

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

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

THE UNDERSIGNED Petitioner, TWG Development, LLC (hereinafter “the Petitioner”) respectfully petitions the City of Naperville to approve a Final Planned Unit Development for the property legally described on Exhibit A (“Subject Property”) allowing for adjustments to the landscape plans, open space exhibit, site plan and building elevations which are in substantial conformance with the approved preliminary planned unit development plans, and approve a deviation to the platted setbacks along the north, east and south property lines of the Subject property and such other deviations or departures as may be necessary to develop the Subject Property as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

**BACKGROUND INFORMATION**

1. The owner of the Subject Property is AG Investors III L.L.C., an Illinois limited liability company, with an office at 1000 Devonshire Avenue, Naperville, Illinois, 60540.
2. The Petitioner is TWG Development, LLC with an office at 333 Pennsylvania Street, Indianapolis, Indiana.
3. The Subject Property consists of one (1) lot totaling approximately 8.264 acres located along the southwest corner of Diehl Road and Raymond Drive in Naperville, Illinois.
4. The Subject Property is well suited for the proposed development given its desirable location in Naperville, its proximity to the tollway, its proximity to local shopping destinations as well as the lack of senior restricted apartments in the marketplace.

5. The proposed development, as depicted on the final plans submitted herewith, consists of a building ranging from one (1) to five (5) stories including one hundred and seventy-four (174) dwelling units with the first floor of the building being utilized for indoor resident parking and leasing offices.
6. The proposed building will be age-restricted and include common facilities/programming specifically targeted to the needs of the anticipated residents.
7. The existing land uses surrounding the Subject Property are as follows:
  - a. North: City of Naperville – Zoning “ORI” - Diehl Road & Tell Labs Buildings
  - b. East: DuPage County – Zoning R-2 Unincorporated DuPage County McDowell Wood Forest Preserve
  - c. South: City of Naperville – Zoning “OCI” PUD - Tabor Hills Senior Living
  - d. West: City of Naperville – Zoning “OCI” PUD - Diehl Road & Tell Labs Buildings
8. The Subject Property is vacant.
9. On July 18, 2018 the Naperville City Council approved ordinances, (i) rezoning the property to OCI to allow for said 174 unit apartment community, (ii) granting a conditional use, (iii) and approving a Planned Unit Development.
10. The Final Planned Unit Development Plans submitted herewith are in substantial conformance with the approved Preliminary Plans.

**REQUIRED DEVELOPMENT ENTITLEMENTS**

1. The Petitioner seeks approval of the Final Planned Unit Development.
2. The Petitioner seeks minor adjustments to the approved Planned Unit Development to allow for enhancements to the approved landscape plans, open space exhibit, site plan and building elevations.
3. The Petitioner seeks a deviation to the platted setback along the north, east and south property lines of the Subject property

**ADJUSTEMENTS TO THE APPROVED BUILDING ELEVATIONS, SITE PLAN,**

**LANDSCAPE PLANS, AND OPEN SPACE EXHIBIT**

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

The Subject Property is in close proximity to I-88 and is also a short drive to all the conveniences of Route 59, the Cantera development as well as Naperville's downtown area. The location presents an excellent opportunity to create a unique living environment. The Petitioner's goal in adjusting the landscape plans, open space exhibit, site plan and building elevations is to provide high quality residences in an intelligently designed living environment. The proposed development will consist of a one hundred and seventy-four (174) unit age-restricted community which will provide a much needed housing opportunity to an underserved segment of Naperville's population who desire an upscale living environment and associated amenities in close proximity to a variety of retail and convenience uses. The proposed development would create a beneficial use of the Subject Property by providing this underserved segment of the housing market with an opportunity to reside in Naperville when a traditional home no longer suits their needs.

The revisions to the landscape plans, open space exhibit, site plan and building elevations insure the development is functionally designed to meet the needs of its residents and provide a complimentary aesthetic to the adjacent properties. The Property will be developed with one interconnected building. The interconnectivity of the building is essential to the programming of the community and provides residents with access to their daily functions as well as indoor parking, recreation and other amenity areas. The layout allows access to a central courtyard to ensure that each and every resident enjoys safe access to the pool and fitness amenities. Recreational amenities, including activity areas, health facilities, and a pool, are central to the operation of the community as are depicted on the revised site plan, landscape plan and open space exhibit. The second floor will include a courtyard that will be improved with a pool and associated active recreational amenities for

community residents. As such the revisions to the landscape plans, open space exhibit, site plan and building elevations will enhance the architectural design features and onsite amenities and landscaping.

To enhance the surrounding environment, the building elevations have been revised to evoke traditional forms and details found in the Naperville community. The proposed architecture provides complementary design. Significant features of the structure are masonry walls, decorative architectural enhancements, recessed balconies, large windows and complimentary trim work. The exterior materials are predominately brick and stone. These design features have been carried through on all four sides of the building and are utilized in ways that fit within the context of the neighborhood while still delivering a modern building its users demand.

The site is designed with two (2) access points per Naperville standards and the site plan has been updated to enhance circulation. The full ingress/egress on Diehl Road is the primary point of access that will serve both residents and guests. A drop-off area and guest parking is provided at the primary entrance of Diehl Road. To the east will be a secondary point of access from Raymond Drive that will be restricted to right-in / right-out. The parking garage will be accessed from ground level and is anticipated to accommodate one hundred percent (100%) of the residents' parking needs.

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

The proposed planned unit development meets the requirements and standards of the planned unit development regulations as follows:

- (i) Ownership and Control: The proposed development meets the ownership and control requirements.
- (ii) Area, Lot Width, Yard, and Height/Bulk Requirements: The proposed development meets all lot width and yard requirements. The proposed

development requires deviations from the area and height requirements of the OCI zoning district.

- (iii) Common Open Space: Common open space will be included in the development consisting of a pool, fitness area, outdoor decks, socialization areas and recreation areas. Additional outdoor open space areas will be preserved along Diehl Road and Raymond Drive.
- (iv) Landscaping, Screening, and Tree Preservation: A revised landscape plan has been submitted in compliance with the City's requirements for landscaping and screening on the Subject Property.
- (v) Lighting: A lighting plan has been submitted in compliance with the City's lighting requirements.
- (vi) Pedestrian and Bicycle Circulation: The provisions pertaining to Pedestrian and Bicycle Circulation have been met. The development will include sidewalks and the proposed development will include bicycle parking.
- (vii) Relationship to Adjoining Land: The proposed use is consistent with adjacent age restricted residential uses and will be complimentary to the surrounding uses.
- (viii) Density Bonuses: No density bonuses are requested.
- (ix) Park and School Sites: Park and School donations will be paid pursuant to applicable ordinances.
- (x) Public Improvements: All public improvements will be provided for as part of the development.

- 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 revisions to the open space exhibit, landscape plan and site plan take into account the significant change in topography with the southern portion of the Subject Property being higher than the north end. As a result, the on-site storm water detention will be provided along the north and east property lines to efficiently utilize the land. The building will be located on the higher ground towards the southern property line. There are also existing wetlands on-site which will be incorporated into the proposed development plan to insure efficient utilization of the land and enhance the environment. Overall, the proposed development greatly enhances the Subject Property and efficiently utilizes the Subject Property which has been vacant and underperforming for many years.

- d. *Open Space, outdoor common area, and recreational facilities are provided.*

As stated above, open space, outdoor common areas, and recreational facilities have been incorporated into the development. The open space areas will include safe and secure amenities interior to the building which include a fitness facility, a pool area, socialization areas as well as outdoor open areas on the second floor of the building. Additionally, there will be sidewalks installed as well as common area open spaces providing for naturalized plantings and the preservation of wetland areas. Lastly, the property is directly across the street from the Forest Preserve which offers extensive walking paths and seating areas.

- 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.*

The design of proposed building exceeds all subdivision control requirements. Additionally, the Petitioner is enhancing the environment and preserving natural features existing

on-site. The waivers from zoning regulations allow Petitioner to provide a unique housing opportunity which serves a compelling community need.

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

The proposed use of the Subject Property is consistent with age restricted residential uses to the south and west (Tabor Hills). Additionally, the proposed use is consistent with the Forest Preserve land to the east and will provide a transition from the intensity of the office uses to the north. The proposed development would create a beneficial use of the Subject Property that will provide a housing opportunity to an underserved segment of the housing market. The planned unit development's proposed use is compatible with and serves as an excellent transitional use between the existing adjacent residential to the south and east and the business/commercial to north. It is also an excellent synergistic use with the assisted living facility to the south.

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

The proposed development is consistent with the overall objectives of the City to enhance the housing stock for our aging population. The proposed development will allow for underperforming land to be utilized for its highest and best use which will in turn enhance the City's property tax bases while providing a buffer to the adjacent residential uses.

**DEVIATION TO THE PLATTED SETBACKS ALONG THE NORTH, EAST AND SOUTH PROPERTY LINES.**

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

The Petitioner's request arises from the fact that the McDowell Point Plat of Subdivision recorded in DuPage County as Document No. 2008-143214 anticipated that an office building would be constructed on the Subject Property and noted the following platted setbacks which are

inconsistent with the City's Zoning Code: (i) a 37.4' building setback along Diehl Road, (ii) a 39.4' building setback along Raymond Drive, (iii) a 30' parking setback along Raymond Drive, (iv) a 29.4' building setback along the south property line, and (v) a 20' parking setback along the south property line. After ten years of sitting dormant, in 2018 the City of Naperville rezoned the Subject Property to OCI to allow for an age-restricted residential development consistent with the overall area and complimentary to the adjacent Tabor Hills residential use to the south. Notably, the City of Naperville's OCI zoning district requirements are inconsistent with the setbacks platted by the Owner back in 2008. The Petitioner will comply with all OCI zoning district requirements. As a result compliance with the setbacks depicted on the prior 2008 plat of subdivision would require the Petitioner to shift the buildings back inconsistent with the City's current zoning code which would in turn reduce the open space, impact special management areas such as wetlands, impact circulation and have a negative effect on the overall development.

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

The setbacks should have never been platted in the first place. It is very unusual to depict side and rear yard setbacks on a plat of subdivision as it is the City's Zoning Code that should control and regulate all setbacks. Therefore, without the deviations to the platted setback, the proposed building would have to be constructed further in a placement that negatively impacting the open space areas. Instead, granting the requested deviations will be an improvement to the whereby the building will be setback consistent with and in excess of all OCI setback requirements. The proposed development is consistent with the overall objectives of the City to enhance the housing stock for our population as well as our local economy. The proposed development will also allow for underperforming land to be utilized for its highest and best use



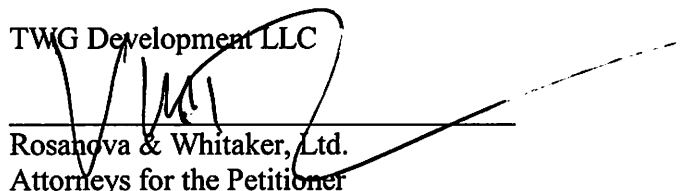
in turn enhancing the City's property tax bases while providing a buffer to the adjacent residential uses.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: approve a Final Planned Unit Development for the property legally described on Exhibit A ("Subject Property") allowing for adjustments to the building elevations, grant a deviation to the platted setback along the north, east and south property lines of the Subject property such other deviations, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** ("Subject Property"), and as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the "Code").

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of May 2020

PETITIONER:

TWG Development LLC

  
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Rosanova & Whitaker, Ltd.  
Attorneys for the Petitioner

**EXHIBIT "A":**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

LOT 1 IN MCDOWELL POINT, BEING A PART OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 2008 AS DOCUMENT R2008-143214, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: SW corner of Diehl Road and Raymond Drive, Naperville, Illinois

PIN: 07-03-402-027