

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

**AMENDED AND RESTATED PETITION
FOR DEVELOPMENT APPROVAL**

THE UNDERSIGNED Petitioner, Avenida Senior Living, LLC, an Illinois limited liability company (hereinafter the “Petitioner”), as the contract purchaser of the property legally described on **Exhibit A** (hereinafter the “Property”), respectfully petitions the City of Naperville to (i) upon annexation, zone the Property in the OCI zoning district; (ii) subdivide the Property into one lot of record; (iii) approve a conditional use for “multi-family dwellings;” (iv) approve a variance from the area requirement for multiple family dwellings; (v) approve a variance from the parking requirement for a multiple family dwellings; and (vi) grant such other relief from the Naperville Municipal Code (“Code”) as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

BACKGROUND INFORMATION

1. The owner of the Property is BCT LLC, an Illinois limited liability company, having offices located at of 906 Lacey Avenue, Suite 203, Lisle, Illinois 60532 (“Owner”).
2. Owner has separately filed a petition with the City of Naperville to annex the Property to the City of Naperville (“Annexation Petition”), which Annexation Petition is expressly contingent upon approval of the zoning relief outlined herein.
3. The Petitioner, Avenida Senior Living LLC, an Illinois limited liability company, with its principal place of business located at 130 Newport Center Drive, Suite 220, Newport Beach, CA 92660, is the contract purchaser and developer of the Property.
4. Petitioner is dedicated to creating unique living environments for active seniors.

Avenida's mission is to provide high quality residences in an intelligently designed living environment that enriches the lives of the residents, enhances their well-being, and provides comfort, safety, convenience, and peace of mind at manageable monthly cost.

5. Petitioner brings decades of senior residential investment, development, construction, and management experience to each project it commences. In fact, Petitioner has been involved in the development of over twenty (20) senior independent living communities throughout the country.

6. Petitioner finds the Property to be well suited for the development proposed herein given its desirable location in north Naperville, its proximity to the tollway, its proximity to both downtown Naperville and other local shopping destinations such as the supermarket, the trending demographics within the market area and the lack of senior restricted apartments in the marketplace.

7. The Property is currently zoned R3 Single Family Residence District in DuPage County, Illinois and is vacant and unimproved.

8. The Property consists of subdivided lots that are part of the Naper Villa Manor Plat of Subdivision, recorded in 1926, which contemplated single family development of the larger property consisting of parcels both east and west of Mill Street.

9. Development never commenced consistent with the Naper Villa Manor Plat of Subdivision and portions of the roadways and utilities easements created by said subdivision have recently been vacated consistent with approvals for Nike Park, Harbor Chase and Truth Lutheran Church.

10. Upon annexation of the Property to the City of Naperville, Petitioner proposes that the Property is zoned OCI (Office, Commercial and Institutional District), which proposed zoning

is consistent with the Comprehensive Plan and recent zoning approvals for property immediately north and south of the Property.

11. Consistent with the City’s Comprehensive Plan and recent zoning actions both north and south of the Property and the trend of development along Mill Street, a minor arterial in the City of Naperville, Petitioner proposes to develop the property with an age-restricted multi-family development.

12. The Property consists of multiple lots totaling approximately 6.6 acres located at the southwest corner of Mill Street and Common Street in Naperville, Illinois.

13. Upon annexation to Naperville, the Property must be zoned under the appropriate Naperville zoning designation.

14. The existing land uses surrounding the Subject Property are as follows:
- a. North: OCI Office, Commercial and Institutional District (Harbor Chase Assisted Living & Memory Care)
 - b. East: R1 Low Density Single Family Resident District (Nike Park)
 - c. South: OCI Office, Commercial and Institutional District (Truth Lutheran) R3 (DuPage County) Single Family Residence District (one single family home)
 - d. West: R2PUD Single Family and Low Density Multiple-Family Residence District (Cress Creek Country Club Estates) R1A Low Density Single-Family Residence District (Century Farm Subdivision)

15. The Subject Property is presently vacant and unimproved.

16. Petitioner proposes to develop the Subject Property as an age-restricted active-senior rental community.

17. The proposed development, as depicted on the plans submitted herewith, consists of a combination two and three story building with approximately one hundred and forty-six (146) dwelling units.

18. The proposed building will be age-restricted and include significant common facilities/programming specifically targeted to the needs and desires of the anticipated senior population.

**REZONING OF THE SUBJECT PROPERTY FROM R3 TO THE
CITY OF NAPEVILLE'S OCI ZONING DISTRICT**

19. Upon annexation of the Property to the City of Naperville, Petitioner respectfully requests that the Property be zoned OCI Office, Commercial and Institutional District. The proposed zoning meets the City's 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 applicable land use plan that covers the Property is the 1998 East Sector Update to the Naperville Comprehensive Master Plan ("East Sector Plan"). While the East Sector Plan has not be updated in almost 20 years, in lieu of a comprehensive update to the East Sector Plan, the City has undertaken a multitude of sub-area plans to evaluate specific neighborhoods where changed circumstances have dictated the need to reevaluate the recommendations set forth in the East Sector Plan. There are no sub-area plans applicable to the "Mill Street Corridor" (Mill, between Ogden and Diehl) or the Property in particular. Accordingly, we defer to the East Sector Plan which identifies the Property as being designated for "Office/Research & Development" on the Future Land Use Map. The City's land use designations, be they in the East Sector Plan or otherwise, do not directly correlate with an established zoning district. The appropriate zoning districts for property designed as "Office/Research & Development" fall under both "Business District" and "Industrial District" classifications. The appropriate Business District is the OCI District (Office, Research and Institutional). The appropriate Industrial Districts include both the RD District (Research and Development) and the ORI District (Office, Research and Light Industry District).

Petitioner believes that the Industrial Districts (RD and ORI) are inappropriate zoning designations based on established residential character surrounding the Property. Permissible uses in these Industrial Districts include uses such as medical cannabis distribution, medical cannabis cultivation, laboratories, manufacturing, assembly and food processing, which use are incompatible with the existing character of the area. Further, there are no established Industrial Districts in the City of Naperville proximate to the Property. Rather, Petitioner believes that a Business designation of OCI (Office, Commercial and Institutional) is appropriate for the Property. The OCI District does not permit any of the incompatible uses outlined above. In fact, the defined intent of the OCI District is to “act as a transitional zone between intensive business areas and residential neighborhoods.” To this end, the City recently approved OCI zoning for the development of Harbor Chase immediately north of the Property and for a church immediately south of the Property. These recent zoning actions substantiate that the proposed OCI designation is appropriate for the Property and will promote the public health, safety, comfort, convenience and general welfare.

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 Property is consistent with the requested zoning. The City recently granted OCI zoning approvals for Harbor Chase, located at the northwest corner of Mill and Commons, immediately north of the Property. Harbor Chase was annexed and permitted in the City of Naperville consistent with an annexation agreement dated September 2014, which approved the OCI zoning of Harbor Chase and development of the property with a 122 bed nursing or convalescent home. The City also recently granted OCI zoning approvals for Truth Lutheran Church, located at the northwest corner of Mill and Bauer, immediately south of the Property. The Truth Lutheran petition proposes to zone the property located at the northwest

corner of Mill and Bauer, immediately south of the Property, OCI. These recent approvals are consistent with other existing uses located on Mill Street between Ogden Avenue and Diehl Road, which include, among other things, a school, multiple 1 and 2 story office buildings, condominium buildings consisting of 2 to 3 ½ stories and a 3 story assisted living facility. Mill Street itself is designated as a “minor arterial” in the Master Thoroughfare Plan, being intended to convey high levels of traffic within and between communities. Consistent with the defined intent of the OCI District, the proposed zoning will serve to create a transition between Mill Street and its more intensive uses and the low-intensity residential subdivisions located a block or two off of Mill Street. The proposed zoning is consistent with the trend of development along the Mill Street corridor.

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

The Property is vacant and unimproved under the current R3 (Single-Family Residence District) zoning designation in DuPage County. While it is unclear when the R3 zoning designation was established, the existing subdivided configuration of the Property, which dates back to 1926, predates the establishment of the County zoning ordinance. Accordingly, the existing lot configuration does not conform to the existing zoning designation and none of the lots are buildable. More to the point, the County does not have utility services proximate to the Property such that any proposed development could be served by water and sanitary services. As a result, any development in the County would be served by on-site well and septic systems that typically dictate one-acre lots. For all of the foregoing reasons, development in the County under the existing zoning designation is not appropriate.

Upon annexation to the City of Naperville, the Property will be zoned OCI. The OCI zoning designation matches the zoning recently approved for both Harbor Chase and Truth

Lutheran on properties immediately adjacent to the Property. The intent of the OCI district is “to act as a transitional zone between intensive business areas and residential neighborhoods.” In this case, the intensive business area is the general Mill Street corridor, which includes uses such as a regional park with lighted fields, an elementary school, 1 and 2 story office buildings, and 2 to 3 one half story condominium buildings. Moreover, Mill Street itself is designated as a minor arterial, an intensive roadway designed to convey traffic to/from highways and provide intra-community connectivity. Uses permitted in the OCI district include things such as churches, office buildings, veterinary offices, hotels, multi-family dwellings and general retail. OCI uses may be relatively intensive but do not have attributes that make them incompatible with adjacent residential uses.

For all of the foregoing reasons, the existing R3 zoning designation under the jurisdiction of DuPage County is less desirable than the proposed OCI zoning which permits development consistent with existing uses in the Mill Street Corridor, is consistent with the City’s Comprehensive Plan and will provide a transition to the nearby low-density residential neighborhood.

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

To the best of our knowledge, the Property has never been utilized under the existing zoning classification which is intended for low density single family housing. The existing single family home adjacent and south of the Property predates available aerial photography from 1939. At that time, the surrounding area was rural in nature and the Property was used for agricultural purposes. While the agricultural use was narrowed through the decades, it appears that the Property was still used for agricultural purposes as recently as 1988. Commons Road was developed circa 1998, when more trees became noticeably visible on the Property. The Property

has been underutilized as a wooded parcel since agricultural use of the Property ceased circa 1988.

- 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 zoning will not alter the essential character of the neighborhood nor will it be a substantial detriment to adjacent property. The Property has been designated for “Office, Research and Development” since at least 1998, which is roughly the time Century Farm was originally being developed. Much of the nearby Cress Creek neighborhoods predate the East Sector Plan; however, portions of those neighborhoods already abut 2 and 3 ½ story multi-family developments and other commercial uses within the Mill Street Corridor. Accordingly, the proposed zoning will not alter the character of the neighborhood, but will only further establish uses within the neighborhood that are consistent with the City’s well-established land use plan and existing uses in the corridor.

Under the OCI zoning, Petitioner proposes to develop the Property as an age-restricted senior housing community. The community would consist of 146 living units, an approximately 10,000 square foot clubhouse and additional outdoor recreational amenities. The concept for this community is to provide rental housing to senior citizens who i) should no longer be living independently in a single family home, and ii) do not yet need the more advanced services associated with much more expensive independent living or assisted living communities. In existing communities operated by Petitioner, approximately 80% of units are single-occupancy and the average occupant is 75 years old. This type of social model facilitates healthier life styles for otherwise at-risk portions of the senior population. Given the composition of the community and the type of on-site activities coordinated for members of the community, the external impact on the broader neighborhood will be significantly less than other applicable uses in either the R3 or the OCI district.

A CONDITIONAL USE FOR A MULTI-FAMILY DWELLING UNIT

20. Petitioner seeks a conditional use to develop the Property with a Multi-Family Dwelling.

21. The proposed conditional use for a Multi-Family Dwelling meets the requirements for a condition use under the Naperville Municipal Code and is appropriate based upon the following factors:

- 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 proposed conditional use will not be detrimental to or endanger the public health, safety and general welfare. Multi-family uses are well established in the Mill Street Corridor and include Mill Crossing and Mill Orchard Condos. Mill Crossing and Mill Orchard Condos are both located on the west side of Mill Street and act as a transitional use immediately adjacent to existing single-family homes located in Cress Creek. Petitioner's proposed development is similarly situated on the west side of Mill Street and will also serve as a transitional use to adjacent single family residences. However, given the nature of Petitioner's development, it will have less impact on nearby residences than the previously established multi-family uses at Mill Crossing and Mill Orchard Condos.

Petitioner proposes an age-restricted multi-family project. Typically, any form of discrimination is prohibited by federal laws. However, given the unique needs of the senior population, exceptions have been created under federal law to permit discrimination where it is done consistent with a specific set of guidelines and it favors persons over the age of 55. This population of persons over the age of 55 are deemed to have unique interests and needs that justify discrimination against others outside of that age cohort. Petitioner intends to operate the proposed multi-family community consistent with federal regulations that permit age discrimination for the

benefit of those age 55 and over. Accordingly, the development will include unique features specifically targeted to the needs and desires of the targeted resident population. Those features include an approximately 10,000 square foot clubhouse that includes programmed spaces such as fitness and yoga studios, a salon, game rooms, a bar/lounge area, both private and community dining rooms, a large lobby and reception area and administrative offices. An on-site activities director will be responsible for programming at the community, which will include both on-site and off-site activities. The community will have a shuttle-bus to provide group transportation to off-site events or for other activities such as scheduled visits to the mall or the grocery store. Given the resident profile and associated lifestyle, external impacts are significantly reduced because there are fewer residents per dwelling unit and residents will utilize community services at non-peak hours. The establishment and maintenance of the age-restricted multi-family community will not be detrimental to or endanger the public health, safety, and general welfare. Multi-family communities presently operate in the Mill Street Corridor and serve as an appropriate transition between single-family communities to the west and the intensity associated with Mill Street. The proposed age-restricted multi-family community will serve the same purpose, but with significant and material reductions to external impacts (i.e. traffic) on the surrounding community.

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 property in the immediate area nor will it impair property values. The Property is designated for “Office, Research and Development” in the East Sector Plan. Under this future land use designation, an industrial zoning designation would be permissible and uses could include things such as medical cannabis distribution, medical cannabis cultivation, laboratories, manufacturing, assembly and food processing. In real estate, uncertainty regarding future development prospects and the possibility

of uses that some may deem incompatible can result in diminution of property values. Through development of the Property, Petitioner will eliminate a large degree of uncertainty from the market and thereby bolster the value of surrounding residential real estate.

The property adjacent to the south and west is utilized for single-family residential purposes. Portions of the nearby properties are developed with higher density attached single-family product, but are single-family residential uses nonetheless. Given the Property's future land use designation of "Office, Research and Development," the only residential use permissible in the associated zoning districts is a multi-family residential use. All other permissible uses would be commercial in nature and would likely result in a more intensive development and use of the Property. A multi-family development is an appropriate transitional use between single family uses and more intensive commercial use corridors. The Mill Crossing and Mill Orchard Condos are nearby examples where a multi-family use provides a transition between lower intensity and higher intensity uses. Portions of Cress Creek are immediately adjacent to Mill Crossing and Mill Orchard Condos, and there is no evidence of any diminution in value of Cress Creek properties based on proximity to these multi-family properties.

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 conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. All surrounding property is either developed or, in the case of Truth Lutheran, is in the process of being developed. The proposed development is consistent with the East Sector Plan, shares the zoning of incorporated properties immediately adjacent to the Property and will be compatible with the surrounding environs.

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

Establishment of the conditional use is not in conflict with the adopted comprehensive master plan. Under the East Sector Plan, the Property is designated for “Office, Research and Development.” The appropriate zoning districts for this future land use classification are OCI (Business District) and ORI/RD (Industrial Districts). Petitioner proposes OCI zoning of the property because the permitted uses in the OCI district are more in keeping with the adjacent residential land uses. The proposed multi-family use is a conditional use in the OCI district. Most recently, the City has approved OCI zoning for Harbor Chase (north) and Truth Lutheran (south). While the “religious use” of Truth Lutheran is permitted under the OCI zoning, the City did approve a conditional use for a “convalescent and nursing home” for Harbor Chase. The proposed conditional use for “multi-family dwellings” is similar in character and compatible with the recently approved developments for Truth Lutheran and Harbor Chase.

**A VARIANCE FROM THE LOT AREA REQUIREMENT
IN THE OCI ZONING DISTRICT**

22. Petitioner seeks a variance to reduce the required lot area per Section 6-7F-5 (OCI, Area Requirements), which requires 2,600 square feet of lot area per dwelling unit.

23. The proposed variance meets the requirements for a variance under the Naperville Municipal Code and is appropriate based upon the following factors:

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

The proposed variance is in harmony with the general purpose and intent of the underlying zoning district and the comprehensive plan. The lot area requirement is a measurement of density. That is how many dwelling units are permitted on a per acre basis. Density limitations ensure that public facilities, be it utilities, schools, parks, or roadway infrastructure, are not overwhelmed by

the number of people generated from a development. However, an age-restricted residential development has a substantially different impact on community facilities than would a standard market-rate residential project. This has been widely recognized by the City, the Park District and the School District in the negotiation of impact fees applicable to a development. However, the zoning code has never been updated to reflect the reduced impact an age-restricted development has on the City. For density purposes, the City's zoning ordinance treats a 4-bedroom attached single-family dwelling unit the same as a 1-bedroom age-restricted apartment despite the fact that the impact from these different unit types is obviously disparate.

Petitioner proposes to construct a 146 unit age-restricted multi-family community on the approximately 6.6 acre Property. Based on historic operations of similar communities, Petitioner anticipates that 80% of the units will be single occupancy and that the average resident is a 75 year old widow. The ultimate population of the community is estimated at merely 175 residents. The community is not transient in nature. Residents typically remain in the community for an average of six (6) years, which is typically when the need for additional health care services dictate that the resident move to an assisted living facility such as Harbor Chase. Because of the unique population and impacts associated with an age-restricted community, the proposed lot area deviation does not undermine the intent and purpose of the underlying zoning district.

- 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*

Strict enforcement of the Lot Area requirement would result in practical difficulties for the proposed development due to the special and unusual conditions which are not generally found on other properties in the same zoning district. There are two unique conditions applicable to the property which justify the proposed variance: i) stormwater detention has been regionalized,

thereby reducing the area require for the project; and ii) the project is age restricted, which substantially reduces the community impacts that the Lot Area metric is indented to measure.

The stormwater detention for the project is entirely accommodated on the Truth Lutheran Church property. This shared detention concept was facilitated by the underlying property owner of both the Truth Lutheran Parcel and the Property as a means of creating a more efficient and functional use of the property. In creating the shared basin, 100% of the land area for the basin was allocated to the Truth Lutheran Property. Without changing use or function of the shared basin, the land area of the shared basin could be conveyed to Petitioner. By doing so, the area of the Property would be increased and additional units could be accommodated without need for a variance. While the shared detention concept provides undeniable benefits to the community, in strict application here, it serves to exacerbate the lot area variance required by the Petitioner.

The City has a long history of acknowledging that the impact of age-restricted communities is not equal to the impact of a traditional residential community. Impact fees for schools and parks are regularly waived or reduced to account for the unique population associated with an age-restricted community. Similarly, the City has reduced parking requirements and/or permitted increases in density at communities like Tabor Hills, Monarch Landing and Martin Avenue Manor. In each case, the logic for relief relies on the simple fact that there will be less people on a per unit basis and thereby less impact on community services. By way of example, the traffic study submitted herewith shows reduced traffic counts associated with the unique population. Otherwise, we could look to the City's population generation charts. A 110 unit 2-bedroom apartment community (number of units permitted by Code) is anticipated to generate 210 people, significantly more people than Petitioner anticipates will reside at the proposed age-restricted community. The age-restriction associated with the project is a special or unique condition, not

generally found on similar projects and not even contemplated under the City's Municipal Code. To strictly enforce the provisions of the Municipal Code would create exceptional hardship for this particular community because it is centered on a social model by which the community is highly amenitized and provides unique services like an activities director and shuttle services that dictate a certain density of units not otherwise permitted by the Code.

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

The proposed variance will not alter the essential character of the neighborhood nor will it be a substantial detriment to adjacent property. While the Property is presently vacant, the Comprehensive Plan contemplates business or industrial zoning of the Property. Under applicable zoning districts a wide variety of uses are permitted, including multi-family housing. Without the variance, Petitioner could construct 110 units of multi-family housing. However, those multi-family units would not be age-restricted and would generate a larger population, a bigger or similar size building (due to variance in unit types), more children to the school, less positive tax revenue to taxing district, increased demand on utilities and more traffic. Due to unique impacts of the proposed age-restricted community, the proposed variance will result in less impact on adjacent property than otherwise permissible uses in the applicable zoning district.

A VARIANCE FROM THE OFF-STREET PARKING REQUIREMENT

24. Petitioner seeks a variance to reduce the required number of off-street parking spaces per Section 6-9-3.1 (Schedule of Off-Street Parking Requirements, Residential Uses), which requires 2 parking spaces per dwelling unit and requires 0.25 guest parking spaces per dwelling unit.

25. The proposed variance meets the requirements for a variance under the Naperville Municipal Code and is appropriate based upon the following factors:

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

The proposed variance from the parking requirements is in harmony with the purpose and intent of the underlying zoning district. The parking requirements are intended to ensure that a project provides sufficient on-site parking to meet the specific and unique parking demands of the project. The Parking Needs Analysis submitted herewith details that the age-restricted nature of the project dictates significantly different parking needs than a traditional multi-family project. The Parking Needs Analysis evaluated both industry standard publications and reviewed operational conditions at comparable age-restricted projects. Three industry standard publications were reviewed (Institute of Transportation Engineers, National Parking Association and American Planning Association). The recommended parking supply from these publications ranged from 0.5 spaces/unit to 1 space/unit. To evaluate operational conditions, the parking consultant found 20 comparable communities and evaluated both existing improvements and operations at these comparable communities. The study found that the average parking supply was 1.13 spaces/unit with an absolute maximum of 1.48 spaces per unit. When evaluating the use of these parking spaces, the parking consultant found that the peak demand ranged from 0.32 space/unit to 0.98 spaces/unit. Accordingly, the parking study concludes that 1.13 parking spaces/unit is sufficient supply. Petitioner's proposed supply of 1.55 parking spaces/unit far exceeds all evaluated metrics, and therefore, the proposed variance is consistent with the purpose and intent of the zoning ordinance because the proposed parking supply will be more than sufficient to accommodate peak parking demand for the Avenida project.

- 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*

Strict enforcement of the parking requirements would cause exceptional hardship for the

proposed project given the unique age-restricted nature of the project. As outlined herein, the proposed development is an age-restricted community with unique features not traditionally found in other multi-family projects or contemplated under the City's Municipal Code. Based on historic operation of comparable communities, Avenida anticipates that 80% of units will be single occupancy and that the average resident is a 75 year old widow. The number of residents and the age of the residents serves to reduce the demand for parking. Where off-site trips are required, the community will be served by a shuttle bus service that will be scheduled for off-site group activities, but also available for runs to Downtown Naperville, the mall, the grocery store and/or to doctor's appointments. That being said, the project is designed around a social construct and intended to function as a community within itself. A 10,000 square foot clubhouse and outdoor courtyards are the center of the social construct. These areas will provide both passive amenity spaces (computer lab, private dining room or great room) and areas that are actively programmed by a full-time activities director (outdoor pool, fitness center, yoga studio and great room), which reduces the need for vehicles and the daily number of external trips that residents will take. Requiring the project to comply with the City's standard parking requirements would require reconfiguration of the site to accommodate additional parking and would negatively impact modifications that Avenida has incorporated into the revised plan to increase setbacks and reduce building height at the request of nearby neighbors.

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

The parking variance will not alter the essential character of the neighborhood nor will it be a substantial detriment to adjacent property because the parking needs of the development can be accommodated by the proposed parking supply. The highest parking demand measured in the Parking Needs Analysis was 1.20 spaces/unit, a number that is based on the number of occupied

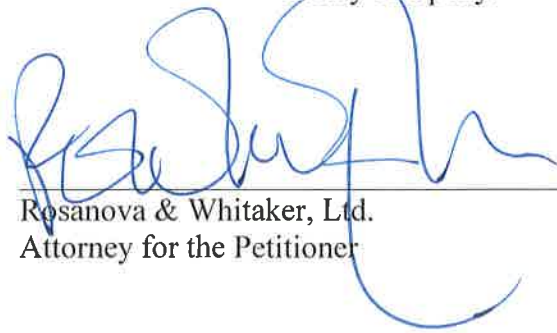
units rather than the total number of units. Assuming this worst-case ratio for the Avenida project, 175 spaces would be required. Petitioner proposes a parking supply of 227 spaces, or 52 spaces more than the worst-case measured demand under the Parking Needs Analysis. Because all of the parking demand will be accommodated on-site, the proposed variance will not alter the essential character of the neighborhood nor will it be a substantial detriment to adjacent property.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary and appropriate action to (i) subdivide the Property into a single lot of record; (ii) zone the Property in the OCI zoning district upon annexation; (iii) approve a conditional use for a multi-family dwelling; (iv) approve a lot area variance under the OCI District requirements; (v) approve a variance from the parking requirement for multi-family dwellings; and (vi) approve such other variances, departures or deviations as may be deemed necessary to develop the Property according to the plans submitted herewith.

RESPECTFULLY SUBMITTED this 14TH day of June, 2017

PETITIONER:

AVENIDA SENIOR LIVING LLC,
An Illinois limited liability company.

A handwritten signature in blue ink, appearing to be "Rosanova & Whitaker", written over a horizontal line.

Rosanova & Whitaker, Ltd.
Attorney for the Petitioner

EXHIBIT "A"
LEGAL DESCRIPTION

THAT PART OF NAPER VILLA MANOR, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 1 AND IN THE NORTH HALF OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 21, 1926 AS DOCUMENT 213969, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 32 IN BLOCK 13 OF SAID NAPER VILLA MANOR: THENCE NORTH 87 DEGREES 41 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF BLOCK 13 AND ALONG SAID NORTH LINE EXTENDED EAST, 570.81 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 14; THENCE SOUTH 00 DEGREES 28 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF SAID BLOCK 14, A DISTANCE OF 565.38 FEET; THENCE SOUTH 87 DEGREES 35 MINUTES 03 SECONDS WEST, 214.62 FEET TO THE CENTERLINE OF VACATED EWING STREET PER PLAT OF VACATION RECORDED SEPTEMBER 14, 2004 AS DOCUMENT NUMBER R2004-241006; THENCE NORTHERLY ALONG SAID CENTERLINE BEING AN ARC OF A CURVE CONCAVE TO THE NORTHEAST AND NONTANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 174.76 FEET, HAVING A CHORD BEARING OF NORTH 27 DEGREES 45 MINUTES 48 SECONDS WEST, 172.23 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 28 MINUTES 08 SECONDS EAST ALONG SAID CENTERLINE OF VACATED EWING STREET, 24.48 FEET TO THE SOUTH LINE, EXTENDED EAST, OF LOT 7 IN SAID BLOCK 13; THENCE SOUTH 87 DEGREES 41 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, EXTENDED EAST, AND ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 162.97 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7, BEING ALSO THE NORTHEAST CORNER OF LOT 25 IN SAID BLOCK 13; THENCE SOUTH 00 DEGREES 28 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 25 IN BLOCK 13, A DISTANCE OF 16.58 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINES OF LOTS 25, 24, 23, 22 AND 21 IN SAID BLOCK 13, BEING AN ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 337.54 FEET, HAVING A CHORD BEARING OF SOUTH 09 DEGREES 06 MINUTES 33 SECONDS EAST, 112.85 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 21; THENCE SOUTH 72 DEGREES 28 MINUTES 38 SECONDS WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 21 IN BLOCK 13, A DISTANCE OF 114.82 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 21; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID BLOCK 13, BEING AN ARC OF A CURVE CONCAVE TO THE NORTHEAST AND NONTANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 452.34 FEET, HAVING A CHORD BEARING OF NORTH 08 DEGREES 57 MINUTES 38 SECONDS WEST, 148.90 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 28 MINUTES 08 SECONDS EAST ALONG SAID WESTERLY LINE OF BLOCK 13, A DISTANCE OF 402.86 FEET TO THE PLACE OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.