

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

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

THE UNDERSIGNED Petitioner, Mill and Bauer, LLC, an Illinois Limited Liability Company, (“Petitioner”), respectfully petitions the City of Naperville (the “City”) to, upon annexation of the property legally described on Exhibit A (the “Property”) pursuant to a separate petition submitted by the Owners of Record of the Property, : (i) zone the Property in the City’s Transitional Use District (“TU”); (ii) approve a variance from section 6-7I-5:2 of the City’s Code to allow one unit per 3,270.45 square feet in lieu of one unit per 4,000 square feet; and (iii) approve other such relief from the Code as may be deemed necessary and appropriate to develop the Property in accordance with the plans submitted herewith.

BACKGROUND INFORMATION

1. Mill and Bauer, LLC, an Illinois Limited Liability Company, with an office at 552 S. Washington Street, Ste 224, Naperville, Illinois 60540, is the Petitioner.
2. Thomas Albrecht is the record owner (“Owner”) of the Property.
3. Petitioner is the contract purchaser of the Property.
4. The Property consists of ten (10) lots totaling approximately .89 acres zoned R-3 in unincorporated DuPage County.
5. The Land Use Master Plan identifies the Property as “City Corridor” on the future land use map.
6. The applicable zoning districts identified for City Corridor includes TU.

7. Single family attached is a permitted use in the TU Zoning District.
8. A single residential home exists currently on the Property.
9. The Property is residential in nature.
10. The existing land uses surrounding the Property are as follows:
 - a. North: R1 – Nike Park
 - b. East: Unincorporated DuPage County – Single-Family detached
 - c. South: Unincorporated DuPage County – Mayne Farm
 - d. West: OCI and R3A PUD – Church and medium density residential

12. The federal government sets an income affordability standard for housing at 30%, which means renters spending in excess of 30% of gross income on rent are considered to be rent burdened.

13. According to the affordable housing online data base compiled from HUD demographic and rent data, 40.53% of Naperville renters are rent burdened. Relatedly, many renters are priced out of the Naperville apartment rental market altogether, forcing potential renters into surrounding communities.

14. Pursuant to the “Affordable Housing Program” report issued on April 20, 2022, by SB Friedman Development Advisors, the income range for a 3-person household at 60% of the Local Rental Naperville Average Median Income is \$65,600, which translates to an affordable monthly rent of \$1,900.00.

15. While the proposed community will not be restricted to “income qualifying” households and will not be financed with low-income housing tax credits, it is anticipated that the new proposed community will provide more financially attainable housing in the Naperville area

for the local work force, millennials, seniors, and everyone in between.

16. While there are currently micro-apartments and studio apartments located in the City that provide housing at an attainable price point for singles, there are very few townhome rental options that provide a similarly attainable price point for families.

17. The proposed townhome development will help fulfill the need for “missing middle housing” by satisfying the demand for a reasonably priced, convenience accessible and walkable development located in a transitional area.

18. The Petitioner’s proposal is consistent 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 and compatible with the surrounding environment.

19. 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

The Property is located at the Northeast corner of Mill Street and Bauer Road immediately south of Nike Park. The surrounding area has undergone significant development over the last ten years, including a church directly west across Mill Street and two high density senior living developments north of the church. South of the church is the Cress Creek Townhome community. Accordingly, this new residential development will provide a consistent use to the surrounding community.

The proposed development will consist of twelve rentable townhome units and will fill a supply gap of similar rental units in the area. These two-story, 1,800 square foot units will include three bedrooms, two and a half bathrooms and standard two car garages. The units will be

constructed with high quality materials comparable to the surrounding residential homes and with a goal of wearing well with age and ease of maintenance. The building will feature a stone masonry façade that meets the City’s required minimum of fifty percent (50%) masonry on the exterior wall construction. The siding will consist primarily of 6” horizontal reveal with a mix of vertical siding. The entry to each unit will be covered and accented with wrapped decorative columns. Each unit will also have a balcony with decorative rails off the master bedroom and above the garage. The garage doors will be carriage style and all garage doors are located in the back of the unit facing Nike Park. The windows will be double hung with a white clad exterior. The roof will be constructed with architectural shingles. Each of the homes will be maintenance free with ownership responsible for all exterior maintenance, landscaping and snow removal. Said maintenance responsibilities will be set forth in a Declaration of covenants, conditions, and restrictions recorded against the Property.

The landscape plan intends to showcase Nike Park to the north of the development and enhance the appearance of the overall community. Landscape treatments include significant plantings around the structure of the development and numerous shade trees along Bauer Road.

Vehicular access will be provided from Bauer Road. A Traffic Study has been submitted evidencing the roadway network has sufficient capacity to serve the Subject Property. Additionally, the Study found that the increase in traffic will have a minimal impact. Resident parking and guest parking will also meet City requirements.

REQUIRED DEVELOPMENT ENTITLEMENTS – TU ZONING DISTRICT

1. Petitioner has submitted a separate Petition for Annexation.

2. Upon annexation into the City of Naperville, Petitioner requests that the Property be zoned Transitional Use.

3. The Petitioner seeks a variance from Section 6-7I-5:2 to allow one unit per 3,270.45 square feet in lieu of one unit per 4,000 square feet of land area.

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

REZONE PROPERTY TO TRANSITIONAL USE

i. Rezoning of the Property to a Transitional Use Zone will not be detrimental to, or endanger the public health, safety and general welfare and complies with the policies and official land use plan and other official plans of the City; and

The proposed rezoning will not be detrimental to or endanger public health, safety or the general welfare. The proposed use provides needed and desirable living options and complements the surrounding area while improving the real estate tax base. There is currently a supply gap of similar units in the northern part of Naperville and the proposed Development will provide a significant increase in available housing in a desirable area. The current property is largely undeveloped and contains an approximately 50-year-old single-family home.

The proposed Development will provide an attractive option for those seeking an opportunity to live within walking distance of three District 203 schools: Mill Street Elementary, Jefferson Junior High and Naperville North High School. The proximity to Nike Park enhances the desirability for young active families. In addition, rezoning will allow for the development of largely undeveloped land to be utilized for its highest and best use.

ii. Development is Consistent with the Trend of Development in the Area; and

The trend of development in the area of the Property is diverse and the area itself consists of a mixture of different uses, including single family residential, multifamily residential, a church and high-density senior living.

Upon annexation to the City, the requested zoning to develop townhomes is consistent with the nearby and adjacent properties. Directly to the west across Mill Street is a church. At the southwest corner are townhomes similar to the Proposed Development. Nike Park and Mayne Farm are to the north and south respectively. Largely unincorporated single family Knights Subdivision and recently incorporated Adler Point Subdivision is located to the East of the Property. Two high density senior living communities were recently developed to the northwest across from Nike Park.

iii. Requested Zoning Permits Uses Which Are Suitable; and

The Property is currently zoned R-3 in unincorporated DuPage County and is identified as “City Corridor” on the Land Use Master Plan. Applicable zoning districts for City Corridor include the Transitional Use (TU) District, various business districts (including the community shopping center and general commercial districts) and OCI, which includes commercial services, banks, and professional and medical offices. The proposed townhome development under a Transitional Use zoning designation is consistent with the Property’s designation under the Land Use Master Plan and the proposal is far more consistent with the character of the surrounding area. In addition, the proposal is far less intense than any of the other permitted uses in the zoning districts applicable to a “City Corridor” future land use designation under the Land Use Master Plan.

iv. The Subject Property has not been utilized under the existing zoning classification for a substantial period of time; and

The Property has never been utilized under a City of Naperville zoning designation and upon annexation to the City, the Code requires Petitioner to request a zoning designation for the Property.

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

A Transitional Use zoning designation to allow for the proposed townhome development is consistent with the character of the surrounding area, which includes a diverse mixture of uses, including: a farm, a park, a church, high density senior living, medium density residential and single family residential.

**AREA REQUIREMENT VARIANCE FROM SECTION 6-7I-5:2 OF THE CITY
CODE TO ALLOW ONE UNIT PER 3,270 SQUARE FEET IN LIEU OF ONE UNIT
PER 4,000 SQUARE FEET OF LAND AREA**

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

The Subject Property consists of approximately 39,245 square feet. The City’s TU zoning district requires 4,000 square feet per dwelling unit for single-family attached residences. Density limitations ensure that the 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, 4,000 square feet per dwelling would limit the number of dwelling units to 9.8. The requested increase of 2.2 units will not overwhelm the City’s utilities, schools, parks or roadways. The City’s Land Use Master Plan, (“MP”) notes that variance considerations for increased density are appropriate for areas adjacent to arterial roadways and collector streets.

The MP designates the Property as City Corridor. City Corridor primary uses include commercial retail services, restaurants, entertainment and professional offices. Secondary uses include single family attached residences and multi-family (apartments). In this instance, the proposed use of the Subject Property as twelve dwelling units is consistent with the surrounding area and substantially less intense than other uses contemplated in the City's Land Use Master Plan for property that is designated for "City Corridor" under the MP. Increased density is also appropriate considering Mill Street borders the Property to the west and further diversifies the housing stock and available options in the area.

The current configuration of a single-family home on the hard corner of Mill Street and Bauer Road and otherwise undeveloped land is not an efficient use of land and resources consistent with the Land Use Master Plan. The proposed Project fills a supply gap of similar type high-quality townhomes in North Naperville. Moreover, the land plan comfortably supports twelve units with timeless dimensions without compromising on quality or comfort of the units.

The requested variance to allow for twelve dwelling units on the Subject Property is consistent with the surrounding area and is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.

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

The Subject Property is unique as it is bounded by Mill Street and is in a transitional area consisting of a diverse array of uses. A residential use is the most appropriate use for the Subject Property and is consistent with the trend of development in the immediate area, as opposed to other permitted uses in the "City Corridor" designation. Strict enforcement of this requirement

would cause the Property not to be developed in conformance with the highest and best use of the land. The dimensions of the units are timeless and the land plan comfortably supports twelve units. Strict enforcement of this title would also substantially negatively affect the marketability and viability of these townhomes and this project. Without the density variance, the project would no longer be viable.

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

The existing structure currently located on the Subject Property is a small single-family home. The rest of the Property is undeveloped and remains one of the last parcels in the area that is unimproved. As such, Petitioner's request could be restated as a request to improve the existing conditions with townhomes complementary to the surrounding area. The Project will increase the property values of the surrounding area and utilize the Subject Property to its highest and best use. The essential character of the neighborhood would remain intact considering the already diverse mixture of uses.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to, upon annexation of the Property: (i) zone the Property in the City's Transitional Use District; and (ii) grant a variance from section 6-7I-5:2 of the Code to allow unit per 3,270 square feet in lieu of one unit per 4,000 square feet; and (iii) all other such relief from the Code as may be deemed necessary and appropriate to develop the Subject Property.

RESPECTUFLY SUBMITTED this 11th day of May, 2023.

PETITIONER:

Mill and Bauer, LLC
an Illinois limited liability company

Rosanova & Whitaker, Ltd.
Attorney for Petitioner