

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

CITY OF NAPERVILLE)

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

THE UNDERSIGNED Petitioner, Gen-Land LLC, a Texas limited liability company and wholly owned subsidiary of Lincoln Property Company Commercial LLC, a Texas limited liability company (the “**Petitioner**”), as the contract purchaser of the property legally described on **Exhibit A** (the “**Subject Property**”), respectfully petitions the City of Naperville (the “**City**”) to, upon annexation of the Subject Property pursuant to a separate petition submitted by the owners of record of the Subject Property: (i) zone the Subject Property in the City’s R3A Medium Density Multiple-Family Residence District; (ii) approve a conditional use for a planned unit development for the development of an ninety (90) unit townhome and rowhome community; (iii) approve a preliminary planned unit development plat with associated deviations, a copy of which is attached as **Exhibit B** (the “**PUD Plat**”); (iv) approve a preliminary plat of subdivision, a copy of which is attached as **Exhibit C** (the “**Subdivision Plat**”) and associated deviations from Section 1.3.2 of the City’s Design Manual For Public Improvements; (v) approve a deviation to Section 6-6D-8 to permit a height of thirty-eight (38) feet for the rowhomes only; (vi) approve a deviation to Section 6-6D-5 to permit a maximum density of 90 townhomes/rowhomes 11 dwelling units/acre; (vii); and approve such other relief from the Naperville Municipal Code (“**Code**”) as may be deemed necessary and appropriate to develop the Subject Property consistent with the plans submitted herewith.

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

EXHIBIT C

1. The owner of the Subject Property is ROC/Plank Road, LLC, an Illinois limited liability company (“**Owner**”).

2. Owner separately filed a petition for annexation to annex the Subject Property to the City of Naperville (“**Annexation Petition**”).

3. The Petitioner, Gen-Land LLC, having an office located at 120 N. LaSalle Street, Suite 2900, Chicago, IL 60602, is the contract purchaser of the Subject Property.

4. The Subject Property consists of +/- 8.21 acres located in unincorporated DuPage County, Illinois.

5. The existing zoning and land uses surrounding the Subject Property are as follows:

- a. *North:* R-3 Unincorporated DuPage County Residential
- b. *East:* R-3 Unincorporated DuPage County Residential
- c. *South:* R-3 Unincorporated DuPage County Residential
- d. *West:* R-3 Unincorporated DuPage County Residential and B3 PUD
General Commercial District – Office Uses

6. The Petitioner’s proposal for a new residential community is compatible with the surrounding land uses and the City’s objectives, and the requested entitlements will allow the Petitioner to utilize the Subject Property in a manner that is to its highest and best use.

7. The proposed entitlement request meets 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.

SUMMARY OF DEVELOPMENT

Petitioner is one of the largest and most respected full-service real estate firms in the U.S. with over 35 years of experience in the Chicago region (65 years nationally), including development, construction, leasing, and property management to provide vertically integrated

expertise. Recently, the Petitioner, through an affiliate company, completed the Domain apartment community at City Gate which was a NAIOP award winner for excellence in real estate. Petitioner now looks forward to utilizing its expertise and experience working in Naperville to provide for a new housing opportunity near Ogden Avenue and Naper Boulevard near the City's eastern border with Lisle.

By way of background, the Subject Property was originally planned for development in 1938 as part of the DuPage Farms Subdivision. Since then, significant development has occurred in the area, including residential subdivisions, commercial uses, and retail uses along Ogden Avenue. Despite development of the surrounding area, the Subject Property has remained largely vacant and underperforming in unincorporated DuPage County. To better utilize the Subject Property consistent with the City's vision for this property and the recently approved Comprehensive Plan, Petitioner proposes to annex the Subject Property to the City to develop the Subject Property with thirty-four (34) two-story townhome and fifty-six (56) three-story rowhome community to be known as The Residences at Naper and Plank (the "**Development**"). Petitioner believes offering two distinct home types, townhomes and rowhomes, will appeal to a wide range of Naperville's population that desires a quality living environment in close proximity to the City's vibrant downtown, employment (I-88 corridor), transit (Pace), and a variety of retail and convenience uses (Ogden Avenue corridor). Being in close proximity to both commercial and residential uses, the Subject Property presents an excellent canvas to develop otherwise underperforming land with a new housing opportunity to attract new residents to the Naperville community as well as provide additional opportunities for current Naperville residents seeking to stay in Naperville in a home more conducive to their current lifestyle. The proposed Development is consistent with the growth realized by the Naperville community and is an appropriate

transitional use between the nearby arterial roadways, commercial development, and single-family homes. Several iterations of residential development proposals have been discussed and/or submitted on behalf of the Subject Property. None of these proposals came to fruition with the most recent being in 2022, which included four-story multi-family products totaling 268 apartments. One of the primary objections to the former apartment proposal was density, and it was specifically noted at that time that the Subject Property should be developed with a density of 10-12 units per acre. This was an important consideration when the Petitioner designed the current site plan with 11 homes per acre, along with 30% open space not including the planned public park site dedication to serve the greater community.

In addition to proposing a complimentary land use to the surrounding area, this new community will help satisfy significant unmet demand in the City for “missing middle housing,” which can be described as a range of single-family attached or clustered housing types that are compatible in scale with single-family or transitional neighborhoods which bridge the gap between single-family homes and large multifamily or commercial areas. This housing type includes townhomes and rowhomes and is generally characterized by walkable neighborhoods, service and convenience access, and nearby transit to meet demographic needs. These developments typically have efficient building footprints, smaller homes, and are community focused. As the Subject Property is located in a transitional neighborhood within short distance of restaurants, retail stores, grocery stores, Costco, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and numerous other commercial and public amenities along Ogden Avenue, the proposed Development will strategically fill this underserved segment of the residential market while simultaneously enhancing the City’s real estate tax base, infusing the local economy with additional income and thereby supporting the nearby commercial and retail uses.

The proposed Development is in line with the City's Land Use Master Plan dated March 1, 2022 ("**Comprehensive Plan**") and the City's 2010 Plank Road Study ("**Plank Road Study**"). The proposed Development is also consistent with the future use designations set forth in the Comprehensive Plan as "Single Family & Duplex Residential" and "Medium Density Residential." In 2010, the City also prepared the Plank Road Study to plan the future land use of the localized unincorporated area along Plank Road between Columbia Street and Naperville's eastern planning boundary, where the Subject Property is located. The proposed Development aligns with the findings of the Plank Road Study, which highlights the need for residential land uses that help diversify Naperville's housing stock and address housing needs, including a variety of unit types and price points in the form of mixed use, multi-unit, and townhome communities.

The townhome units will range in size from approximately 1,700 to 1,950 square feet and will consist of three (3) bedrooms and two and a half (2.5) bathrooms. The rowhome units will range in size from 1,550 to 1,700 square feet and will consist of two (2) bedroom and three (3) bedroom units all with two and a half (2.5) bathrooms. Each home will have two (2) attached garage parking spaces. The townhomes will each have two (2) additional driveway parking spaces. Twenty-six (26) guest spaces will be strategically located throughout the community. Each townhome unit will have a private patio at the rear of each home and each rowhome will have a private second story balcony. In addition to these private outdoor spaces, residents will have access to common area amenities, including gathering spaces, a meandering pedestrian pathway, dedicated outdoor yard areas, benches spread throughout the community, a public park site, along with a serene water feature with seating area. Walking paths and sidewalk connections will be provided throughout the community, offering interconnectivity in the neighborhood. Additionally, the Petitioner has been collaborating with the Naperville Park District to dedicate land and provide

improvements for a public park to serve not only the proposed development, but also the residents of the surrounding community. It is anticipated that the public park will be located along Plank Road and will consist of approximately 0.62 acres with improvements in collaboration with the Naperville Park District meeting their strategic objective of having recreational opportunities located throughout the community. The public park is not included in the 30% open space calculation and will further exceed the City's 30% requirement and recreational options. It will also provide additional open space near Plank and Naper Boulevard to further enhance the overall appearance of the development and surrounding area.

In further consideration of the adjacent residences, attractive new landscape treatments will be incorporated along the property lines to enhance the overall aesthetics of the area and provide a buffer between uses. East of the Subject Property and west of Naper Boulevard is a triangular piece of land owned by DuPage County that is largely unusable. The Petitioner is proposing to collaborate with the City and County to develop this area to contain a sidewalk/path and landscape treatments subject to DuPage County approval. This will add an aesthetic uplift to the surrounding neighborhood and add attractive buffering for the residential properties to the east of Naper Boulevard. All access to the proposed Development will be from Tuthill Road and Burlington Road, with no access points located on Naper Boulevard or Plank Road which will avoid unnecessary interference with traffic circulation. Additionally, the driveways and exterior parking areas for the proposed Development will be located internal to the Subject Property and generally out of view from the adjacent residences, with the quality elevations visible from Tuthill, Burlington, and Naperville Wheaton Roads. With regard to trash removal, each resident will have their own trash receptacle stored in their garages and brought out on trash day like any other single-

family community within Naperville and trash service will be contracted privately by the Petitioner and the property management firm.

The Development plans include aesthetically pleasing, traditional residential architecture complementary to the surrounding area to ensure compatibility and consistency with the existing neighborhood and adjacent uses. Significant features include various siding elements, brick masonry, architectural shingles, decorative accents, covered entries, and vertical elements to provide planar breaks and additional layered architectural interest. These features are utilized in ways that fit within the context of the neighborhood while still delivering the modern look the residents will demand. The building colors will complement the surrounding areas and will be consistent with a traditional appeal. The three-story rowhome units have been intentionally located along the eastern portion of the property nearest Naper Boulevard and Plank Road to provide that additional buffering while the two-story townhomes have been located along Burlington and Tuthill to compliment the traditional single-family homes located to the west of the Subject Property.

The community will be professionally managed by a reputable property management firm with extensive experience in this product type. All lessees will be subject to full credit reports, verification of employment, and criminal background checks. As a result of the foregoing, the proposed Development will allow the Subject Property to be utilized to an extent that is compatible with the surrounding environment and to its highest and best use while simultaneously providing additional housing opportunities in Naperville.

APPROVAL OF REZONING THE SUBJECT PROPERTY TO R3A

Upon annexation of the Subject Property to the City of Naperville, Petitioner respectfully requests that the Subject Property be zoned R3A, Medium Density Multiple-Family Residence District. The proposed zoning meets the City standards as follows:

- 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 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. The Subject Property was originally planned for development in 1938 as part of the DuPage Farms Subdivision. Since then, significant development has occurred in the area, including residential subdivisions, commercial uses, and retail uses along Ogden Avenue. Despite this development, the Subject Property has remained largely vacant and underutilized in unincorporated DuPage County. To utilize this otherwise vacant and unproductive property, Petitioner proposes to annex the Subject Property to the City to develop the Subject Property with a thirty-four (34) two-story townhome and fifty-six (56) three-story rowhome community. The proposed Development is consistent with the growth that has occurred in the vicinity and is an appropriate transitional use between the commercial corridor along Ogden Avenue, major roadway to the east and residential uses in the area.

As previously noted, the proposed Development is consistent with the City's Comprehensive Plan and Plank Road Study. The proposed Development is consistent with the future use designations set forth in the Comprehensive Plan, which are "Single Family & Duplex Residential" and "Medium Density Residential." The proposed Development is also consistent with the findings of the Plank Road Study, which highlights the need for residential land uses that

help diversify Naperville's housing stock and address housing needs, including a variety of unit types and price points in the form of mixed use, multi-unit, or townhome communities.

The Subject Property is part of Sub-Area 3 under the Plank Road Study, which suggests the Subject Property be developed for medium density multi-family. The Plank Road Study specifically identifies the Subject Property as "a transition between Ogden Avenue commercial corridor and adjacent residential uses to the south and east." It also identifies the Subject Property as a "transition from heavily traveled roadways (i.e. Naper Boulevard and Ogden Avenue) to residential neighborhoods. Consistent with the Comprehensive Plan and Plank Road Study, the proposed homes are a logical transitional use for the Subject Property.

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

The trend of development in the area of the Subject Property is consistent with the requested amendment. The Subject Property is located just south of Ogden Avenue and west of Naper Boulevard, sitting at a transition point between commercial uses or intensive roadway corridors and lower density detached single-family homes. Commercial development along Ogden Avenue includes restaurants, retail stores, grocery stores, Costco, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other convenience uses. The areas to the east, west, and south of the Subject Property largely consist of single-family detached residential. Consistent with the Plank Road Study, the proposed homes will provide an ideal transition between the commercial development along Ogden Avenue and the residential subdivisions with a complimentary residential use consistent with the trend of development in the vicinity.

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

The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification. The Subject Property is currently located in unincorporated DuPage County and zoned for detached single-family homes on large lots to accommodate well and septic services. However, the Subject Property has remained underutilized in its current zoning designation while remaining unincorporated. Annexation to the City of Naperville and rezoning the Subject Property to R3A will allow the Subject Property to be developed with its highest and best use consistent with the designation of the Subject Property for “Medium Density Residential” as set forth in the Comprehensive Plan and Plank Road Study.

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

The Subject Property has not been utilized under the existing zoning classification for a substantial period of time. The Subject Property is presently located in unincorporated DuPage County. While at one time there were single-family homes located on the Subject Property, many of the original structures located have been removed over the last decade. To date, the Subject Property is largely vacant. Accordingly, the Subject Property has been underutilized under its current zoning designation while remaining unincorporated. Annexation to the City of Naperville and rezoning the Subject Property to R3A will allow the Subject Property to be developed with its highest and best use.

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 amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. The Subject Property was originally planned for development in 1938 as part of the DuPage Farms Subdivision. Since then, significant development has occurred in the area, including residential subdivisions and commercial and retail

uses. The Property is located just south of Ogden Avenue and west of Naper Boulevard. It sits at a transition point between commercial uses or intensive roadway corridors and low density detached single-family homes. Commercial development along Ogden Avenue includes restaurants, retail stores, grocery stores, Costco, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other convenience uses. The areas to the east, west, and south of the Subject Property largely consist of single-family detached residential. Consistent with the Plank Road Study, the proposed homes will provide quality residential options as a logical transition between the commercial development along Ogden Avenue and residential subdivisions in the area. In consideration of the adjacent residences, attractive new landscape treatments will be incorporated along the property lines to enhance the overall aesthetics of the area and will provide a buffer between uses. The exterior parking area for the proposed Development will also be located internal to the Subject Property. All access to the proposed Development will be from Tuthill Road and Burlington Road. The Development plans include architecture complementary to the surrounding area and innovative in site design to ensure compatibility with the neighborhood and adjacent uses.

**APPROVAL OF A CONDITIONAL USE FOR A
PLANNED UNIT DEVELOPMENT**

Per Section 6-3-8 of the City's Zoning Ordinance, any recommendation by the Planning and Zoning Commission and any decision by the City Council to approve a conditional use shall be predicated on evidence and findings that:

- 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 establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare. The Subject Property was originally

planned for development in 1938 as part of the DuPage Farms Subdivision. Since then, significant development has occurred in the area, including residential subdivisions and commercial and retail uses along Ogden Avenue. Despite considerable development in the area, the Subject Property has remained largely vacant and underutilized in unincorporated DuPage County. To utilize this otherwise unproductive property, Petitioner proposes to annex the Subject Property to the City to develop the Subject Property with a townhome and rowhome community. The proposed Development is consistent with the growth that has occurred in the vicinity and is an appropriate transitional use between the commercial corridor along Ogden Avenue and residential uses in the area. As the proposed Development will be located in a transitional area along a major roadway to the east and within a short distance of restaurants, retail stores, grocery stores, Costco, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other convenience uses along Ogden Avenue, the proposed Development will strategically fill this underserved segment of the residential market while simultaneously enhancing the City's real estate tax base by infusing the local economy with additional income, supporting the nearby commercial and retail uses, and improving the work force. Additionally, given the transitional nature of the area and the buffer it will serve between nearby residential areas from perimeter roadways and commercial areas, a density in alignment with the City's updated 2022 Comprehensive plan of 10-12 units per acre is appropriate at this location.

- 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 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. The Subject Property is located just south of Ogden Avenue and

west of Naper Boulevard. It sits at a transition point between commercial uses or intensive roadway corridors and detached single-family homes. Commercial development along Ogden Avenue includes restaurants, retail stores, grocery stores, Costco, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other convenience uses. The areas to the east, west, and south of the Subject Property largely consist of single-family detached residential. Consistent with the Plank Road Study, the proposed homes will provide a logical transition between the commercial development along Ogden Avenue and the surrounding residential subdivisions.

The PUD is thoughtfully designed to provide high-quality building facades along the perimeter of the Subject Property, strategically placing the parking areas and drive aisles on the interior away from adjacent residential uses, providing optimal functionality and aesthetic. The buildings are thoughtfully placed, leaving approximately 30% of the Subject Property as open space which exceeds City Code requirements and does not include the park land dedicated for public benefit. All setbacks will be met and complied with, and attractive new landscape treatments will be incorporated along the property lines to enhance the overall aesthetics of the area and provide a buffer between the Subject Property and adjacent uses. Sidewalks and a meandering pedestrian pathway will be provided throughout the community, offering interconnectivity in the neighborhood. Finally, all access points to the proposed Development will be from Tuthill Road and Burlington Road. Accordingly, the site plan, including the density variance, has been designed in a manner that will not be injurious to the other properties in the surrounding area or diminish property values. In fact, developing the Property with a complimentary residential use will serve to maintain and improve property values in the area.

- 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

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. The Subject Property was originally planned for development in 1938 as part of the DuPage Farms Subdivision. Since then, significant development has occurred in the area, including residential subdivisions and commercial and retail uses along Ogden Avenue. Despite development in the area, the Subject Property has remained vacant and underutilized in unincorporated DuPage County. To utilize this otherwise vacant and unproductive property for its highest and best use, Petitioner proposes to annex the Subject Property to the City to facilitate development of the Subject Property with a townhome and rowhome community. The Petitioner designed the community efficiently by incorporating two (2) different styles of homes for residents with different housing needs and seeking proximity to commercial and retail uses. The Development will provide a natural and logical transition between the commercial and retail uses to the north along Ogden Avenue, major roadway to the east and the single-family detached residential developments in the surrounding area. As the vast majority of surrounding property is developed, the proposed new townhome and rowhome community will not impede the normal and orderly development of the surrounding area but instead provide for a consistent and complimentary use to the residential areas to the west, south and east of the Property.

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

As previously noted, the proposed Development is consistent with the City's Comprehensive Plan and Plank Road Study. The proposed Development is consistent with the future use designations set forth in the Comprehensive Plan, which are "Single Family & Duplex

Residential” and “Medium Density Residential.” The proposed Development is also consistent with the findings of the Plank Road Study, which highlights the need for residential land uses that help diversify Naperville’s housing stock and address housing needs, including a variety of unit types and price points in the form of mixed use, multi-unit, or townhome communities. Upon annexation, Petitioner requests the Subject Property be zoned R3A. The Subject Property is part of Sub-Area 3 under the Plank Road Study, which suggests the Subject Property be developed for medium density multi-family. The Plank Road Study specifically identifies the Subject Property as “a transition between Ogden Avenue commercial corridor and adjacent residential uses to the south and east.” It also identifies the Subject Property as a “transition from heavily traveled roadways (i.e. Naper Boulevard and Ogden Avenue) to residential neighborhoods. The proposed homes are a logical transitional use consistent with the objectives of the City.

**ADDITIONAL CRITERIA FOR APPROVAL OF A CONDITIONAL USE FOR A
PLANNED UNIT DEVELOPMENT**

In addition to the general standards required for a conditional use, Section 6-4-7 of the City’s Zoning Ordinance states Planning and Zoning Commission shall not recommend approval of nor shall the City Council approve a conditional use for a planned unit development unless the proposed development or change complies with all of the following criteria:

- a. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.*

The design of the planned unit development presents an innovative and creative approach to the development of land and living environments. The PUD is designed in such a manner that the quality building facades will face the perimeter of the Subject Property while the parking areas will be located on the interior, away from adjacent residential uses. The buildings are strategically placed, leaving 30% of the Subject Property as open space, exceeding the Code’s requirement and

not including the public park land. Attractive new landscape treatments will be incorporated along the property lines to enhance the overall aesthetics of the area and provide a buffer between the Subject Property and adjacent uses. Sidewalks and a meandering pedestrian path will be provided throughout the community, offering interconnectivity in the neighborhood and providing proximity to the numerous retail amenities along the Ogden Avenue commercial corridor.

Finally, Development amenities include gathering spaces, benches, yard space, water feature with seating area, and a public park.

b. The planned unit development meets the requirements and standards of the planned unit development regulations.

The planned unit development meets the standards and criteria of the planned unit development regulations set forth in Section 6-4-3 of the City's Zoning Ordinance as follows:

1. Ownership And Control: The proposed Development meets the ownership and control requirements. Petitioner is the contract purchaser of the Subject Property.
2. Area, Lot Width, Yard, And Height/Bulk Requirements: The configuration of the PUD provides for a cohesive development and does not lend itself to a separate calculation of lot area. Except for the deviations/variances specifically requested herein, all buildings, structures, and uses of land within the planned unit development conform to the Code.
3. Outdoor Common Area and Site Amenities Requirements: Outdoor common areas and site amenities will be provided in the PUD as a means of passive and active recreation, site amenity, and environmental protection and beautification. Site amenities include gathering spaces, a meandering pedestrian pathway, attractive landscaping and buffer yards, public benches, a public park area, yard space, and a water feature with seating area. Approximately 30% of the Subject Property will be

dedicated to common open space, not including the public park area.

4. Landscaping, Screening, and Tree Preservation: A landscape plan (“**Landscape Plan**”) has been submitted in compliance with the City’s requirements for landscaping and screening upon development of the Subject Property. The proposed landscaping and screening exceeds base City requirements and was designed by Petitioner’s landscape architect to match the character of the community and provide important buffering where appropriate.
5. Lighting: The proposed Development complies with the City’s exterior lighting regulations.
6. Pedestrian and Bicycle Circulation: The Development exceeds minimum standards. Sidewalks and a meandering pedestrian path will be provided throughout the community, offering interconnectivity in the neighborhood while providing proximity to restaurants, retail stores, grocery stores, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other convenience uses along Ogden Avenue.
7. Relationship to Adjoining Land: The planned unit development is compatible with the adjoining land. The Subject Property is located just south of Ogden Avenue and west of Naper Boulevard. It sits at a transition point between commercial uses or intensive roadway corridors and low density detached single-family homes. Commercial development along Ogden Avenue includes restaurants, retail stores, grocery stores, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other uses. The areas to the east, west, and south of the Subject Property largely consist of single-family detached residential. The proposed homes

will provide a logical transition between the commercial development along Ogden Avenue and the residential subdivisions.

8. Density Bonuses: A density deviation is being requested as specified herein.
 9. Park and School Sites: Park and School donations will be required as part of this Development. The Petitioner will be incorporating active and passive recreation features into the site plan and making cash donations to both the School and Park District, subject to the anticipated public park donation.
 10. Public Improvements: The community will be constructed with private roads throughout the subdivision to be maintained by the Petitioner. Access to public roads will be via access points at Tuthill Road and Burlington Road. Utility service necessary for the service of the Development will be constructed by Petitioner consistent with the City's design standards.
- c. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.*

The physical design of the PUD efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the Subject Property. The Subject Property was originally planned for development in 1938 as part of the DuPage Farms Subdivision. Since then, significant development has occurred in the area, including residential subdivisions and commercial and retail uses along Ogden Avenue. Despite development, the Subject Property has remained largely vacant and underutilized in unincorporated DuPage County. To utilize this otherwise vacant and unproductive property for its highest and best use, Petitioner proposes to annex the Subject Property to the City to facilitate development of the Subject Property with a townhome and rowhome community. The Petitioner designed the community efficiently by

incorporating two (2) different home types for residents with different housing needs and seeking proximity to commercial and retail uses.

The Development will provide sufficient transportation opportunities and interconnectivity with the surrounding area. All access to the proposed Development will be from Tuthill Road and Burlington Road. Public sidewalks and an internal meandering walking pathway are included to promote interconnectivity in the area and provide proximity to the convenience uses along Ogden Avenue.

Recreational opportunities have been incorporated, including a public park, potential public benches, and more. In total, the Development will include 2.96 acres of open space, including the public park out of a total land area of 0.62 acres. Attractive new landscape treatments will be incorporated along the property lines to enhance the overall aesthetics of the area and provide a buffer between the Subject Property and adjacent uses.

d. Open space, outdoor common area, and recreational facilities are provided.

Open space, outdoor common area, and recreational facilities are provided. As outlined above, ample open space and outdoor common areas will be provided as part of the community. Site amenities include and gathering spaces, a meandering pedestrian path, public benches, park area, yard space, and a water feature with seating area. Open space will comprise 30% of the Development, not including the public park area.

e. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.

Petitioner requests deviations from the following regulations in the R3A zoning district: (i) a deviation to Section 6-6D-8 to permit a height of thirty-eight (38) feet; and (ii) a deviation to Section 6-6D-5 to permit a density of 11 homes per acre (90 total homes). The requested deviations

meet the standards for granting a deviation under a PUD as stated herein.

- f. The planned unit development is compatible with the adjacent properties and nearby land uses.*

The PUD is compatible with the adjacent properties and nearby land uses. The Subject Property is located just south of Ogden Avenue and west of Naper Boulevard. It sits at a transition point between commercial uses or intensive roadway corridors and low density detached single-family homes. Commercial development along Ogden Avenue includes restaurants, retail stores, grocery stores, Costco, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other convenience uses. The areas to the east, west, and south of the Subject Property largely consist of single-family detached residential. Consistent with the Plank Road Study, the proposed homes will provide a logical transition between the commercial development along Ogden Avenue and the residential subdivisions.

The PUD is designed in such a manner that quality building facades face the perimeter of the Subject Property while the parking areas are located on the interior, away from adjacent residential uses. The site plan has been strategically designed with the placement of the proposed townhomes and rowhomes, leaving approximately 30% of the Subject Property as open space, excluding the public park area, exceeding Code requirements. Attractive new landscape treatments will be incorporated along the property lines to enhance the overall aesthetics of the area and provide a buffer between the Subject Property and adjacent uses. Sidewalks and a meandering pedestrian path will be provided throughout the community, offering interconnectivity in the neighborhood. Finally, all access to the proposed Development will be from Tuthill Road and Burlington Road.

- g. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the City.*

The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the City. The proposed Development is consistent with the City's Comprehensive Plan and Plank Road Study. The proposed Development is consistent with the future use designations set forth in the Comprehensive Plan, which are "Single Family & Duplex Residential" and "Medium Density Residential." The City's Plank Road Study additionally outlines the future land use of the localized unincorporated area along Plank Road between Columbia Street and Naperville's eastern planning boundary, where the Subject Property is located. The proposed Development is consistent with the findings of the Plank Road Study, which highlights the need for residential land uses that help diversify Naperville's housing stock and address housing needs, including a variety of unit types and price points in the form of mixed use, multi-unit, or townhomes. Upon annexation, Petitioner requests the Subject Property be zoned R3A. The Subject Property is part of Sub-Area 3 under the Plank Road Study, which suggests the Subject Property be developed for medium density multi-family. The Plank Road Study specifically identifies the Subject Property as "a transition between Ogden Avenue commercial corridor and adjacent residential uses to the south and east." It also identifies the Subject Property as a "transition from heavily traveled roadways (i.e. Naper Boulevard and Ogden Avenue) to residential neighborhoods. The proposed homes are a logical transitional use consistent with the objectives of the Comprehensive Plan and Plank Road Study.

APPROVAL OF A PRELIMINARY PLAT OF SUBDIVISION

Petitioner seeks approval of the Subdivision Plat, a copy of which has been submitted herewith, to subdivide the Subject Property into three (3) buildable lots. The proposed subdivision meets the standards for a subdivision consistent with the standards set forth in the Code. As such, Petitioner seeks approval of the Subdivision Plat.

**APPROVAL OF A DEVIATION FROM SECTION 1.3.2 TO PERMIT A MINIMUM
DRIVE AISLE WIDTH OF 24 FEET IN LIEU OF 26 FEET**

- 2.3.1. *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 site plan has been thoughtfully designed in order to enhance the quality of life for the residents of this new proposed Development and surrounding area. These objectives include meeting and exceeding all applicable setbacks, providing open space exceeding the City's required 30% minimum, providing a public park, recreational features, yard space, walking paths, quality architecture and building placement for buffering from perimeter roadways. In addition, the existence of a 30' platted setback along Tuthill Road is a unique circumstance which is not caused by the Petitioner and provides for enhanced separation from Tuthill Road and Burlington Road.

With regard to the proposed 24' driveway width in lieu of the 26' requirement, 24' is more than adequate for 2-way traffic and also provides for a traffic calming effect with the reduced pavement section. In other areas of town, drive isles of 20' are sufficient for two-way traffic (City Hall) and 15' is acceptable for two-way traffic for alleys within the City. The drive-isles will all be internal to the site and privately owned and maintained by the Petitioner. Providing a 24' wide drive isle instead of a 26' wide drive isle allows for more open space, increased setbacks, less pavement maintenance, less stormwater runoff and improved building orientation. It is important to note that along certain sections of the access drive, the drive-isle width is 33' wide, which includes 9' wide guest parking stalls located on the north/south interior roadway which serves as a benefit to the overall community. Lastly, the fire department has reviewed the circulation plan, drive isle width, and the auto-turn exhibits and has stated no concern with the 24' wide drive isles. Increasing the drive isle width to 26' would provide no benefit to the City nor improve life-safety.

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

The requested deviation does not undermine the intent and purpose of the provisions of this title which is to establish the requirements and standards regulating the subdivision and platting of land within the corporate limits and plat approval jurisdiction of the City for the promotion of the public health, safety, comfort, morals and welfare of the community. The requested deviation will facilitate development of the Subject Property with two distinct housing options, rowhomes and townhomes, that will be compatible with the surrounding area and improve the quality of life and housing options within the City. The design of the interior roadways with a 24' drive aisle will provide for adequate circulation while also helping achieve design attributes such as exceeding required setbacks, exceeding required open space areas, providing recreational options, providing guest parking in excess of City Code and minimizing unnecessary pavement sections and stormwater runoff which will serve to enhance the quality of life of the nearby residential areas.

**APPROVAL OF A DEVIATION FROM SECTION 1.3.2 TO PERMIT A MINIMUM
DISTANCE BETWEEN TWO PARALLEL BUILDINGS WITH SHARED VEHICULAR
ACCESS OF 36 FEET**

2.3.1. 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 site plan has been thoughtfully designed in order to achieve important objectives to enhance the quality of life for the residents of the new community and surrounding area. These objectives include meeting and exceeding all applicable setbacks, providing open space exceeding the City's required 30% minimum, providing a public park recreational feature, yard space, walking paths, quality architecture and building placement for buffering from perimeter roadways. With regard to building orientation, the rowhomes have been placed along Naper Boulevard a minimum 36' feet apart to provide a buffering quality from Naper Boulevard as it is a major arterial roadway with high concentrations of both passenger vehicles and trucks. The proximity to Naper

Boulevard and Plank Road are unique circumstances which are not caused by the Petitioner. Orienting the buildings 36' apart along Naper Boulevard serves to better buffer the Subject Property, its residents and existing residential neighborhoods to the west and north from the noise and activity of Naper Boulevard and provides a much better living environment. Separating the buildings to 61' would serve no practical benefit and would be a detriment to the buffering benefit of the proposed building placement and quality of life. Additionally, the nature of the rowhomes subject to this variance is intended to provide more of an urban/suburban aesthetic at this location along Naper Boulevard. Separating the rowhome buildings by 61' would give them more of a garden apartment or townhome appearance, inconsistent with the design intent.

In many similar circumstances such as Eldridge Townhomes, Charleston Row, Naperville Station, and Prosperita, similar building separations have been approved. In particular at Naperville Station located off of Spring Street, each building is located less than 61' feet apart, which provides both buffering from Spring Avenue and the railroad tracks to the north. All of these communities have proven to be excellent additions to the City.

In reviewing the specific design manual language requiring the 61' of separation between buildings, it appears that the driving force is to provide room for a drive isle and perpendicular parking on each side of the buildings. In this instance, the minimum separation between each row home building is 36' which provides more than sufficient room for drive isles. Additionally, with regard to parking each row home is parked in conformance with Code at two (2) spaces per unit which are garage spaces. Additionally, twenty-six (26) guest parking spaces are provided, which is well in excess of Code requirements and are located throughout the community at strategic locations. Therefore, the intent of the Code provision is met in that Petitioner is proving parking in excess of Code requirements. Additionally, all internal roadways where the guest parking is

located are private roadways and overnight parking will be allowed. Even if there was 61' of separation between the row home buildings, Petitioner would not be required to locate additional parking along the drive isles as there is already resident parking and guest parking in excess of Code requirements. With respect to the townhome area, each of these units will have both two-car garages and two (2) driveway spaces. Overall, the entire community offers a total of two hundred seventy-four (274) spaces when only a total of two hundred and three (203) spaces are required which includes sixty-eight (68) guest parking spaces for the townhomes when only nine (9) guest parking spaces are required and twenty-six (26) guest parking spaces for the row home area when only fourteen (14) spaces are required. The result is that this community is well overparked, addressing the Code provision's intent to ensure sufficient parking.

To further confirm adequate parking, the Petitioner hired the traffic and parking engineering firm KLOA, which conducted a study that concluded the Development will have a surplus of parking. The parking study is included in the overall traffic study and is attached hereto as **Exhibit D**. It is also important to point out that being a rental community with a professional management company allows the Petitioner additional control over the parking supply.

Lastly, the City's Fire Department has no objection to the 36' building separation which meets all applicable safety standards, further confirming the distance does not pose any life safety risks, ensuring compliance with safety regulations and maintaining the welfare of future tenants and the surrounding community.

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

The requested deviation does not undermine the intent and purpose of the provisions of this title which is to establish the requirements and standards regulating the subdivision and platting of land within the corporate limits, and plat approval jurisdiction of the City for the

promotion of the public health, safety, comfort, morals and welfare of the community. The requested deviation will facilitate development of the Subject Property with two distinct housing options, rowhomes and townhomes, that will be compatible with the surrounding area and improve the quality of life and housing options within the City. This strategic placement of the rowhomes will serve to better buffer the community and surrounding area from Naper Boulevard while also providing adequate drive isles and parking in compliance with City Code. The three-story rowhomes have been thoughtfully designed to act as a buffer from the surrounding area from Plank Road and Naper Boulevard, further enhancing the overall aesthetic of the area and quality of life of the nearby residential areas.

The Subject Property sits at a transition point between commercial uses or intensive roadway corridors and low density detached single-family homes. The areas to the west, east and south of the Subject Property largely consist of single-family detached residential. The proposed Development will provide a logical transition between the intensive perimeter roadways and the residential subdivisions.

The proposed Development is not only consistent with the intent of the R3A zoning designation and the City's Subdivision control ordinance, but also the Comprehensive Plan and Plank Road Study. The Comprehensive Plan designates the future uses of the Subject Property as "Single Family & Duplex Residential" and "Medium Density Residential." The proposed Development is also consistent with the findings of the Plank Road Study, which highlights the need for residential land uses that help diversify Naperville's housing stock in the form of mixed use, multi-unit homes, or townhome communities. Upon annexation, Petitioner requests the Subject Property be zoned R3A. The Subject Property is part of Sub-Area 3 under the Plank Road Study, which suggests the Subject Property be developed for medium density multi-family. The

Plank Road Study specifically identifies the Subject Property as “a transition between Ogden Avenue commercial corridor and adjacent residential uses to the south and east.” It also identifies the Subject Property as a “transition from heavily traveled roadways (i.e. Naper Boulevard and Ogden Avenue) to residential neighborhoods. The proposed 36’ building separation therefore helps provide an adequate buffer as intended. With the requested deviation, the drive isles will be sufficient for access and all parking will meet and exceed City Code requirements.

**APPROVAL OF A DEVIATION FROM SECTION 1.3.2 TO PERMIT NO PARKING
SPACES ON EACH SIDE OF A SHARED DRIVE ISLE**

2.3.1. 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 site plan has been thoughtfully designed in order to achieve important objectives to enhance the quality of life for the residents of the new community and surrounding area. These objectives include meeting and exceeding all applicable setbacks, providing open space exceeding the City’s required 30% minimum, providing park areas, recreational features, walking paths, quality architecture and building placement for buffering from perimeter roadways. With regard to building orientation, the rowhomes have been placed along Naper Boulevard 36’ apart to provide a buffering quality from Naper Boulevard as it is a major arterial roadway with high concentrations of both passenger vehicles and trucks. The proximity to Naper Boulevard and Plank Road are unique circumstances which are not caused by the Petitioner. Orienting the buildings 36’ apart along Naper Boulevard serves to better buffer the Subject Property, its residents and existing residential neighborhoods to the west and north from the noise and activity of Naper Boulevard and provides a much better living environment. Separating the buildings to 61’ would serve no practical benefit and would be a detriment to the buffering benefit of the proposed building placement and quality of life. Additionally, the nature of the rowhomes subject to this variance are

intended to provide more of an urban/suburban aesthetic at this location along Naper Boulevard. To separate the rowhome buildings by 61' would give them more of a garden apartment or townhome appearance, inconsistent with the design intent.

In many similar circumstances such as Eldridge Townhomes, Charleston Row, Naperville Station, and Prosperita similar building separations have been approved. In particular at Naperville Station located off of Spring Street each building is located less than 61' feet apart which provides both buffering from Spring Avenue and the railroad tracks to the north and has been an excellent addition to the community.

In reviewing the specific design manual language requiring the 61' of separation between buildings, it appears that the driving force is to provide room for a drive isle and perpendicular parking on each side of the buildings. In this instance, the minimum separation between each row home building is 36', providing more than sufficient room for drive isles. Additionally with regard to parking, each rowhome is parked in conformance with Code at two (2) spaces per unit which are garage spaces. Additionally, twenty-six (26) guest parking spaces are provided which is in excess of Code requirements and are located throughout the community at strategic locations. All internal roadways where the guest parking is located are private roadways and overnight parking will be allowed. Even with 61' of separation between the rowhome buildings, Petitioner would not be required to locate additional parking along the drive isles as there is already resident parking and guest parking in excess of Code requirements. With respect to the townhome area, each of these units will have both two-car garages and (2) driveway spaces. Overall, the entire community offers a total of two hundred seventy-four (274) spaces when only a total of two hundred and three (203) spaces are required which includes sixty-eight (68) guest parking spaces for the townhomes when only nine (9) guest parking spaces are required and twenty-six (26) guest parking spaces for

the row home area when only fourteen (14) spaces are required. The result is that this community provides ample parking, addressing the Code provision intent to insure sufficient parking. To further confirm adequate parking, the Petitioner hired the traffic and parking engineering firm of KLOA who studied the parking demand and determined that excess parking will exist on-site. The parking study is included in the overall traffic study and is attached hereto as **Exhibit D**. Additionally, it is important to point out that being a rental community with a professional management company allows the Petitioner additional control over the parking supply. Lastly, the City's Fire Department has confirmed that the 36' of building separation does not present any sort of life safety concerns.

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

The requested deviation does not undermine the intent and purpose and provisions of this title which is to establish the requirements and standards regulating the subdivision and platting of land within the corporate limits, and plat approval jurisdiction of the City, for the promotion of the public health, safety, comfort, morals and welfare of the community. The requested deviation will facilitate development of the Subject Property with two distinct housing options, rowhomes and townhomes, that will be compatible with the surrounding area and improve the quality of life and housing options within the City. This strategic placement of the rowhomes will serve to better buffer the community and surrounding area from Naper Boulevard while also providing adequate drive isles and parking in compliance with City Code. The three-story rowhomes have been thoughtfully designed to buffer the surrounding area from Plank Road and Naper Boulevard which will serve to enhance the quality of life of the nearby residential areas.

The Subject Property sits at a transition point between commercial uses or intensive roadway corridors and low density detached single-family homes. The areas to the west, east and

south of the Subject Property largely consist of single-family detached residential. The proposed Development will provide a logical transition between the intensive perimeter roadways and the residential subdivisions.

The proposed Development is not only consistent with the intent of the R3A zoning designation and the City's Subdivision control ordinance, but also the Comprehensive Plan and Plank Road Study. The Comprehensive Plan designates the future uses of the Subject Property as "Single Family & Duplex Residential" and "Medium Density Residential." The proposed Development is also consistent with the findings of the Plank Road Study, which highlights the need for residential land uses that help diversify Naperville's housing stock in the form of mixed use, multi-unit homes, or townhome communities. Upon annexation, Petitioner requests the Subject Property be zoned R3A. The Subject Property is part of Sub-Area 3 under the Plank Road Study, which suggests the Subject Property be developed for medium density multi-family. The Plank Road Study specifically identifies the Subject Property as "a transition between Ogden Avenue commercial corridor and adjacent residential uses to the south and east." It also identifies the Subject Property as a "transition from heavily traveled roadways (i.e. Naper Boulevard and Ogden Avenue) to residential neighborhoods. The proposed 36' building separation therefore helps provide an adequate buffer as intended.

With the requested deviation the drive isles will be sufficient for access and all parking will meet and exceed City Code requirements.

**APPROVAL OF A DEVIATION FROM SECTION 6-6D-8 TO PERMIT A BUILDING
HEIGHT OF THIRTY-EIGHT FEET**

A deviation from Section 6-6D-8 in the Code to permit a building height of 38' meets the standards for granting a deviation under a planned unit development pursuant to Section 6-4-3(12) as follows:

- a. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and*

The requested deviation does not undermine the intent and purpose of the underlying zoning district. As stated, intent of the R3A zoning district is in part to provide multiple-family areas of a medium density character accommodating a variety of housing types and compatible uses. The requested height variance will facilitate development of the Subject Property with two distinct housing options, rowhomes and townhomes, that will be compatible with the surrounding area. The requested deviation will only affect the rowhomes which will increase housing diversity by providing a three-story option and which comprises 56 of the total 90 units situated along the perimeter of the Subject Property, primarily along Naper Boulevard and Plank Road. This strategic placement will serve to better buffer the homes to the east from the roadway activity. The three-story rowhomes have been thoughtfully designed to buffer the surrounding area from Plank Road and Naper Boulevard which will serve to enhance the quality of life of the nearby residential areas. Additionally, the three-story rowhomes are located in a manner that they are approximately 100' from the nearest existing homes, further minimizing any impact on the surrounding environment.

The Subject Property sits at a transition point between commercial uses or intensive roadway corridors and low density detached single-family homes. Commercial development along Ogden Avenue to the north includes restaurants, retail stores, grocery stores, Costco, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other convenience uses. The areas to the east, west, and south of the Subject Property largely consist of single-family detached residential. The proposed Development will provide a logical transition between the commercial uses and the residential subdivisions. While only the rowhomes require the variance from the 35' maximum building height requirement, the requested 38' height variance will permit these homes to maximize the overall livable space of the home on 3-stories, including 9' high ceiling heights

on all three levels to improve the livability of each home. Not only will the 9' ceiling heights enhance residential value, comfort, design, livability, and promote urban lifestyle trends, but exteriorly will also enhance the visual appeal of the rowhomes and provide additional buffering from the perimeter roadways . Specifically, the variance will allow for 12/12 roof pitches in lieu of 10/12 roof pitches. If the variance were not to be granted, the Petitioner would still be permitted to construct the three-story rowhomes but would have to reduce the ceiling height of each unit and go with a less desirable roof option from a visual perspective which would have no practical benefit other than to negatively effect the interior and exterior of each of the rowhome units.

The proposed Development is not only consistent with the intent of the R3A zoning designation, but also the Comprehensive Plan and Plank Road Study. The Comprehensive Plan designates the future uses of the Subject Property as “Single Family & Duplex Residential” and “Medium Density Residential.” The proposed Development is also consistent with the findings of the Plank Road Study, which highlights the need for residential land uses that help diversify Naperville’s housing stock in the form of mixed use, multi-unit homes, or townhome communities. Upon annexation, Petitioner requests the Subject Property be zoned R3A. The Subject Property is part of Sub-Area 3 under the Plank Road Study, which suggests the Subject Property be developed for medium density multi-family. The Plank Road Study specifically identifies the Subject Property as “a transition between Ogden Avenue commercial corridor and adjacent residential uses to the south and east.” It also identifies the Subject Property as a “transition from heavily traveled roadways (i.e. Naper Boulevard and Ogden Avenue) to residential neighborhoods. The proposed homes, along with the 3' requested height variance for the rowhomes located on the perimeter of the Subject Property are a logical transitional use consistent with the objectives of the Comprehensive Plan and Plank Road Study.

- b. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and*

The requested deviation will not be a detriment to the provision of municipal services and infrastructure. The community will be constructed with private roads to be maintained by the Petitioner/property management company. Access to the Development will be via access points at Tuthill Road and Burlington Road, with no access points from Naper Boulevard or Plank Road. Public utility capacity is available to the Subject Property in sufficient volume and all utility service necessary for the service of the subdivision will be constructed by Petitioner consistent with the City's design standards. A private trash service will be utilized and tenants will keep their trash bins in their garage and bring them out on garbage day. Snow clearing will be handled by the Petitioner/property management company. An increase in height of 3' will have no impact on these services and infrastructure.

- c. 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.*

The requested deviation will contribute to the planned unit development which offers a superior level of design and amenity enhancement. The PUD is designed in such a manner that quality building facades face the perimeter of the Subject Property while the parking areas are located on the interior, away from adjacent residential uses. The additional height permitted by the variance will enhance the façade of the rowhomes located along Plank Road and Naper Boulevard, provide for additional buffering from the perimeter roadways, and provide superior architecture that will fit within the context of the neighborhood and deliver the modern look the residents will demand. Attractive new landscape treatments will be incorporated along the property lines to enhance the overall aesthetics of the area and provide a buffer between the Subject Property and

adjacent uses. The Petitioner will also meet and exceed the City's open space requirements and provide for social and recreational activities throughout the development. Sidewalks and a meandering pedestrian path will be provided throughout the community. Site amenities include gathering spaces, a meandering sidewalk, public benches, potential public park, yard space, and a water feature with seating area. The requested deviation is also consistent with the City's comprehensive plan in that it allows for a variety of housing types to serve a broad range of residents allowing for a three-story rowhome opportunity.

**A DEVIATION FROM THE CITY CODE SECTION 6-6D-5 TO PERMIT A MAXIMUM
DENSITY OF 11 DWELLING UNITS/ACRE AND A TOTAL OF 90
TOWNHOMES/ROWHOMES**

A deviation from Section 6-6D-5 in the Code to permit a maximum density of 11 dwelling units/acre and 90 townhomes/row homes in lieu of the permitted 89.4 units meets the standards for granting a deviation under a planned unit development pursuant to Section 6-4-3(12) as follows:

- a. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and*

The requested deviation does not undermine the intent and purpose of the underlying zoning district. The stated intent of the R3A zoning district is in part to provide multiple-family areas of a medium density character accommodating a variety of housing types and compatible uses. Petitioner believes the offering of two distinct home types, townhomes and rowhomes, will appeal to an underserved segment of Naperville's population that desires a safe living environment in close proximity to employment (I-88 corridor), transit (Pace), and a variety of retail and convenience uses (Odgen Avenue corridor). The Petitioner has designed the Subject Property with extensive amenities, a site plan that exceeds all required setbacks, open space exceeding City's requirements, first class architecture, and meets with vision evidenced by the City's Comprehensive Plan approved in 2022 which anticipated up to twelve (12) homes per acre on the

Subject Property which would be +/- 98 homes which is more than are being proposed by the Petitioner.

Pursuant to City Code, the R3A zoning district permits one (1) townhome per 4,000 square feet of land area, or eight (8) homes per acre. The Subject Property is approximately +/- 8.21 acres (357,628 square feet). Based upon one (1) townhome per 4,000 square feet, eighty-nine (89.4) townhomes would be permitted on the Subject Property, subject to the R3A Code provision that limits the Property to eight (8) homes per acre, or sixty-five (65) homes for 8.21 acres. It is important to note however, that despite Petitioner electing to seek R3A zoning for the Property, Petitioner believes that both the TU (Transitional Use) and OCI (Office, Commercial & Institutional) zoning districts would also be appropriate for this area, neither limiting a density to the eight (8) homes per acre requirement. The requested variance in the R3A zoning district to permit a density of 11 dwelling units/acre is also consistent with the Comprehensive Plan and Plan Road Study. The Comprehensive Plan designates the future use of the Subject Property as “Single Family & Duplex Residential” and “Medium Density Residential.” Further, the Plank Road Study highlights the need for residential land uses in the location that help diversify Naperville’s housing stock and address housing needs, including a variety of unit types and price points in the form of mixed use, multi-unit, or townhomes, and suggests the Subject Property be developed for medium density multi-family. The Plank Road Study specifically identifies the Subject Property as “a transition between Ogden Avenue commercial corridor and adjacent residential uses to the south and east,” and classifies the Subject Property as a “transition from heavily traveled roadways (i.e. Naper Boulevard and Ogden Avenue) to residential neighborhoods. Further, the 2022 comprehensive plan specifically references a density of up to twelve (12) units per acre, which is consistent with the proposed community. Therefore, the current R3A Zoning District last amended

in 2020 is out of alignment with the much more recent 2022 Comprehensive Plan which anticipates up to twelve (12) homes per acre. Reducing the unit count inconsistent with the Comprehensive Plan would have no practical benefit other than to reduce the housing opportunities for those seeking to live in Naperville.

It is also worth noting that the Subject Property was previously the subject of several iterations of residential development proposals and applications, none of which came to fruition or were formally reviewed by the Plan Commission or City Council. A main concern was density. Petitioner's proposed Development is significantly less dense than the last proposal in 2022, which included two hundred sixty-eight (268) apartments as compared to Petitioner's proposed ninety (90) townhomes and rowhomes. The objection filed specifically noted the property should be developed with a density of 10-12 dwelling units per acre, which is consistent with Petitioner's proposed density of 11 units per acre.

b. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and

The requested deviation will not be a detriment to the provision of municipal services and infrastructure. The community will be constructed with private roads to be maintained by the Petitioner. Access to the Development will be via access points at Tuthill Road and Burlington Road, with no access points from Naper Boulevard or Plank Road. Ample utility service is available to serve the Subject Property. Utility service necessary for the service of the subdivision will be constructed by Petitioner consistent with the City's design standards. The requested increase in density will have no negative impact on these services and infrastructure.

Density limitations ensure that public facilities, be it utilities, schools, parks, or roadway infrastructure, are not overwhelmed by the number of people output from a development. In this

instance, the proposed use of the Property is a substantially less intense use than other uses within and/or contemplated for the surrounding area and ample public services are available.

- c. 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.*

The requested deviation to permit a density of 11 dwelling units/acre and 90 townhomes/rowhomes will contribute to a planned unit development which offers a superior level of design and amenity enhancement. The PUD is designed in such a manner that quality building facades face the perimeter of the Subject Property, and the parking areas are on the interior of the Subject Property, away from adjacent residential uses. The requested density will complement the context of the neighborhood.

The buildings are strategically placed, leaving approximately 30% of the Subject Property (excluding the 0.62 acre park site at the south east corner) as open space with the requested density variance which exceeds city open space requirements, and does not include the public park. Attractive new landscape treatments will be incorporated along the property lines to enhance the overall aesthetics of the area and provide a buffer between the Subject Property and adjacent uses. Sidewalks and a meandering pedestrian path will be provided throughout the community, offering interconnectivity in the neighborhood and close proximity to the restaurants, retail stores, grocery stores, Costco, entertainment centers, pharmacies, employment opportunities, a Pace bus stop, and other convenience uses along Ogden Avenue. Site amenities include gathering spaces, a meandering sidewalk, public benches, two park sites, yard space, water feature, and a tot lot. All setbacks will be met and exceeded.

WHEREFORE, by reason of the foregoing, the undersigned respectfully petitions the City

of Naperville to (i) zone the Subject Property in the City's R3A Medium Density Multiple-Family Residence District; (ii) approve a conditional use for a planned unit development for the development of ninety (90) unit townhome and rowhome development; (iii) approve a preliminary/final planned unit development plat with associated deviation City's Design Manual For Public Improvements; (iv) approve a preliminary/final plat of and associated deviations from the City's Design Manual For Public Improvements; (v) approve a deviation to Section 6-6D-8 to permit a height of thirty-eight (38) feet; (vi) approve a deviation to Section 6-6D-5 to permit a density of 11 dwelling units per acre and a total of 90 townhomes/rowhomes; (vii) and approve such other relief from the Naperville Municipal Code as may be deemed necessary and appropriate to develop the Subject Property consistent with the plans submitted herewith.

RESPECTFULLY SUBMITTED this 14th day of April, 2025.

PETITIONER:

Vincent M. Rosanova

Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner