

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

CITY OF NAPERVILLE)

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

THE UNDERSIGNED Petitioner, Charleston Investments, LLC, an Illinois limited liability company (hereinafter “the Petitioner”), respectfully petitions the City of Naperville (the “City”) to approve the following to permit the development of a thirty (30) home single-family community:

- (i) rezoning from the R1A zoning district to the TU zoning district;
- (ii) a Final Plat of Subdivision;
- (iii) a deviation from 7-4-1 of the City’s Design Manual For Public Improvements to permit a public right-of-way width of sixty feet (60’) in lieu of sixty-six feet (66’);
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. Charleston Investments, LLC, an Illinois limited liability company, with an office at 933 E. Ogden Avenue, Naperville, Illinois 60563, is the Petitioner and contract purchaser of the Subject Property (the “Petitioner”).
2. R. Daniel Conlon, Bishop of the Roman Catholic Diocese of Joliet, Illinois, successor Trustee, of Trust Agreement dated December 31, 1949, is the record owner of the Subject Property (the “Owner”).

3. Petitioner is a Naperville custom home builder, having developed Jefferson Estates located north of the Subject Property, Charleston Reserve located off of Hobson Road, Charleston Row Townhomes I and II, and Charleston on the Park rowhomes, all located along Aurora Avenue, and many other outstanding custom built single-family homes throughout the community.
4. The Subject Property consists of approximately 7.328 acres situated on the north side of Aurora Avenue between Mesón Sabika and All-Saints Catholic Academy with a temporary address of 1103 Aurora Avenue.
5. The Subject Property is vacant.
6. The Subject Property is currently zoned R1A.
7. The Subject Property is transitional in nature given the restaurant and commercial uses to the east, All-Saints Catholic Academy to the west, Jefferson Estates to the north and Aurora Avenue to the south.
8. Petitioner seeks to develop a thirty (30) home single-family community with custom architecture on the Subject Property.
9. Petitioner seeks to rezone the Subject Property from R1A to Transitional Use District (“TU”). Single-family detached dwellings are permitted uses within both districts.
10. The existing land uses surrounding the Subject Property are complimentary to the proposed use and are as follows:
 - a. North: R1A – Residential (Jefferson Estates Subdivision)
 - b. East: B3 – Commercial (Mesón Sabika Restaurant)
 - c. South: R1A and Unincorporated – Residential (Devonshire Subdivision and Lawnmeadow Subdivision)
 - d. West: R1A – Institutional (All-Saints Catholic Academy)

SUMMARY OF DEVELOPMENT

The Subject Property consists of approximately 7.328 acres located along Aurora Avenue between Mesón Sabika and All-Saints Catholic Academy and is within walking distance to downtown Naperville. Naperville's Future Land Use Map categorizes the Subject Property's future use as institutional due to the Catholic Diocese ownership and current use of the Subject Property. Petitioner's request to rezone the Subject Property to the TU district is consistent with the TU zoning district's purpose to serve as a transitional area between low-density residential areas and other more intensive uses such as arterial roadways and commercial areas. Properties in this district are intended to be developed with low-intensity office, service, and residential uses that are designed in a manner compatible with the adjacent residential neighborhoods. Accordingly, the Petitioner is proposing utilizing the Subject Property for single-family homes that are thoughtfully designed to compliment the surrounding area, creating an optimal land use transition between All-Saints Catholic Academy's institutional use, Mesón Sabika's commercial use, and the residential community, Jefferson Estates, to the north. The residential use will provide for a higher and more efficient use of the Subject Property, ensuring consistency with Jefferson Estates to the north, and overall surrounding area.

The site plan has been carefully designed to blend seamlessly with the surrounding area, establishing a distinct yet complementary community to the south of Jefferson Estates. The site plan is strategically designed with a u-shaped layout providing two access points, playing a significant role in fostering a sense of harmony within the development's unified space. There are no connection points to Jefferson Estate or All-Saints Catholic Academy, avoiding any potential negative effects on the surrounding communities. This design approach ensures cohesiveness, while promoting an inviting community. The homes will be situated in an inward facing

configuration, encouraging a sense of community to future homeowners. The u-shaped layout additionally will prioritize pedestrian sidewalks, encouraging walking, and safety. A complimentary landscape plan will also ensure compatibility within the surrounding area and enhance the overall appearance of the community. Landscape treatments include foundation plantings and shade trees, as well as a perimeter buffer along Aurora Avenue including evergreen based plantings to provide year round screening and a fence to enhance the appearance. Consistent with other nearby successful developments from the Petitioner, each home will be maintenance free, with a homeowner's association being responsible for all exterior maintenance, landscaping, and snow removal.

The proposed single-family homes will each be custom built, offering quality architecture. Decorative arched entryways, chimney stacks, multiplane windows and steep gable rooflines are just some examples of the elements these homes can feature, evoking timeless charm, luxury, and nostalgia in today's modern age. Brick masonry and stone accents will give the homes a clean and hand-crafted appearance, highlighting contrast between masonry materials to provide depth and richness to the facades. All homes will be built to create custom living spaces that reflect individual needs, personalities and styles, providing superior design and craftsmanship. Two-bedroom, three-bedroom and four-bedroom home options ranging between 2,400 – 3,600 square feet will be available. Each home will have a minimum two (2) car garage and parking for two (2) cars in the driveway.

Two points of vehicular access will be provided from Aurora Avenue. A traffic analysis study was conducted to estimate the amount of traffic generated by the proposed development of thirty (30) single-family homes and to determine any impacts on the roadway network and to All-Saints Catholic Academy to the west. The school serves students in pre-school through 8th grade

with strict enforcement of arrival and dismissal procedures. The traffic study was conducted on a Friday to analyze traffic flow for morning and afternoon pickup of students. Traffic produced from the proposed development was estimated from data in trip generations of surveys of similar uses. In conclusion, the study determined that the volume of traffic is very low for the proposed use of single-family homes as is also determined by the fact that single-family homes are less impactful on traffic compared to other permitted uses, promoting a lesser intensive use for the Subject Property.

The proposed development will provide for the overall improvement of the Subject Property and surrounding area. Residential development not only provides a stable foundation and additional housing options for current and future residents, but also offers greater potential for long-term investments. This aligns effortlessly with the directives outlined in the Land Use Master Plan below, 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.
- 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.
- 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 homes will continue to be the predominate housing type in Naperville as well as the larger market area.

Petitioner has demonstrated how the proposed development aligns with and satisfies the objectives outlined in the City's Land Use Master Plan, ensuring compatibility with the surrounding area and the need for increased housing availability within the City. Building on this foundation, below outlines the standards required for rezoning. These reasonings will further illustrate the suitability of the proposed development and its ability to meet the needs and enhance goals of the City.

REZONING FROM ZONING DISTRICT R1A TO TRANSITIONAL USE (TU)

- 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 proposed development will not be detrimental to or endanger public health, safety or the general welfare. Single-family homes will provide for the need and desirable living options within the City. While providing enhanced living opportunities and complementing the surrounding area, the proposed development will also improve the real estate tax base and value of adjacent properties. The proposed homes will be constructed with quality materials consistent with classic homes, providing homes for those seeking an opportunity for a single-family home within walking distance to necessities such as pharmacies, retail, dining and all the offerings of

the Naperville Riverwalk and Rotary Hill. These factors will in turn contribute to and support Downtown Naperville businesses, enhance the City's workforce and retail, and property tax bases.

The site plan has been designed to complement the aesthetics and character of the surrounding area as well as improve vehicle and pedestrian circulation. By using a u-shaped layout, the flow of vehicular traffic is minimized, improving safety, comfort, and convenience.

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

The surrounding area is predominantly residential use, aligning with the request of rezoning to provide for Petitioner's proposed development. The Petitioner's successful nearby developments of Jefferson Estates, Charleston Row Townhomes I and II, and Charleston on the Park rowhomes provide proof of the strong demand for luxury living within the City near downtown. Each of these communities are sold out, further emphasizing the market's demand for housing options.

The proposed development of single-family homes on the Subject Property ideally integrates with the established trend of high-quality residential developments in the area. The site plan not only complements adjacent uses but also ensures a low impact use and harmonious transition within the surrounding area. By meeting the City's growing demand for housing while maintaining the character of the surrounding area, the proposed development strengthens the City's objectives and enhances this underutilized Subject Property.

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

Single-family detached dwellings are permitted uses within R1A and TU. Petitioner is requesting a rezoning to the TU district to better align with the Subject Property's lot sizes within

the City's Comprehensive Plan and transitional nature of the Subject Property to provide for the highest and best use. Specifically, Petitioner seeks to rezone within the TU district due to the Subject Property's adjacent use to the east of B3 and the institutional use to the west. The intent of the TU zoning district is to serve as a 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. 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 single-family home options within walking distance of downtown's vibrant lifestyle. The proposed homes will also significantly enhance the Subject Property, leading to increased property values, enhancement of housing options, and an overall improvement of the community, positively influencing the surrounding area.

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

Under the current R1A zoning designation, the Subject Property has not been utilized to its highest and best use. As outlined previously, the Subject Property is vacant. Despite its current zoning, the Subject Property has remained undeveloped, leaving its full potential unrealized. Given its prime location to Downtown Naperville and Rotary Hill, the Subject Property represents an ideal opportunity to further enhance the City's housing stock. With high quality planning and architecture from the Petitioner's proven track record building within the City, the proposed development will provide a use that aligns with the City's needs, contributing to housing availability, increased tax base, and enhancing the surrounding area.

While the current R1A zoning permits low-density single-family homes, rezoning to TU provides better optimization of the Subject Property's use. The unique location with its adjacent

uses to the east and west of institutional and commercial supports a transition to a zoning designation that better aligns with its surroundings. Rezoning to TU would enable a more efficient and cohesive utilization of Petitioner's proposed development community in accordance with the City's Code standards, permitting a more efficient development that maximizes the Subject Property's potential while contributing enhancement to the surrounding area.

- 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 proposed development of single-family homes is consistent with the City's land use objectives and will help ensure the desirable development of the Subject Property, creating the highest and best use. The homes will continue with compatibility of the high architectural standards of Petitioner's Jefferson Estates to the north while providing an appropriate transition from Mesón Sabika to the east and All-Saints Catholic Academy to the west. The result is a unified community that fit well together, showcasing quality architecture.

7-1-8:2.3. STANDARDS FOR SUBDIVISION DEVIATIONS

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 Petitioner is seeking approval of a deviation to the City's Design Manual for Public Improvements to permit a public right-of-way width of sixty feet (60') in lieu of sixty-six feet (66'). Requiring said 66' right-of-way width would create unnecessary hardship due to conditions which are unique to the Subject Property and not caused by the Owner or Petitioner. As part of the evaluation of the highest and best use of the Subject Property, the Petitioner reviewed many options as far as site plans and land uses. Of the concepts evaluated, the present site plan is the least intensive and will provide the most significant benefit to the surrounding area as well as

improve the City's housing stock. In particular, the present site plan provides for two points of access to the Subject Property with no connection points to the surrounding neighborhoods, along with a low intensity single-family detached community appealing to active adults as it will offer a low maintenance component with a homeowner's association being responsible for exterior maintenance, snow removal as well as land maintenance. Accordingly, the proposed site plan consists of thirty (30) single-family lots meeting all the requirements of the Transitional Use zoning district and no zoning variances being requested.

The Subject Property's location, proximity to Aurora Avenue and unique overall boundary is a driving factor in necessitating the requested variance. The Subject Property slightly converges from south to north yielding lot depths of 109.20 to 110.30 feet (lots 5, 6, 15, 16, 25 and 26) when a proposed sixty foot (60') wide right-of-way is implemented. Accordingly, the proposed forty foot (40') wide by sixty-one foot (61') deep building pad allows the Petitioner to offer first floor master bedrooms and covered porches while providing a twenty-two foot (22') front yard setback along with a twenty-five foot (25') rear yard setback. A sixty-six foot (66') wide right-of-way would reduce the east-west lot depths by three feet (3') on each side and hinder the Petitioner's ability to meet the needs of those looking for first-floor master bedrooms. Additionally, driveway lengths would be reduced to nineteen feet (19') which would cause vehicles parked in the driveway to encroach on the public sidewalk. Accordingly, both the functionality and aesthetics of the subdivision will benefit from having the extra three feet (3') of front yard setback as opposed to a public right-of-way of sixty-six feet (66').

Lastly, prior to proceeding with the design of the site plan with a sixty foot (60') right-of-way width, the Petitioner conferred with the City's engineering department which does not object to the request. The roadway width will still be twenty-eight feet (28') wide from back of curb to

back of curb which is consistent with City Street standards. Additionally, providing for a twenty-eight foot (28') wide pavement section in a sixty foot (60') wide right-of-way still provides adequate area of sixteen feet (16') on both sides of the pavements section to allow for all public utilities, parkways and sidewalks as is consistent with the design in this instance.

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

The requested deviation is not contrary to the intent and purpose of the provisions of the City's Code. The requested deviation allows for an improved design that allows for first floor master bedrooms and driveway lengths for vehicle parking that does not encroach onto the sidewalk. Additionally, the sixty foot (60') wide right-of-way allow for ample room for utilities, landscaping and sidewalk. There are many other examples of sixty foot (60') wide right-of-ways throughout the community that function very well. Examples would be Laird Street, Freemont Street, Pearson Circle and Morningside Drive. Examples of streets with fifty foot (50') wide right-of-ways would be Julian Street and Huffman Street (North Avenue to Chicago Avenue). Additionally, this is not a precedent setting as this deviation has been approved on a case by case basis when there are benefits as is the case here.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission to take the necessary steps to approve the (i) rezoning of the Subject Property from R1A zoning district (Low Density Single-Family Residence District) to the TU zoning district (Transitional Use District); (ii) a Final Plat of Subdivision; (iii) a deviation from 7-4-1 of the City's Design Manual For Public Improvements to permit a public right-of-way width of sixty feet (60') in lieu of sixty-six feet (66'); and (iv) to grant such other relief from the Code as may be deemed necessary to develop the Subject Property.

RESPECTFULLY SUBMITTED this 7th day of February, 2025.

PETITIONER:

Vincent Rosanova

Vincent Rosanova, Rosanova & Whitaker, Ltd
Attorney for Petitioner

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

PARCEL 1:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 23 AND OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE SOUTHERLY ON THE WEST LINE OF SAID SECTION 24 A DISTANCE OF 742.5 FEET (RECORD) (MEASURED SOUTH 00 DEGREES 01 MINUTES 08 SECONDS EAST, 742.39 FEET) TO THE CENTER LINE OF AURORA ROAD (BEFORE PAVING) FOR A POINT OF BEGINNING; THENCE SOUTH 86 DEGREES 00 MINUTES WEST (RECORD) (MEASURED SOUTH 85 DEGREES 22 MINUTES 51 SECONDS WEST) ALONG SAID CENTER LINE A DISTANCE OF 146.0 FEET; THENCE NORTH 04 DEGREES 13 MINUTES 05 SECONDS WEST 707.38 FEET (RECORD) (MEASURED NORTH 04 DEGREES 41 MINUTES 51 SECONDS WEST A DISTANCE OF 707.02); THENCE NORTH 85 DEGREES 45 MINUTES 55 SECONDS EAST 551.0 FEET (RECORD) (MEASURED NORTH 85 DEGREES 20 MINUTES 47 SECONDS EAST, A DISTANCE OF 551.35 FEET); THENCE SOUTH 2 DEGREES 49 MINUTES 13 SECONDS EAST 193.68 FEET (RECORD) (MEASURED SOUTH 02 DEGREES 56 MINUTES 19 SECONDS EAST, A DISTANCE OF 192.91 FEET); THENCE SOUTH 8 DEGREES 12 MINUTES EAST 485.0 FEET (RECORD) (MEASURED SOUTH 08 DEGREES 46 MINUTES 44 SECONDS EAST, A DISTANCE OF 484.44 FEET); TO A POINT ON THE CENTER LINE OF AURORA ROAD (BEFORE PAVING); THENCE SOUTH 81 DEGREES 48 MINUTES WEST (RECORD) (MEASURED SOUTH 81 DEGREES 14 MINUTES 51 SECONDS WEST), ALONG SAID CENTER LINE, A DISTANCE OF 435.0 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS;

EXCEPTING THEREFROM THAT PART LYING WITHIN JEFFERSON ESTATES SUBDIVISION RECORDED AS DOCUMENT R2004-171706 AND ALSO EXCEPTING THEREFROM THAT PART LYING WITHIN THE MAYOR ESTATE SUBDIVISION RECORDED AS DOCUMENT R2015-042314.

PARCEL 2:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID

SECTION 23; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 742.5 FEET (RECORD) (MEASURED SOUTH 00 DEGREES 01 MINUTES 08 SECONDS EAST, 742.39 FEET) TO THE CENTER LINE OF AURORA ROAD (BEFORE PAVING); THENCE SOUTH 86 DEGREES 00 MINUTES WEST (RECORD) (MEASURED SOUTH 85 DEGREES 22 MINUTES 51 SECONDS WEST), ALONG THE CENTER LINE OF SAID AURORA ROAD, A DISTANCE OF 146.0 FEET; THENCE NORTH 04 DEGREES 13 MINUTES 05 SECONDS WEST (RECORD) (MEASURED NORTH 04 DEGREES 41 MINUTES 51 SECONDS WEST) A DISTANCE OF 707.38 FEET (RECORD) (MEASURED 707.02) TO A POINT ON THE NORTHERLY LINE OF LAND DESCRIBED IN DOCUMENT NUMBER R2004-159734; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 04 DEGREES 41 MINUTES 51 SECONDS WEST, A DISTANCE OF 44.37 FEET TO A SOUTHERLY LINE OF JEFFERSON ESTATES SUBDIVISION RECORDED AS DOCUMENT R2004-171706; THENCE NORTH 87 DEGREES 10 MINUTES 34 SECONDS EAST, ALONG SAID SOUTHERLY LINE, DISTANCE OF 92.87 FEET TO THE WEST LINE THE MAYOR ESTATE SUBDIVISION RECORDED AS DOCUMENT R2015-042314; THENCE SOUTH 03 DEGREES 53 MINUTES 02 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 41.41 FEET TO AFORESAID NORTHERLY LINE OF LAND DESCRIBED IN DOCUMENT NUMBER R2004-159734; THENCE SOUTH 85 DEGREES 20 MINUTES 47 SECONDS WEST (RECORD SOUTH 85 DEGREES 45 MINUTES 55 SECONDS WEST), ALONG SAID NORTH LINE, A DISTANCE OF 92.26 FEET TO THE POINT OF BEGINNING.

Underlying PINS: 07-24-100-015 and 07-23-208-013