

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

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR ENTITLEMENTS FOR CHICAGO COMMONS, NAPERVILLE, ILLINOIS

THE UNDERSIGNED Petitioner, Robert O. Carr (hereinafter “the Petitioner”) respectfully petitions the City of Naperville for the zoning entitlements to permit redevelopment of the Subject Property (hereafter defined) as a nine-unit townhome project to be known as Chicago Commons. Specifically, Petitioner seeks: 1) a conditional use for single-family attached dwellings in the R-2 zoning district; 2) resubdivision of the Subject Property as depicted on the Plat of Subdivision attached hereto as **Exhibit A**; 3) a variance to increase the maximum height requirements set forth in the R-2 zoning district; and 4) such other relief as may be necessary to utilize the property legally described in **Exhibit B** (hereinafter the “Subject Property”), as depicted on the plans and documents submitted herewith and pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

In support of this Petition, the Petitioner represents to the City of Naperville as follows:

1. Owner of the Subject Property is Chicago Title Land Trust Company as Trustee under Trust Agreement dated June 30, 1977 and known as Trust Number 2773.
2. Petitioner is the contract purchaser of the Subject Property commonly known as 920 and 930 East Chicago Avenue, Naperville, Illinois.
2. The Subject Property is comprised of four parcels consisting of a total of approximately 35,670 square feet.
3. The Subject Property is currently occupied by two single family residential homes that are rented on a month-to-month basis.

4. The existing zoning and land uses surrounding the Subject Property are as follows:
 - a. North: R2 – Single family residential (attached and detached)
 - b. East: OCI – Multi-family senior living
 - c. South: R2/R1A – Park/single family residential
 - d. West: R2/R1A/R1B – Park/single family residential
5. The Subject Property is zoned R2 “Single Family and Low Density Multiple-Family Residence District” and is located in the City of Naperville.

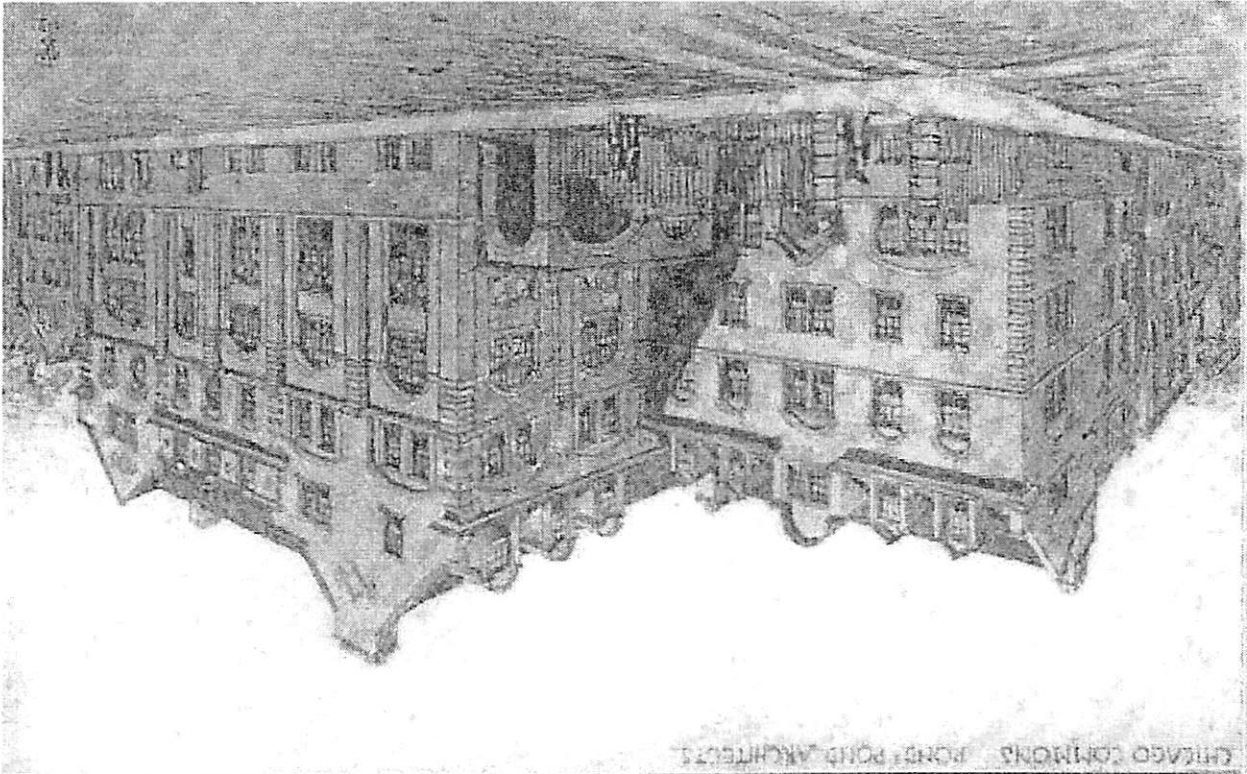
SUMMARY OF DEVELOPMENT

The Subject Property is located on Chicago Avenue, a minor arterial which carries significant traffic to and from downtown Naperville, is located immediately adjacent to East Greens Park and south of Huffman Street. While located within walking distance of downtown Naperville, the Subject Property is uniquely situated between distinct neighborhoods located to the north, the west and the east of the Subject Property. The Subject Property is improved with two homes which are each +/- 70 years old. The homes predate most of the development to the east of downtown Naperville, but hold no architectural or other historical significance.

Petitioner seeks to redevelop the Subject Property with a unique upscale row home community with three buildings containing a total of 9 residential dwelling units. The dwelling units range from 3,304 square feet to 3,633 square feet. The homes will be maintenance free with a homeowners’ association being responsible for all exterior maintenance, landscaping and snow removal. The two buildings located along Chicago Avenue will each consist of two dwelling units. Under the City’s zoning ordinance, these buildings are classified as “duplexes”. The larger “back building” will contain five dwelling units. Under the City’s zoning ordinance, this building is classified as an “attached single family” structure. While the buildings will function as part of a uniform development, the technical classification of the buildings is important relative to the applicable height requirements. All of the units will consist of three stories of living space with

an attached two car garage and two visitor parking spaces located behind each garage. The buildings will also feature an improved attic space that will serve as an access to rooftop terraces. The front buildings will feature a prominent entrance off Chicago Avenue and a second story balcony above the rear loaded garage. The back building will face East Greens Park and feature private outdoor patios. Each homeowner will have patio access directly from their unit. Private walks provide access and circulation to the front of the building. These walks will be owned and maintained by the homeowners' association and are crucial to the overall character of the development.

The proposed development is named for, and draws inspiration from, the Chicago Commons Building. Built in 1894, the Chicago Commons Building was established as a settlement house patterned on Jane Addams' Hull House. While significantly smaller than the original Chicago Commons Building, the proposed development takes architectural cues from the original building to create timeless and upscale architecture that is fitting for a Chicago Avenue address on the fringe of the historic district in Downtown Naperville.



PROJECT ENTITLEMENTS

6. Petitioner seeks approval of a Plat of Subdivision, a copy of which is attached hereto as **Exhibit A**, to consolidate the property into a single outlot within which are located three building pads.

7. The Plat of Subdivision meets all of the requirements for approval of a preliminary plat of subdivision under the City's Subdivision Ordinance.

8. The two proposed duplex buildings are each allowed as "permitted uses" under the City's R-2 zoning district; however, Petitioner seeks a conditional use in the R-2 district to permit development of the rear building which is classified as "single family attached dwellings" in the R-2 district.

7. The proposed development meets all of the requirements for the approval of a conditional use as follows:

- a. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare; and*

The intent of the R-2 Zoning District is to "Provide multiple-family areas of a low density character to accommodate a variety of housing types and compatible uses". The surrounding area can appropriately be characterized as providing a broad range of housing types and other compatible uses consistent with the intent of the R-2 zoning district. While the predominant land use in the area is detached single family homes, the Subject Property is immediately adjacent to a 3-story multi-family Sunrise Senior Living facility. Continuing to the east along Chicago Avenue is the City's Fire Station #1 and the Charlestown Woods townhome community. The north side of Chicago Avenue similarly contains a variety of uses including single family homes, multi-family residences, offices, and a restaurant.

Petitioner seeks to add to this diversity of uses along the Chicago Avenue corridor by

adding a new upscale row home product that will provide a unique alternative to the tear downs and major rehabilitation projects that predominate in neighborhoods immediately east of the Subject Property. The Subject Property is uniquely situated to provide this type of diversity in housing type given its isolated location from surrounding neighborhoods and the fact that there is no real opportunity for interconnection into these neighborhoods. Petitioner believes that the alternative housing type will be attractive to buyers given its proximity to downtown Naperville. Petitioner believes that the approval of the conditional use will improve the overall general welfare of the community.

b. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and

The conditional use will facilitate the improvement of the Subject Property through the elimination of the existing structures and construction of new upscale housing stock. The development will increase property values and improve the overall housing stock in the area.

Nearby single family neighborhoods will not be negatively impacted. Chicago Commons will have a sole point of access on Chicago Avenue. The new buildings will be 3-stories, but will not rise to the same overall height as the adjacent 3-story Sunrise Senior Living. Moreover, Chicago Commons will not abut any single family residence, but is separated from adjacent single family development by East Greens Park.

c. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district; and

Establishment of the conditional use for Chicago Commons will not impede the normal and orderly development of adjacent property for uses permitted in the zoning district. The use of the immediately adjacent properties is well established. To the east, Sunrise, the Fire Station and

Charlestown Woods are all more intensive uses of land than is proposed for Chicago Commons. East Greens Park provides a clear line of demarcation between the Subject Property and other single family detached homes to the west. Similarly, Chicago Avenue provides another clear line of demarcation from properties to the north. However, it is reasonable to conclude that the significant investment in Chicago Commons and increasing property values could help facilitate redevelopment of certain underutilized properties to the north on Chicago Avenue.

d. The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

The City's 1998 East Sector Update to the Comprehensive Master Plan (the "Plan") governs the Subject Property. While the Plan designates the Subject Property for "low density single family", the Plan is 20 years old and fails to account for significant changes that have occurred since it was adopted. Downtown Naperville has grown significantly over the last two decades and is a key attraction that makes possible and appropriate the type of development proposed here. Charlestown Woods and Sunrise Senior Living were both approved since adoption of the Plan, thereby helping to reshape the character of the neighborhood consistent with the proposal for Chicago Commons.

8. Petitioner seeks a variance from Code section 6-6C-8 to permit: (i) an increase in the maximum allowable height for a duplex building (from 35' to 40'); and (ii) to permit an increase in the maximum permitted stories (3.5 stories) for both the duplex and the attached single family building.

9. The requested height variance meets the standards for a variance as follows:

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

In normal application, the Code provision does not create conflict because the different

housing types- duplexes/single family homes and townhomes/rowhomes are not traditionally intermingled. While the different products types may be built side-by-side, there is usually a transition or some distinction between the products. Here, we have exactly the opposite situation. Petitioner started with a traditional rowhome development that consisted of two buildings- a four unit building along Chicago Avenue and a five-unit building to the rear of the Property. However, in working with City staff and refining the site plan, the four unit building located along Chicago Avenue was split into two separate and distinct buildings. This change created additional architectural interest, upgraded the entrance to the community and resulted in better individual living units. However, as an unintended consequence, the building was no long classified as a rowhome or “attached single family dwelling,” but was classified as a duplex and more restrictive height limitations were imposed. Accordingly, Petitioner seeks a variance to permit the duplex structures at a height of forty feet, consistent with the City’s requirement for an attached single family structure.

Additionally, Petitioner seeks a variance from the zoning ordinance height requirements to permit both the duplex buildings and the attached single family structure as 3.5 story buildings. The story limitation arose from teardown and infill regulations. Prior to the regulation, builders were lifting foundations out of the ground to create walkout or lookout conditions. The lower level of the home, while rising above the surrounding grade, wasn’t being construed as a “story” and was resulting in taller homes. That issue is not applicable in the present case. Petitioner will comply with the 40’ height limitation. Here, the classification of the buildings as 3.5 story structures does not result in an increase in the height of the buildings, but merely permits a portion of the attic space to be utilized as an access to a rooftop deck. The rooftop deck is a unique amenity that has been incorporated into a number of recent townhome projects in the City

of Naperville. It does not change the relationship or height of the building vis-à-vis adjacent structures- which was the original intent of the story limitation. Accordingly, the proposed variance is in harmony with the purpose and intent of the applicable height regulations.

- 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 substantially negatively affect the marketability and viability of these homes and this project. The proposal consists of nine single-family attached homes that all function identically and are designed as a compatible integrated community. While the buildings fronting Chicago Avenue are duplexes under the zoning code, they will function and be sold as rowhomes along with the dwellings in the five-unit building. All of the buildings will comply with the 40' height limitation. The terrace level of each home will include access to a rooftop deck, which is a highly desirable feature for the target market. Similar designs have been approved at Charlestowne Row and Columbia Park Townes, with both of those projects being well received. Failure to approve the variance would not affect the overall height of the structure, it would merely prevent Petitioner from utilizing a portion of the attic space and creating a rooftop terrace. The failure to include such amenities would negatively affect the development's ability to compete with similar projects in the market.

- 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 proposed variance to permit 3.5-story and 40' tall buildings along the Chicago Avenue frontage will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. As outlined for the conditional use above, the Property is largely

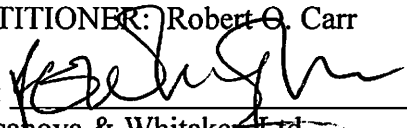
isolated from the surrounding neighborhoods. To the east, the Property is bordered by the 3-story Sunrise Senior Living, a fire station and the Charlestowne Woods townhome community. To the south and west the Property is bound by East Greens Park. While there is a large single family neighborhood further to the south and west, the Property functions independently and is not an integrated part of that neighborhood. Chicago Avenue serves as a delineation of the neighborhood to the north. However, that neighborhood includes a mix of single family, duplex, multiple-family and commercial uses. The evolution of that neighborhood to the north reflects how certain properties along Chicago Avenue have traditionally been treated differently. Because of the manner in which the Property is segregated from surrounding single family neighborhoods the proposed variance will not alter the character of those neighborhoods nor will it be a detriment to property values. If anything, the proposed 3.5-story design proposed by Petitioner is consistent with the character of the adjacent Sunrise Senior Living community.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to approve: 1) a conditional use for single-family attached dwellings in the R-2 zoning district; 2) resubdivision of the Subject Property as depicted on the Plat of Subdivision attached hereto; 3) a variance to increase the maximum height requirements set forth in the R-2 zoning district; and 4) such other variances, departures or deviations as may be necessary to development the Subject Property as described herein.

RESPECTFULLY SUBMITTED

this 12th day November, 2018.

PETITIONER: Robert G. Carr

By: 

Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

**EXHIBIT A
SUBDIVISION PLAT**

**EXHIBIT B
LEGAL DESCRIPTION**

LOTS 4 AND 5 IN RITE'S ASSESSMENT PLAT OF PART OF THE WEST 1/2 OF THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE 3RD P.M., ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 10, 1945 AS DOCUMENT NO. 485149 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH ,RANGE 10, EAST OF THE 3RD PM, DESCRIBED BY COMMENCING AT THE QUARTER SECTION CORNER BETWEEN SECTIONS 18 AND 19, RUNNING THENCE NORTH 78 DEGREES EAST 11.64 CHAINS TO A STONE; THENCE NORTH 0 DEGREES 04 MINUTES EAST 345.6 FEET; THENCE NORTH 68 DEGREES 04 MINUTES EAST ALONG AN OLD FENCE LINE 286.5 FEET; THENCE NORTH 3 DEGREES 48 MINUTES WEST ALONG THE WEST LINE OF A LANE, 369.4 FEET; FOR A PLACE OF BEGINNING; THENCE CONTINUING ON THE SAME COURSE A DISTANCE OF 80.0 FEET; THENCE SOUTH 78 DEGREES 50 MINUTES WEST 135.5 FEET; THENCE SOUTH 3 DEGREES 48 MINUTES EAST 80.0 FEET; THENCE NORTH 78 DEGREES 50 MINUTES EAST 135.5 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

AND ALSO PARCEL 1: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF: SAID SECTION 18 AND RUNNING WHENCE' NORTH 78 DEGREES EAST; 768.24; FEET TO A STONE THENCE NORTH 0 DEGREES, 04 MINUTES .EASTV-. ALONG AN OLD FENCE LINE.345.6 FEET; THENCE NORTH 68 DEGREES, 04 MINUTES EAST ALONG AN DID FENCE LINE, 286.5 FEET TO AN IRON PIPE IN OLD FENCE CORNER, FOR A PLACE OF BEGINNING; THENCE NORTH 3 DEGREES., 4 8 MINUTES WEST, ALONG AN OLD FENCE AND ALONG SAID LINE PRODUCED, 632.4 FEET TO THE CENTER LINE OF CHICAGO AVENUE; THENCE NORTH 78 DEGREES, 47 MINUTES EAST, ALONG SAID CENTER LINE, 14.9 FEET; THENCE SOUTH 3 DEGREES, 52 MINUTES:.EAST 629.7 FEET; THENCE SOUTH 68 DEGREES, 04 MINUTES WEST, 15.2 FEET TO THE. PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD. PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID SOUTHEAST QUARTER;; THENCE NORTH 78 DEGREES EAST 768. 24 FEET, TO A STONE;; THENCE SOUTH 84 DEGREES 14 MINUTES EAST, 313.8 FEET FOR A PLACE OF BEGINNING; THENCE NORTH 3 DEGREES, 52 MINUTES WEST 1,118.6 FEET; THENCE NORTH 78. DEGREES, 47 MINUTES EAST 21.2 FEET; THENCE SOUTH 3 DEGREES 19 MINUTES EAST 629 FEET; THENCE NORTH 78 DEGREES, 58 MINUTES EAST, 750.5 FEET; THENCE SOUTH 80 DEGREES, 3 MINUTES EAST 567 FEET; THENCE SOUTH 0 DEGREES, 17 MINUTES EAST 656 FEET; THENCE NORTH 84 DEGREES 14 MINUTES WEST 1,283.2 FEET TO

PLACE OF BEGINNING (EXCEPT THAT PART LYING SOUTH OF THE NORTH LINE OF NAPERVILLE ROYAL OAKS SUBDIVISION), IN DUPAGE COUNTY, ILLINOIS ALSO, EXCEPTING THEREFROM; ALL PORTIONS OF. PARCEL 1 AND PARCEL 2 LYING SOUTH OF THE EXTENSION EASTERLY OF THE SOUTHERLY LINE OF THE PROPERTY LEGALLY DESCRIBED AS FOLLOWS THAT PART OF THE. WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE QUARTER SECTION CORNER BETWEEN SECTIONS 18 ARID 19, RUNNING THENCE NORTH, 78 DEGREES EAST, 11.64 CHAINS TO A STONE; THENCE NORTH 0 DEGREES 04 MINUTES EAST 345.6: FEET; THENCE .NORTH 68 DEGREES, 04 MINUTES EAST ALONG AN OLD FENCE LINE 28 6.5 FEET; THENCE. NORTH 3 DEGREES, 48 MINUTES, WEST, ALONG THE: WEST LINE OF A LANE 369.4 FEET, FOR A PLACE OF BEGINNING; THENCE CONTINUING ON THE SAME COURSE A DISTANCE OF 80 FEET; THENCE SOUTH, 78 DEGREES, 50 MINUTES WEST, 135.5: FEET; THENCE SOUTH 3 DEGREES, 48 MINUTES EAST, 80.0 FEET; THENCE NORTH 78 DEGREES, 50 MINUTES EAST, 135.5 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, IILLINOIS.