

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

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

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

**BACKGROUND INFORMATION**

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

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

12. The Petitioner’s proposal is consistent with the surrounding land uses and the City’s objectives, and the requested entitlements will allow the Petitioner to utilize the Subject Property in a manner that is to its highest and best use and compatible with the surrounding environment.

13. The proposed entitlement request meets all City and State requirements for the development of the Subject Property and will facilitate the beneficial use of the Subject Property as stated below.

### **SUMMARY OF DEVELOPMENT**

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

The proposed development will consist of twelve rentable townhome units and will fill a supply gap of similar rental units in the area. These two-story, 1,800 square foot units will include three bedrooms, two and a half bathrooms and standard two car garages. The units will be constructed with high quality materials comparable to the surrounding residential homes and with a goal of wearing well with age and ease of maintenance. The building will feature a stone masonry façade that meets the City's required minimum of fifty percent (50%) masonry on the exterior wall construction. The siding will consist primarily of 6" horizontal reveal with a mix of vertical siding. The entry to each unit will be covered and accented with wrapped decorative columns. Each unit will also have a balcony with decorative rails off the master bedroom and above the garage. The garage doors will be carriage style and all garage doors are located in the back of the unit facing Nike Park. The windows will be double hung with a white clad exterior. The roof will be constructed with architectural shingles. Each of the homes will be maintenance free with ownership responsible for all exterior maintenance, landscaping and snow removal. Said maintenance responsibilities will be set forth in a Declaration of covenants, conditions, and restrictions recorded against the Property.

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

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

**REQUIRED DEVELOPMENT ENTITLEMENTS – TU ZONING DISTRICT**

1. Petitioner has submitted a separate Petition for Annexation.
2. Upon annexation into the City of Naperville, Petitioner requests that the Property be zoned Transitional Use.
3. The Petitioner seeks a variance from Section 6-7I-5:2 to allow one unit per 3,270.45 square feet in lieu of one unit per 4,000 square feet of land area.
4. The proposed entitlement requests meet all City and State requirements for the development of the Property and will facilitate the beneficial use of the Property as stated below.

**REZONE PROPERTY TO TRANSITIONAL USE**

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

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

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

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

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

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

*iii. Requested Zoning Permits Uses Which Are Suitable; and*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



RESPECTUFLY SUBMITTED this \_\_\_\_ day of June, 2023.

PETITIONER:

**Mill and Bauer, LLC**  
**an Illinois limited liability company**

A handwritten signature in black ink that reads "Cathi E. Cook". The signature is written in a cursive style with a large initial 'C'.

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Rosanova & Whitaker, Ltd.  
Attorney for Petitioner

**EXHIBIT A**  
**LEGAL DESCRIPTION**

PARCEL 1:

LOTS 28, 29, 30 AND 31 IN BLOCK 18 IN NAPER VILLA MANOR, A SUBDIVISION OF THE SOUTH HALF OF SECTION 1 AND 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, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOTS 6, 7, 8 AND 9 IN BLOCK 17, AND LOTS 32 AND 33 IN BLOCK 18, AND VACATED BYERRUM STREET LYING IMMEDIATELY BETWEEN SAID LOTS 6 AND 33 EXTENDED 0 FEET NORTH OF THE NORTH LINES OF SAID LOTS 6 AND 33, AND THE SOUTH 10 FEET OF VACATED 20 FOOT WIDE PUBLIC ALLEY LYING IMMEDIATELY NORTH OF SAID LOTS 6, 7,8, 9 IN BLOCK 17, AND LOTS 32 AND 33 IN BLOCK 18, ALL IN 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, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2A:

TRACT A: LOT 15, IN BLOCK 17, AND THE SOUTH 10 FEET OF THE VACATED 20 FOOT WIDE PUBLIC ALLEY LYING IMMEDIATELY NORTH OF SAID LOT 15, IN NAPER VILLA MANOR, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 1, AND IN THE NORTH HALF OF SECTION 12, IN TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 21,1926 AS DOCUMENT NO. 213969, IN DUPAGE COUNTY, ILLINOIS

TRACT B: THE WEST 16.5 FEET OF VACATED PEARSON STREET, PER INSTRUMENT RECORDED MARCH 9, 2010 AS DOCUMENT NO. R2010- 031981, LYING IMMEDIATELY EAST OF THE ABOVE DESCRIBED PARCEL 2, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 27W280 Bauer Road, Naperville, Illinois 60563

PIN: 07-12-226-002

And

07-12-209-022