

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

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

THE UNDERSIGNED Petitioner, Lakewest Custom Homes, Ltd. (hereinafter “the Petitioner”), respectfully petitions the City of Naperville (“City”) to approve:

- (i) the re-subdivision of two (2) existing lots located at the southwest corner of W. Van Burn Avenue and S. Webster Street into four (4) lots to provide for construction of four (4) single-family homes;
- (ii) a variance from Section 6-7I-5:1 of the Code to allow one home per minimum +/- 4,790 sq. ft. of lot area in lieu of one home per 6,000 sq. ft.;
- (iii) a variance from Section 6-2-10:5 of the Code to permit a rear yard coverage of 75% in lieu of 25%; and
- (iv) to grant such other relief from the Code as may be deemed necessary to develop the property legally described on **Exhibit A** (“Subject Property”) in accordance with the plans submitted herewith.

BACKGROUND INFORMATION

1. Lakewest Custom Homes, Ltd., with a registered address of 1309 N. Loomis Street Naperville, IL 60563 is the developer, builder and Petitioner.
2. TriFox Propertiez LLC, an Illinois limited liability company, with a registered address of 2145 W Mclean Avenue in Chicago, Illinois 60647, is the owner.
3. The Subject Property was subdivided in 2016 and consists of two (2) lots totaling approximately 20,213 sq. ft. with common addresses of 204 and 212 W. Van Buren Avenue.

4. Prior to the 2016 Subdivision, the the Subject Property consisted of approximately 43,902 square feet and was subdivided in December of 2016 to create three lots. Lot 1 was improved with the home located at 222 W. Van Buren Avenue, while lots #2 and #3 have sat vacant.
5. Since 2016, the Subject Property has been used as open space for the adjacent neighboring property to the west, with a common address of 222 W. Van Buren Avenue.
6. The Petitioner and Owner request approval to use the +/- 20,213 square foot Subject Property to accommodate (4) single-family detached homes.
7. Single-Family homes are permitted within the Subject Property's zoned classification of Transitional Use, ("TU") as are both townhomes and duplex homes as well.
8. The proposed use of the Subject Property as single-family homes on minimum +/- 4,790 square foot lots is consistent with both the City's 2030 Downtown Plan (the "2030 Plan") as well as the City's 2022 Master Land Use Plan (the "Master Plan).
9. The existing land uses surrounding the Subject Property are complimentary to the proposed use and are as follows:
 - a. North: Transitional Use – Commercial (Office Building – St. Johns Place)
 - b. East: B4 – Commercial Parking Lot (Paw Paw Parking Lot)
 - c. South: Transitional Use - Commercial (Bel Canto Music Academy, Jack C Jones Fairway Independent Mortgage Loan Officer and Pure Health and Wellness)
 - d. West: Transitional Use – Residential (Single-Family Home – 222 W. Van Buren)

SUMMARY OF DEVELOPMENT

The Subject Property is located at the southwest corner of W. Van Buren Avenue and S. Webster Street near the City's downtown core. Prior to 2016, the Subject Property had been

occupied by single-family detached homes in various states of disrepair. The homes located on the Subject Property were demolished, the home at 222 W. Van Buren was constructed, and the Subject Property has remained vacant. The Petitioner is proposing utilizing the Subject Property for single-family homes that are thoughtfully designed to complement the surrounding area, creating an optimal land use transition between the City's downtown core to the residential neighborhoods in a seamless manner consistent with both the 2030 Plan and the Master Plan.

The site plan has been designed to complement the aesthetics and character of the surrounding area as well as improve vehicle and pedestrian circulation. Each home will front along Webster Street to provide a quality appearance from the city's downtown core and establish the boundary of the residential area west of Webster Street. Alley access will be provided in the rear of the homes accessible from Van Buren Avenue and each home will include a two car attached garage. Not only will this site design provide for the best aesthetic impact, but having alley access in the rear of the homes from Van Buren will also improve vehicle and pedestrian circulation in this area. Webster Street has a narrow right-of-way and is often congested during busy times of the day. Loading the homes from the rear with access from Van Buren will remove additional curb cuts from Webster Street. The owners of the adjacent home to the west at 222 Van Buren is part of the ownership group and is in support of the alley access abutting their property line.

Each home will be three stories and generally range between 4,790 to 5,340 sq. ft. Possible finished attics and rooftop patios may also be included. The intent of the architecture is to use traditional geometric forms to fit within the context of the homes on Van Buren Avenue, while also meeting the spirit of the downtown Naperville Design Standards with design elements that create a more modern feel and varied look to each home. Each home has a strong main gabled

element at the front elevation, with each having slightly different somewhat modern detailing, including large punched openings, a tall window bay, and inset two-story window blocks. Each home also has a two-story rectangular element capped with a rooftop deck on the third floor, with the area behind the gable forming a covered portion of a rooftop deck.

The homes will be compatible with the character of the nearby residential properties while transitioning from the aesthetic of downtown core to the less dense residential uses to the west. The result is a unified group of homes that fit well together but are not identical. The prominent corner elevation at Webster Street and Van Buren Avenue will have more extensive detailing, including masonry gables, a window bay, and more areas of masonry than the similar elevations that are along interior side yards. A simple color neutral palette of beiges and grays is intentionally varied, so each home has a unique look and feel while allowing the four homes together to form a cohesive block. The proposed masonry materials will have a combination of earthtone and natural colored brick, smoothly finished cast stone, fiber cement panels and trim, windows with aluminum clad in metal railings framing the balconies. The use of quality materials will carry around all four sides of each home. Landscaping treatments will include parkway trees and each home will have its own landscape plan as selected by the homeowner.

TRANSITIONAL USE ZONING DISTRICT

The intent of the Transitional Use zoning district is to serve as a mixed-use transitional area between residential neighborhoods and other more intensive uses such as an arterial roadway or business district which is exactly the case in this instance. The proposed single-family homes will provide the edge between the residential area to the west and the City's downtown core to the east. Additionally, as a permitted use in the Transitional Use Zoning District, the single-family homes will provide additional housing options for current and future Naperville residents wishing

to live near downtown. These homes will cater to individuals seeking upscale accommodations within walking distance of downtown’s vibrant lifestyle. The proposed homes will also significantly enhance the Subject Property, leading to increased property values, diversification of housing options, and an overall enhancement of the community, positively influencing the surrounding area. Conversely, the potential for the Subject Property to serve as a commercial or office use within the secondary downtown area is not only currently lacking in demand, but also could face considerable land use challenges.

Given these circumstances, it is increasingly evident that the most prudent course of action for this unique location of the Subject Property within the TU zoning district is to prioritize residential use. Residential development not only provides a stable foundation but also offers greater potential for long-term investments. This aligns effortlessly with the directives outlined in the Master Plan and the 2030 Plan, which stresses the need for “increasing housing diversity that requires embracing new and emerging trends in housing” as key takeaways are summarized below.

NAPERVILLE LAND USE MASTER PLAN 2022
(Objectives Satisfied)

- While the City’s population continues to experience steady growth, the availability of developable land is decreasing. Greater housing diversity will be needed to accommodate additional growth. This includes small lot homes, multi-family housing, and higher density development.
- Naperville has a shortage of housing units that are affordable at both the lowest and highest income levels.
- Increases in housing diversity, including different price points, housing types, and locations, should help provide options that appeal to a variety of income levels.

- The City’s housing stock needs to reflect Naperville’s increasing diversity... this includes homes of different types, price points, styles, and densities.
- Increasing housing diversity will also require embracing new and emerging trends in housing.
- Housing choices should be balanced with options that ensure existing residents can remain in the community, even as their needs change over time.
- The principal focus of Naperville’s Residential Neighborhoods is to maintain the integrity and appeal of the single-family housing supply and ensure that appropriate regulations are put into place to ensure existing neighborhoods are not adversely impacted by the City’s changing needs.
- Officials from Naperville School District #203, which serves the eastern half to the community, are not concerned with enrollment. This provides greater flexibility to allow for all housing types within that district.
- While achieving a balanced housing supply in terms of product and affordability is desirable, it is important to recognize that owner occupied single-family detached will continue to be the predominate housing type in Naperville as well as the larger market area.

2030 DOWNTOWN PLAN

- The previous downtown plan from 2000 noted that “adjacent residential neighborhoods should be preserved and protected. Single-family homes should predominate within the neighborhoods.” The 2030 Plan continues this theme.
- Subject Property is designated within the secondary downtown land use area. This classification permits residential use, consistent with the intent of the proposed development.
- The Downtown Plan emphasizes the importance that “strong single-family residential neighborhoods within and adjacent to the Downtown Plan play a critical and synergistic role in the

continued success of downtown.” Similarly, the City’s previous downtown plan from 2000 envisioned a predominance of adjacent single-family homes in the surrounding area.

- Now, over two decades later, the proposed project aligns with the City’s long-standing vision for this transitional area of downtown.

VARIANCE FROM SECTION 6-7I-5:1 OF THE CITY CODE TO ALLOW ONE UNIT PER MINIMUM+/- 4,790 SQ. FT. IN LIEU OF ONE UNIT PER 6,000 SQ. FT. OF LAND AREA

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

The Subject Property consists of approximately 20,213 sq. ft., falling within the City’s TU zoning district requiring 6,000 sq. ft. per dwelling unit for single-family detached dwellings. These density regulations aim to maintain a balanced distribution of population density, preventing undue strain on public infrastructure, utilities, schools, parks, and roads. The proposed project represents a notably less intensive utilization compared to other permitted uses for the Subject Property. For instance, the Subject Property could accommodate five (5) attached townhomes, each requiring only 4,000 sq. ft. per dwelling unit or a variety of commercial uses which are much more impactful on the surrounding environment. However, consisting of only four (4) detached single-family homes adheres to a higher standard of residential spacing, thereby minimizing potential strain on local resources and infrastructure and fulfills the goals of the Master Plan of “emphasizing housing diversity to ensure Naperville offers homes that are comfortable, affordable, and inclusive to everybody.”

Before the re-subdivision in 2016, four (4) single-family homes existed on the lots. Continuing with the previous land use on the Subject Property, the proposed development maintains all setback and bulk requirements, ensuring that the land use aligns with zoning

regulations ensuring continuity with the previous configuration. By adhering to these requirements, Petitioner aims to uphold the character of the neighborhood while simultaneously meeting the evolving needs of the community.

Other residential development projects that have requested relief from this variance in other zoning districts and were approved by the City, such as the Benton Terrace Condominiums, MSP III Apartments, Charleston Row Townhomes, and Rive Place Condominiums, resulted in successful developments and product designs without negatively impacting the area. These examples support the variance request that in order to maintain the demand for Naperville's current and future residents, density requirements when necessary, should be taken into consideration on a case-by-case basis, allowing flexibility to address unique land use, such as the Subject Property's location, and needs within the community.

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

The Subject Property is unique within its Transitional Use zoning district, as it is surrounded by residential, residential homes converted to office/service use, and high-intensity commercial uses. 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 TU district. Strict enforcement of this Title would substantially negatively affect the marketability and viability of these single-family homes. Without the density variance, the proposed development would no longer be viable.

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

Quoted from the Master Plan, "the City's housing stock needs to reflect Naperville's

increasing diversity... this includes homes of different types, price points, styles, and densities.” The Subject Property, structureless since mid-2016, represents an underutilized asset within the neighborhood and surrounding area. Therefore, the Petitioner’s variance request serves as a proactive initiative aimed at enhancing the existing conditions by replacing this under-utilized space with single-family homes that harmonize within the vicinity. The homes will be characterized by their sophisticated designs inspired by modern, upscale urban living while maintaining a welcoming ambiance, elevating the neighborhood’s essential character and property values. Moreover, the design and density are notably less imposing than other permitted land uses, therefore, the requested variance will not impose a substantial detriment to adjacent properties.

**VARIANCE FROM SECTION 6-2-10:5 OF THE CITY CODE TO PERMIT A REAR
YARD COVERAGE OF 75% IN LIEU OF 25%**

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

The requested variance will allow Petitioner to provide for enclosed two car attached garages in the rear of the homes and a rear yard alley access drive, ensuring the surrounding area and Subject Property maximize their functionality.

The requested variance is in harmony with the intent and Title of the Code, the Master Plan, and the 2030 Plan. Drawing from the Master Plan, it is clear that “while achieving a balanced housing supply, it is important to recognize that owner occupied single-family detached will continue to be the predominate housing type in Naperville as well as the larger market area.” The proposed development not only falls within the parameters outlined for single-family homes permitted within the TU zoning district, but also corresponds with the prevailing demand of the market. This variance is necessitated by the Code requirement that structures shall not occupy

more than twenty-five percent (25%) of the area of a required rear yard, or a total of four hundred eighty (480) sq. ft., whichever is greater.

The Code considers the alley access drive a structure which is included within this calculation. Accordingly, with a rear yard of 4,144 sq. ft., the permitted coverage would be 1,030 sq. ft. and the Petitioner is proposing 3,114 sq. ft. It is important to note that the alley access drive makes up a significant portion of this calculation. The variance will allow Petitioner to provide for enclosed two car attached garages in the rear of the home, and a rear yard alley access drive, serving the surrounding properties and Subject Property with the best functionality use.

Providing an alley access drive as a strategic solution to alleviate traffic congestion on Webster Street by diverting traffic flow to Van Buren Avenue to access the alley behind the homes reduces the burden on Webster Street, thereby enhancing overall traffic management and safety. The rear placement of the garages and alley access will contribute to a more efficient use of the Subject Property's space and will improve curb appeal along Webster St, promoting a harmony and functionality.

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

Per Code 6-9-2:4.2.1, each single-family detached dwelling unit is required to provide two (2) parking spaces, with one (1) in an enclosed garage located behind the front and corner side yard line. Providing enclosed two car garages is the only feasible solution.

The enforcement of the rear yard lot coverage requirements would cause the Petitioner to have to potentially load the homes from Webster Street, imposing exceptional hardships on the future residents. Additionally, The owner of the adjacent home to the west at 222 Van Buren Avenue is part of the ownership group and is in support of the proposed alley access adjacent to their home.

This support ensures harmonious integration within the neighborhood. Granting this variance would have no impact on the other surrounding properties and best suits the Subject Property and surrounding area in terms of aesthetic, curb appeal, functionality, alleviating traffic congestion and ensuring pedestrian safety.

This variance is crucial for optimizing both functionality and aesthetics while addressing concerns about traffic congestion and pedestrian safety. Denial of this variance would necessitate front loading from Webster Street, an already bustling street burdened by congestion. By contrast, alley access would alleviate pressure on Webster Street, contributing to smoother traffic flow and enhanced pedestrian safety. Moreover, considering aesthetics and curb appeal, front loading would pose significant challenges. Integrating front loading to the proposed homes would detract from overall visual appeal of the curb appeal and aesthetic. Granting the rear yard variance ensures that the Subject Property can maintain its aesthetic integrity while providing the best practical functionality.

An attached garage, best served in the rear yard of the homes for the Subject Property's location and size, is essential for single-family homes to accommodate modern lifestyles, providing essential storage space, convenience, security for residents' vehicles and belongs, and enhancing the overall functionality and desirability of the property.

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

All boundary lines abutting the Subject Property are also within the TU zoning district. The adjacent property to the west is comprised of a single-family home on a 23,688 sq. ft. lot.

The two (2) adjacent properties to the south were formerly residentially used single-family homes that have been converted to office/service space. The requested variance will not alter the essential character of the neighborhood or be a substantial detriment to the adjacent properties.

Allowing for the variance will provide development of the vacant Subject Property, complementing the surrounding area and adjacent properties, increasing property values, and potentially spark additional investment within the secondary downtown area. Additionally, the Petitioner is meeting all required setbacks in relation to the location of the attached enclosed garages.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission to take the necessary steps to approve (i) the re-subdivision of two (2) existing lots located at the southwest corner of W. Van Burn Avenue and S. Webster Street into four (4) lots to provide for construction of four (4) single-family homes; (ii) a variance from Section 6-7I-5:1 of the Code to allow one home per minimum +/- 4,790 sq. ft. of lot area in lieu of one home per 6,000 sq. ft.; (iii) a variance from Section 6-2-10:5 of the Code to permit a rear yard coverage of 75% in lieu of 25%; and (iv) to grant such other relief from the Code as may be deemed necessary to develop the Subject Property.

RESPECTFULLY SUBMITTED this 17th day of May, 2024.

PETITIONER:



Vincent Rosanova, Rosanova & Whitaker, Ltd
Attorney for Petitioner

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 2 AND LOT 3 IN THE LAUREL, BEING A SUBDIVISION OF THE PART OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 29, 2016 AS DOCUMENT R2016-143976, IN DUPAGE COUNTY, ILLINOIS.

PINs: 07-13-421-020 and 07-13-421-019

Common Address: 204 and 212 W. Van Buren Avenue, Naperville, IL 60540-5329