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. Strict enforcement of the Sign Code would result in the petitioner having to re-plate the Subdivision. In lieu of creating a separate out lot for interior roadway, Petitioner would then have to record easements over this area for the association to maintain. This later approach is not the proper way to provide for ownership and maintenance of open space areas and a private drive.

Lastly, the proposed variations will not be materially detrimental or injurious to other property or improvements in the neighborhood. In fact, approval of the variances will provide a

substantial improvement to the Subject Property. Moreover, the proposed variations will have no effect on the visibility to adjacent property, will not increase danger or traffic problems, and will not endanger the public safety. Instead, allowing construction of the new monument signs will improve the overall aesthetic of the neighborhood. Additionally, approval of the variances will allow the Subject Property to be used as many other properties are utilized in the vicinity.

- c. *Strict enforcement of this Title would result in practical difficulties or impose exceptional hardship due to special and unusual conditions which are not generally found on other properties in the same zoning district.*

The hardship has not been created by the Petitioner or any person having a proprietary interest in the monument sign. The platting of the site along with the surrounding neighborhood creates a unique set of circumstances.

VARIANCE TO ELIMINATE THE BYPASS LANE ALONG THE SOUTH SIDE OF BUILDING A

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

The variance to eliminate the bypass lane is consistent with the intent of this title and the adopted comprehensive plan. Granting the bypass lane variance will allow for the efficient utilization of the Subject Property and provide for the redevelopment of the Subject Property consistent with the City's comprehensive plan. A partial bypass lane will be provided along the east and south side of the building by the drive thru in the event a visitor changes their mind and does not want to wait in line.

- 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 the need for a parallel pavement section which would serve little, if any, purpose. The additional paved area would create unnecessary

pavement to maintain, additional impervious area, less landscaped area and would have a negative effect on the parking and site layout.

- 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 to eliminate the bypass lane will have no negative effect on the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. Vehicles wishing to access the building will access the drive thru from the internal east/west circulation drive. Once the visitor orders there is an east/north bypass available if the visitor changes their mind. The east/south bypass lane will insure no one has to back out, thereby fulfilling the intent of the Code. This condition is similar to other drive thrus in town.

VARIANCE TO ELIMINATE THE LOADING BERTH

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

Pursuant to Section 6-9-5 of the Code, off street loading requirements are calculated based on gross floor area. One loading berth is required for buildings or structures containing 7,000 to 40,000 square feet of gross floor area. The proposed development overall consists of +/- 21,000 square feet of retail and office uses divided between three separate buildings thus requiring one loading berth for building C. The inclusion of a loading berth would have an impractical and unsightly effect on the residential character of the neighborhood. The purpose of the off-street loading requirement is to ensure adequate receiving facilities to prevent traffic conflicts with internal driveways or external roadways. The internal driveways and parking areas on the Subject Property shall be private and under the exclusive control of the Petitioner. As a mixed-use development consisting of consumer retail and office, truck traffic within the development is discouraged, and the use of a loading berth is both undesirable and is

unnecessary. As is the practice in most small office and retail developments, any deliveries would be minor in nature and could be accommodated by car or van over the shared access areas internal to the site. Additionally, where adjacent to loading areas the drive isles are thirty feet (30') to accommodate deliveries as well as cross traffic. Therefore, the Petitioner's request to eliminate the loading berth will have a positive aesthetic effect on the development and overall community and contribute to a mixed-use development offering a superior level of design, enhancement, and environmental benefits.

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 create practical difficulties for the Petitioner as the creation of a designated loading berth would create an unnecessary eyesore. Strict enforcement of the loading requirement would create practical difficulties for Petitioner by imposing additional cost burdens and creating inefficiencies in Petitioner's long-term operation of the Subject Property.

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 because ample loading space is accommodated in the design and layout of the development. The loading berths for each individual building are both unnecessary and undesirable. Eliminating the loading berth will enhance the overall aesthetics of the area.

VARIANCE TO EXCEED THE B-1 FLOOR AREA RATIO LIMINATION OF .325 ON LOT 3

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

Currently the Subject Property is zoned "ORI" which permits a floor area ("FAR") ratio of 1.5. Multiplied by 3.5 acres, the Subject Property is currently permitted a total FAR of 228,573 square feet which is an absolutely massive building. The City's B-1 zoning district which is requested is somewhat of a down zoning in that it only allows a FAR of .325 which is roughly 1/5th of what the OCI zoning district allows as far as density. Here the Petitioner is proposing a total overall square footage of 28,500 which amounts to a total FAR of about half of the .325 permitted (.187). The need for the FAR variance only arises due to the fact that the Petitioner is seeking to plat open space areas, parking areas and common areas as a separate lot for proper functioning of the future owner's association and to provide for shared parking. As a result, when looking at lot 3 a distorted result occurs and lot 3 has a FAR of .724. The other lots have FAR's of 0, .137, and .316 respectively. This issue could be eliminated by combining lots 3 & 4 together. Combining these lots would have no practical effect other than eliminating this variance and negatively effecting how the future owner's association functions. The proposed floor area ratio variance will have no negative impact whatsoever. Overall, the Petitioner is only seeking a FAR that is about 10% of what is permitted in the current OCI zoning district and a FAR of about 50% of what is allowed in the B-1 zoning district.

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 would result in the need for petition to re-plat the subdivision to consolidate lots 3 & 4 into one lot and record easements over the parking areas. This is not the optimal method to subdivide property or facilitate a business owner's association with shared parking.

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. The variance arises solely out of

plating parameters. If lots 3 and 4 were platted together, no would be required. Therefore, if granted, the variance will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. Strict enforcement of the Sign Code would result in the petitioner having to re-plat the Subdivision and not have the parking areas owned by a business owners association. In lieu of creating a separate out lot for the parking, Petitioner would then have to record easements over this area for the association to maintain. This later approach is not the proper way to provide for ownership and maintenance of open space areas.

REZONING FROM OCI TO B-1

- 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*

The current OCI zoning district allows for an overall density on-site that is 10 times what the petitioner is proposing. The OCI zoning district permits a floor area ratio of 1.5 with no height limitation for commercial uses. The proposed B-1 zoning sought only allows about 22% of what is allowed in the existing OCI zoning district. Additionally, Petitioner is only proposing square footages of about one half of what is permitted in the B-1 zoning district. Essentially, the OCI zoning district would permit a massive building and associated parking/traffic on the Subject Property by right which may or may not be the right fit for the Subject Property.

The B-1 zoning district is defined as “a neighborhood convenience shopping center district intended to provide convenience shopping for persons living in adjacent residential area” which is exactly what is proposed in this instance. As such, the requested amendment will promote the public health, safety, comfort, convenience, and general welfare in many ways. The amendment will also provide for the development of underperforming land to be utilized for its highest and best use which will in turn support the adjacent residential areas, the adjacent

commercial areas and enhance the City's property tax bases. The amendment will have a very positive effect on the essential character of the neighborhood. The net result will be increased convenience to the adjacent residents and an enhanced property tax base for the City. In addition, the Petitioner has designed the site in a manner which takes the concerns of the adjacent residences into consideration and enhances the overall area. As intended by the Code, the proposed B-1 district use will provide for the transition between the intensive uses of Washington Street to the residences to the west and south.

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 Naperville Plaza Shopping Center located immediately adjacent to the Subject Property which is actually zoned B-2. Additional conveniences in this specific location would certainly provide a positive boost to the adjacent area as well as a complimentary land use.

c. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and

The proposed B-1 zoning will allow for multiple uses which are complimentary to the area and are intended for neighborhood convenience such as bakeries, beauty salons, ice cream stores, cafes, health spas, coffee shops, restaurants as well as office uses which are all complimentary to the greater neighborhood. The current OCI zoning district allows for an overall density on-site that is 10 times what the petitioner is proposing. The OCI zoning district permits a floor area ratio of 1.5 with no height limitation for commercial uses. The proposed B-1 zoning sought only allows about 22% of what is allowed in the existing OCI zoning district. Additionally, Petitioner is only proposing square footages of about one half of what is permitted in the B-1 zoning district. Essentially, the OCI zoning district would permit a massive building

and associated parking/traffic on the Subject Property by right which may or may not be the right fit for the Subject Property.

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

The Subject Property is currently vacant and has been vacant for almost 6 months. Prior to demolition of the building the former bank had relocated and deed restricted the Subject Property prohibiting any further financial uses. Additionally, the building was antiquated, divided oddly and not viable as a future office building without considerable expenditure that precluded future viability. Multiple potential tenants and architects were unable to make the building work. As such the only option was a clean slate. After review of the existing OCI zoning code uses and allowances, the Petitioner did not feel that a massive office building, apartments or other uses although most profitable were the best uses for the neighborhood. Noting that the current OCI zoning district allows for an overall density on-site that is 10 times what the petitioner is proposing. Essentially, the OCI zoning district would permit apartments or a massive building and associated parking/traffic on the Subject Property by right which may or may not be the right fit for the Subject Property. As a result, the Petitioner studied the neighborhood to find the correct complimentary fit which we believe is office and neighborhood convenience retail and which requires a rezoning to B-1.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: (i) approve a plat of subdivision to subdivide the property located at 1001 S. Washington Street, Naperville, Illinois (“Subject Property”) to provide for redevelopment of the Subject Property as an office and retail mixed-use development; (ii) approve a rezoning of the Subject Property from “OCI” (Office, Commercial & Institutional) to B-1 (Neighborhood Convenience Shopping Center); (iii) grant a front yard

parking setback variance along S. Washington Street to reduce the front yard parking setback from thirty feet (30') to twenty feet (20') from the right-of-way line; (iv) grant variances to permit off-site monument signage on lot 4 of the Tartan Highlands Subdivision; (v) grant variances to permit monument signage within forty (40') feet of an interior setback line; (vi) grant a variance to eliminate a loading berth; (vii) grant a variance to eliminate a bypass lane; (viii) grant a floor area ration variance; and (xi) grant such other variances, departures or deviations as may be necessary to develop the Subject Property legally described on **Exhibit A** pursuant to the appropriate provisions of the Code.

RESPECTFULLY SUBMITTED this 10th day of June 2019

PETITIONER:



Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

LIST OF EXHIBITS

EXHIBIT A: LEGAL DESCRIPTION OF SUBJECT PROPERTY

**EXHIBIT A
LEGAL DESCRIPTION**

LEGAL DESCRIPTION

LOT 1 IN THE WASHINGTON-GARTNER-SYCAMORE ASSESSMENT PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1973 AS DOCUMENT R73-66851, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1001 S. WASHINGTON STREET, NAPERVILLE, ILLINOIS