

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLANNING AND ZONING
COMMISSION FOR ENTITLEMENTS REGARDING
5S275 AND 5S311 NAPERVILLE/WHEATON ROAD, NAPERVILLE, ILLINOIS**

THE UNDERSIGNED Petitioner, Naperville Wheaton LLC, an Illinois limited liability company (hereinafter, the “Petitioner”), respectfully petitions the City of Naperville (the “City”) for approval of a plat of re-subdivision/consolidation to consolidate two (2) lots into one lot and variances for the following: (a) area requirement to permit nineteen (19) townhomes on a lot that is 45,490 square feet; (b) a minimum front yard setback of twenty-three feet (23’) in lieu of twenty-five feet (25’) along Naperville-Wheaton Road; (c) to permit two (2) guest parking spaces in lieu of five (5) spaces; (d) to permit parking in the required front yard setback; (e) to permit elevations with less than fifty percent (50%) masonry materials; (f) to not require one garage space per dwelling unit; (g) an annexation agreement amendment; and (h) such other variances, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** (the “Subject Property”), as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter, the “Code”).

In support of this Petition, the Petitioner represents to the City of Naperville the following:

1. Owner and Petitioner is Naperville Wheaton LLC, an Illinois limited liability company.
2. The Subject Property consists of +/- 1.1 acres of land located in the corporate boundary of the City, DuPage County, Naperville, Illinois.
3. The existing zoning and land uses surrounding the Subject Property are as follows:
 - a. *North:* B3 zoning - ALDI Grocery Store
 - b. *East:* R-3 zoning - Unincorporated DuPage County Residential

- c. *South:* R-3 zoning - Unincorporated DuPage County Residential
- d. *West:* B3 zoning - Gerald Automotive Group and Offices

4. The Subject Property was annexed to the City of Naperville and zoned R-3A Medium Density Multiple-Family Residence District on February 5, 2019.

5. Since February 5, 2019, the Petitioner has marketed the property for four (4) single-family lots.

6. To date, no person or builder has shown any interest in the Subject Property for development of single-family detached homes.

7. Accordingly, the Petitioner is proposing a townhome use, which use is significantly more appropriate for this transitional area and will serve a considerably more compelling local housing need.

8. Being in short supply in the marketplace, thirteen (13) of the proposed nineteen (19) townhomes will be three (3) bedroom units to appeal to families seeking to send their children to Naperville District 203 Schools.

9. The remaining six (6) of the nineteen (19) townhomes will be two (2) bedroom units, which units will offer a more attainable monthly rent than what is generally available in the Naperville area.

10. The federal government sets an income affordability standard for housing at 30%, which means renters spending in excess of 30% of gross income on rent are considered to be rent burdened.

11. According to the affordable housing online data base compiled from HUD demographic and rent data, 40.53% of Naperville renters are rent burdened. Relatedly, many renters are priced out of the Naperville apartment rental market altogether, forcing potential renters

into surrounding communities.

12. Pursuant to the “Affordable Housing Program” report issued on April 20, 2022, by SB Friedman Development Advisors, the income range for a 3-person household at 60% of the Local Rental Naperville Average Median Income is \$65,600, which translates to an affordable monthly rent of \$1,900.00.

13. It is anticipated that 31.5% of the townhomes (6 units) in the proposed community will meet the 60% of the Local Naperville AMI definition of affordable monthly rent.

14. Pursuant to HUD Fiscal Year 2023 Fair Market Rent Determination System for the 60563 Small Area, affordable rent for a 2-bedroom unit is \$2,050 and \$2,600 for a 3-bedroom unit.

15. It is anticipated that all of the townhomes (19 units) in the proposed community will meet the HUD small area affordable rent definition.

16. While the proposed community will not be restricted to “income qualifying” households and will not be financed with low-income housing tax credits, it is anticipated that the new proposed community will provide more financially attainable housing in the Naperville area for the local work force, millennials, seniors, and everyone in between.

17. While there are currently micro-apartments and studio apartments located in the City that provide housing at an attainable price point for singles, there are very few townhome rental options that provide a similarly attainable price point for families.

18. The proposed townhome development will help fulfill the need for “missing middle housing” by satisfying the demand for a reasonably priced, convenience accessible and walkable development located in a transitional area and in close proximity to transit.

19. 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.

20. 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 location of the Subject Property presents an excellent canvas to redevelop underperforming vacant land with a new and attainable housing opportunity to attract additional residents to our community. The Subject Property is immediately adjacent to the ALDI grocery store and within walking distance to three other grocery stores, including a Fresh Market, H Mart and Costco, in addition to nearby entertainment, pharmacies, employment opportunities, dining, a Pace bus stop, and other convenience uses. Accordingly, Petitioner seeks to redevelop the Subject Property as a nineteen (19) unit townhome community consisting of thirteen (13) three-bedroom homes and six (6) two-bedroom homes. The proposed development will appeal to families seeking a much-needed housing opportunity and to an underserved segment of Naperville's population that desires a safe living environment in close proximity to employment (I-88 corridor), transit (Pace), and a variety of retail and convenience uses. The proposed development would create an optimum use of the Subject Property by providing this underserved segment of the housing market with an opportunity to reside in Naperville while also enhancing our real estate tax base, infusing our local economy with additional income, and improving our work force.

The proposed development will help satisfy a surging need in the community for "missing middle housing", which can be described as a range of multi-family or clustered housing types that are compatible in scale with single-family or transitional neighborhoods and which bridge the gap between the single-family home and the large multifamily or commercial areas. This housing type

includes townhomes and is generally characterized by walkable neighborhoods, service and convenience access, attainable pricing, nearby transit, and meeting demographic needs. These developments typically have small building footprints, smaller homes, and focus on community, allowing individuals and families of different sizes, types, and incomes access to quality housing, and allowing seniors to downsize without having to leave their neighborhood. The smaller scale of these types of projects makes them more feasible and attractive for development in comparison to alternative types of housing developments and provides a tremendous amount of value due to less competition in the marketplace. As the proposed development will be attainably priced and located in a transitional, walkable neighborhood surrounded by commercial uses, residences, grocery stores, and other services and amenities, the Subject Property strategically fills this underserved segment of the residential market.

Bounded to the west by commercial uses, the east and south by residences, and the north by a grocery store and other commercial uses, there were many options in development design to consider. For this reason, the development plans include architecture complementary to the surrounding area and innovation in site design to ensure compatibility with the neighborhood and adjacent uses. First, in consideration of the adjacent residences to the south and east, attractive new landscape treatments and privacy fencing will be incorporated along the property lines to enhance the overall aesthetics of the area and to provide a buffer between uses. In addition, the exterior parking area for the proposed development will be located internal to the site and out of view from the residences to the south and east. Finally, all access to the proposed development will remain from Naperville-Wheaton Road, with no access points located along the south or east residential property lines. To avoid unsightly dumpsters throughout the development, one fully confined trash enclosure will be located at the east quadrant of the property.

The proposed architecture marks a significant improvement from what has existed on this property in the past. Significant features include fiber cement siding, architectural shingles, decorative accents, covered entries, and vertical elements to provide planar breaks and additional layered architectural interest. These features are utilized in ways that fit within the context of the neighborhood while still delivering the modern look the residents will demand. The building colors have also been selected to complement the surrounding areas consistent with on-trend farmhouse appeal. The townhomes will range in square footage from +/- 900 to 1,250 and will consist of two (2) bedroom and (3) bedroom units all with two (2) or three (3) bathrooms. Each unit will have two (2) parking spaces, and (2) guest spaces will be allocated for the development. Each unit will also have a private patio at the rear of each home and a covered entry.

The community will be professionally managed. The Petitioner will also create a property owner's association to be registered with the Illinois Secretary of State along with a declaration of community rules recorded against the Subject Property which shall be applicable to all residences. All leases will be subject to full credit reports, verification of employment, and criminal background checks. As a result of the foregoing, the proposed development will allow the Subject Property to be utilized to an extent that is compatible with the surrounding environment and to its highest and best use while enhancing the City's real estate tax base and improving the aesthetics of this highly visible area.

VARIANCE TO REDUCE THE REQUIRED GUEST PARKING TO PERMIT A TOTAL OF TWO SPACES INSTEAD OF FIVE SPACES

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

The proposed variance to reduce the required guest parking spaces is consistent with the purpose and intent of the zoning regulations. The purpose of the off-street parking requirement is

to ensure that adequate parking is provided to meet the demand. Accordingly, the Code provides that each property must provide on-site parking to meet the anticipated parking demand based on the use of the individual property. The Code does not consider the nature of residential developments, but instead simply states two (2) spaces per unit regardless of how many bedrooms or the location of the developments. Therefore, the same two (2) space requirement would apply to a five (5) bedroom home in the south part of town as a two (2) bedroom townhome unit located adjacent to employment, convenience retail, and transportation options. In this instance, it is important to note that each townhome will be parked at two (2) spaces per unit in conformance with the Code. The Petitioner is requesting a variance to reduce the required guest parking for the development from five (5) to two (2) spaces. It is important to consider the unique nature of the proposed townhome community along with its close proximity to everyday necessities, entertainment, retail and transportation options. Given that the I-88 employment corridor is less than a mile away, it is likely that the residents will have opportunities to minimize their transportation expenses by using public transportation, car sharing services, Pace, or by biking and walking. To evaluate the parking supply, the Petitioner has reviewed past similar projects in town such as Charleston ROW I, II & III, Ellsworth Station, Vantage, The Washington, Domain at Lincoln, and several others, all of which were parked at 2 spaces per unit or less and have been proven to have adequate parking supply. To further provide for the efficient use of the Subject Property and maximize the parking supply, the Petitioner has also designed the proposed development to facilitate pedestrian and bicycle access to and from the retail, employment and entertainment establishments located in close proximity to the Subject Property. As a result, it is even more likely that many residents will not rely on nor require more than one vehicle per unit. Lastly, the Petitioner has obtained a parking study prepared by Eriksson Engineering evidencing

that the peak parking demand is only 36 spaces. Accordingly, the proposed forty (40) on-site parking spaces will be adequate to serve the development and 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.*

Great care was taken in site and building design. Strict enforcement of this parking requirement would require the Petitioner to install and maintain excess parking areas that will not be used. In addition, adding additional parking would cause a reduction in unit count, which is contrary to the intent and desire for adequate density to provide additional housing opportunities at this location.

- 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 will be adequate to serve the residents of the community and has been designed to be interior to the community so as to not impact the surrounding residential uses. These attributes will certainly enhance the overall essential character of the area. Additionally, this variance will help provide for a compelling community need to achieve more housing options, and strict adherence and enforcement of the antiquated parking requirements would make the project unfeasible.

**DEVIATION TO REDUCE THE REQUIRED MASONRY PERCENTAGE FROM
50% TO 0%**

- a. The requested deviation would not undermine the intent and purpose of the underlying zoning district.*

In 2002 the City of Naperville amended its Municipal Code to require masonry construction on fifty percent (50%) of the exterior of all multiple-family and multiple single-family dwellings. The Ordinance, Ordinance 02-66, includes a finding that “having a requirement for brick or other masonry products promotes the appearance of multiple-family developments and

helps maintain long-term property values”. Much has changed in the 20 years since this ordinance was adopted. Today, the use of masonry materials in residential construction is much less prevalent. The largest new construction single family developments in the City include a diverse portfolio of product materials, but in many instances eliminate any type of masonry. This trend away from masonry in construction is further evidenced in the City’s vibrant teardown market where million dollar homes are now constructed with little-to-no masonry product. The fact of the matter is today’s buyer recognizes that masonry product does not automatically equate to better design or higher home values. The proposed architecture in this instance reflects a variety of building materials with significant detailing to create architectural interest consistent with, and, most importantly, complementary, to the surrounding area. Strict adherence to the masonry requirement of fifty percent (50%) will not align with the unique design and will inhibit Petitioner’s ability to provide a new housing option.

b. The requested deviation will not be a detriment to the provision of municipal services and infrastructure.

Requiring fifty percent (50%) of the exterior to be constructed with masonry would impose exceptional hardships by undermining the value and architectural style of the proposed new development and hindering Petitioner’s ability to provide a new housing option that is in line with the current architectural “modern farmhouse” trend. Adding additional masonry to each home would not serve as an aesthetic enhancement, but would directly impact the overall objective of this development.

c. The requested deviation will contribute to a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit, or would enhance the community vitality through the inclusion of attainable or barrier free housing.

The deviation will allow the Petitioner to construct a building which offers a superior level of design and enhancement, and which will be consistent with and complementary to the

surrounding area. The proposed architecture reflects a variety of building materials with significant detailing (horizontal and vertical articulation, brackets, colored windows) to create architectural interest.

AREA REQUIREMENT VARIANCE FROM SECTION 6-6D-5:3 OF THE CITY CODE TO ALLOW ONE UNIT PER 2,394 SQUARE FEET IN LIEU OF ONE UNIT PER 4,000 SQUARE FEET OF LAND AREA AND TO EXCEED 8 UNITS PER ACRE

- 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 45,490 square feet. The City's R-3A zoning district requires 4,000 square feet per dwelling unit for single-family attached residences and up to eight (8) units per acre. Density limitations ensure that 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, the proposed use of the Subject Property as nineteen (19) dwelling units is a substantially less intense use than other uses within and/or contemplated for the surrounding area. Specifically, the Vantage Micro-Apartments to the north of the Subject Property has 112 units and maintains a density of approximately 49 units per acre (2.265 acres) and won the multi-family development of the year award for excellence. In addition, Vantage maintains a maximum height of 35' 6", which is +/- 10 feet higher than the proposed townhomes. At +/- 25' tall the townhomes are well within the R-3A height requirement of 35' and consistent with the height of the surrounding homes to the east and south. Accordingly, the variance will improve the Subject Property, as well as the neighborhood, with a development that is complementary to the adjacent residential uses and which will support the nearby commercial uses and provide for the highest and best use of the land. This will, in turn, have a positive impact on the property values and support the greater community.

Moreover, maintaining the Subject Property in its current configuration as vacant land being trespassed on is not an efficient use of resources or the highest and best use of the Subject Property. The requested variance to allow for nineteen (19) homes on the Subject Property is consistent with what is appropriate for this transitional area property and is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.

- 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 as it is a transitional property separating high-density apartments and commercial from the residential area to the south. A residential use is the most appropriate use for the Subject Property and is consistent with the trend of development in the immediate area. Single-family homes have proven to not be viable at this location. Therefore, strict enforcement of this title would substantially negatively affect the marketability and viability of these townhomes and this project. Without the density variance, the project 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.*

The existing vacant land is out of character for the area. As such, Petitioner's variance request could be restated as a request to improve the existing condition with townhomes complementary to the surrounding uses, which will increase the property values in the area. In addition, the area variance request is minimal in comparison to Vantage, which has 112 units and maintains a density of 49 dwelling unit per acre and which has proven to be an asset to our community.

VARIANCE TO REDUCE THE FRONT YARD SETBACK FROM 25' TO 23'

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

The R-3A zoning district requires a front yard setback of twenty five feet (25'), and the Petitioner is proposing a front yard setback of 23' in an area along the northwest quadrant of the property adjacent to the ALDI grocery store. The Subject Property is unique in that it is directly across the street from a commercial use (office and Gerald Automotive) and south of an ALDI Grocery Store. Additionally, Naperville-Wheaton Road has a right-of-way width of 66', and the Petitioner has dedicated an additional 7' of right-of-way, which means the current right-of-way width is 73' and that there will be approximately 40' of greenspace and sidewalk between Naperville-Wheaton Road and the proposed building. If the Petitioner did not grant the 7' of additional right-of-way, the setback provided would exceed the R-3A zoning requirement of 25' by 5'. The Petitioner will meet and exceed all other applicable setbacks and be +/- 25' in height, which is 10' less than the maximum permitted height. There will also be landscaping materials, foundation plantings, and fencing to limit any impact on the surrounding residential properties. Taking all these characteristics into account and the nature and location of the Subject Property, the requested variance is appropriate and will have a limited impact on the surrounding area.

In addition, pushing the building forward will also allow the Petitioner to maximize the rear yard setback while also locating the parking internal to the site. These design attributes ensure that the essential character (commercial and commuter activity to the west) and residential feel to the east will be preserved without any detriment.

- 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 this requirement would cause the Subject Property to not be developed in conformance with the highest and best use of the land. The alternatives would be to

construct a housing type that is not in conformance with the City’s vision for this property and not the highest and best use of the land.

- 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 variance, if granted, will help pave the way for a residential development which is in conformance with the City’s vision for housing for all, and that will be the highest and best use of the property with no detriment to adjacent properties. Currently, the Subject Property is vacant, which is totally out of character at this location and disruptive to the essential character of the neighborhood. By constructing this proposed development, the Petitioner will enhance the overall essential character of the area and community as a whole with the proposed compatible residential use.

VARIANCE TO PERMIT PARKING IN THE REQUIRED FRONT YARD

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

The R-3A zoning district requires a front yard setback of twenty-five feet (25’), and the Petitioner is seeking to allow up to four (4) parking spaces in said front yard. The Subject Property is unique in that it is directly across the street from a commercial use (office and Gerald Automotive) and south of an ALDI Grocery Store. Allowing for parking in the front yard will allow the Petitioner to shift the parking away from the east property line where there are two residences. It is also important to note that the Code specifically allows guest parking spaces to be located within the front yard setback. In this instance, two of the parking spaces located in the front yard setback will be guest parking spaces and the other two parking spaces will only be partially located in the front yard setback. Additionally, based on a review of aerial imagery for the ALDI grocery store to the north, there are nine (9) parking spaces located in the ALDI parking

lot which are closer to Naperville-Wheaton Road than the four (4) parking spaces on the Subject Property will be. As a result, the Petitioner's request is consistent with the character of the area and trend of development.

- 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 this requirement would cause the Subject Property to not be developed in conformance with the highest and best use of the land. The alternatives would be to construct a housing type that is not in conformance with the City's vision for this property and not the highest and best use of the land.

- 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 variance, if granted, will help pave the way for a residential development which is in conformance with the City's vision for housing for all, and that will be the highest and best use of the property with no detriment to adjacent properties. Currently, the Subject Property is vacant, which is totally out of character at this location and disruptive to the essential character of the neighborhood. By constructing this proposed development, the Petitioner will enhance the overall essential character of the area and community as a whole with the proposed compatible residential use.

**VARIANCE TO ELIMINATE THE REQUIREMENT TO PROVIDE ONE GARAGE
PARKING SPACE PER DWELLING UNIT.**

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

The Code requires one garage parking space per unit. The Subject Property is a transitional property in that it is surrounded by both commercial and residential uses. In order to deliver a new housing option which is within reach for those that wish to live in Naperville, the Petitioner

proposes to remove garage parking. Each townhome will have two parking spaces, which meets the City's parking requirement, but neither will be in a garage. Having a surface parking area is both cost effective and consistent with the nature of the area which includes parking lots which are located both north (ALDI) and to the west (Gerald Automotive Group). Additionally, the parking area will be located internal to the site and generally out of view as there will also be fencing around the south and east property lines to further screen the internal parking area from adjacent properties.

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

If a variance was not granted in this instance and the Petitioner was required to provide garage parking, the project would not move forward, and the City's desire to provide more attainable and attractive housing would not become a reality.

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 variance is consistent with the essential character of the area which includes other parking lots in the vicinity. In fact, most apartment communities include surface parking areas, so the proposed surface parking will not be out of character for what is typically associated other forms of residential housing in town. Lastly, the parking area will be internal to the site, with the residential buildings on the south and north property lines, and will be landscaped and include a fence to further complement and screen the site.

WHEREFORE, by reason of the foregoing, the undersigned respectfully petitions the City of Naperville for approval of a plat of re-subdivision/consolidation to consolidate two (2) lots into one lot and variances for the following: (a) area requirement to permit nineteen (19) townhomes on a lot that is 45,490 square feet; (b) a minimum front yard setback of twenty-three feet (23') in

lieu of twenty-five feet (25') along Naperville-Wheaton Road; (c) to permit two (2) guest parking spaces in lieu of five (5) spaces; (d) to permit parking in the required front yard setback; (e) to permit elevations with less than fifty percent (50%) masonry materials; (f) to not require one garage space per dwelling unit; (g) an annexation agreement amendment; and (h) such other variances, departures or deviations as may be necessary to develop the property legally described pursuant to the appropriate provisions of the Code.

RESPECTFULLY SUBMITTED this 12th day of February, 2023.

PETITIONER:

Vincent M. Rosanova

Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

EXHIBIT A
LEGAL DESCRIPTION

PARCEL ONE:

LOT 9 IN BLOCK 4 IN ARTHUR T. MC INTOSH AND CO'S DUPAGE FARMS, BEING A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1938 AS DOCUMENT 390671, IN DUPAGE COUNTY, ILLINOIS.

PIN: 08-08-106-009

COMMONLY KNOWN AS: 5S275 NAPERVILLE-WHEATON ROAD, NAPERVILLE, ILLINOIS 60563-8504

PARCEL TWO:

LOT 10 IN BLOCK 4 IN ARTHUR T. MCINTOSH AND COMPANY'S DUPAGE FARMS, BEING A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF; RECORDED AS DOCUMENT 390671, IN DUPAGE COUNTY, ILLINOIS.

PIN: 08-08-106-010

COMMONLY KNOWN AS: 5S311 NAPERVILLE-WHEATON ROAD, NAPERVILLE ILLINOIS 60563-8504