

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 for: 1) annexation, 2) R-3A zoning, 3) approval of a plat of subdivision, and 4) such other variances, departures or deviations as may be necessary to develop Parcel One and Parcel Two each 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 as follows:

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 unincorporated DuPage County, Naperville Illinois.
3. The existing zoning and land uses surrounding the Subject Property are as follows:
 - a. *North:* B3 Aldi Grocery Store
 - b. *East:* R-3 Unincorporated DuPage County Residential
 - c. *South:* R-3 Unincorporated DuPage County Residential
 - d. *West:* B3 Chiropractic Clinic
4. The Subject Property is contiguous to the corporate boundary of the City of Naperville and is occupied by one residential home.

5. The Petitioner requests annexation to the City of Naperville, subdivision into four lots, and R-3A Medium Density Multiple-Family Residence District zoning.

6. In support of Petitioner's request for annexation, Petitioner has submitted a Petition for Annexation herewith.

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

8. The Petitioner's proposal is consistent with the existing land use, surrounding residential uses, the Plank Road Study and will allow the Petitioner to utilize the Subject Property in a manner that is compatible with the surrounding environment to its highest and best use.

SUMMARY OF DEVELOPMENT

The Subject Property is located on Naperville/Wheaton Road, south of Ogden Avenue, behind the ALDI grocery store and across the street from the Victory Rehab Chiropractic Clinic. To the south and southeast are residential uses. The Subject Property is uniquely situated between residential neighborhoods located to the south and east, and commercial uses to the north, northeast, and west. Petitioner seeks to redevelop the Subject Property as four single family detached homes. Development of the Subject Property as four single family detached homes is consistent with the character neighborhood. Each lot will be approximately 11,000 square feet with the homes setback twenty-five feet from the proposed Naperville/Wheaton Road right of way. Petitioner believes single family detached homes is consistent with the character of the neighborhood and will appeal to those who desire close proximity to retail, I-88, and downtown Naperville.

9. In support of Petitioner's request for a map amendment to zone the Subject Property

as R-3A Medium Density Multiple-Family Residence District Petitioner represents 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 requested R-3A zoning is consistent with the Plank Road Study's designation of the Subject Property as medium-density residential. The Plank Road Study recognizes the Subject Property as a transitional area between Ogden Avenue's commercial corridor and the adjacent residential properties and benefits from the close proximity to the shopping corridor. The Subject Property's annexation to the City and corresponding R-3A zoning designation will promote the general welfare of the City and its residents by increasing the real estate tax base, expanding the corporate boundaries of the City, and provide additional housing opportunities in Naperville. Petitioner believes the R-3A zoning designation is appropriate given the smaller lot size and the fact that single-family detached residential is a permitted use in the R-3A district. Smaller lot size creates a detached single-family housing product more consist with a medium-density project however, Petitioner's proposed subdivision is considerably less dense and will provide a single-family detached product consistent with the adjacent residential uses.

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

The Subject Property is immediately adjacent to properties currently zoned R3 unincorporated DuPage County and B3 in the larger neighborhood. As such, the R-3A zoning designation for the Subject Property will create an ideal transitional area between the Ogden Avenue commercial corridor and the adjacent unincorporated R3 residential properties. By requesting an R-3A zoning designation, the proposed development will be consistent with the City's Plank Road Study. Moreover, Petitioner's four single-family detached homes is consistent with the adjacent residential uses.

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

The Subject Property is currently zoned R-3 in unincorporated DuPage County which permits residential uses. Annexation to the City of Naperville and zoning the Subject Property R-3A will permit residential uses which are consistent with the adjacent residential uses and with City's vision for the Subject Property as indicated in the Plank Road Study. The Plank Road Study recognizes this area will serve as a transition between the Ogden Avenue commercial corridor and the adjacent residential uses to the south and east. Further, the Plank Road Study specifically states this area will benefit from its close proximity to nearby existing retail and service uses (e.g. grocery store, bank and restaurant)¹. Petitioner's four single family detached homes will fulfill these stated land use goals by providing a transitional residential community in close proximity to retail and service uses. The Plank Road Study contemplates Medium-Density Residential for the Subject Property. To that end, Petitioner proposes four single family detached homes which is consistent with what is required under the R-3A zoning requirements and contemplated in the Plank Road Study. Petitioner believes R-3A zoning is the appropriate zoning designation given the smaller lot size which creates a housing product more in line with a multi-family subdivision/medium density project however, in this instance Petitioner's subdivision is less dense and consistent with the adjacent residential uses.

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

Since the Subject Property is unincorporated, it has not previously been subject to the City's zoning regulations. Parcel One has been improved with a single family detached rental home and Parcel Two is vacant land. Development of the Subject Property as four single family detached

¹ See page 20 of the *Plank Road Study December 2010*
<https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-esp-plank-road-study.pdf>

homes will be a substantial improvement over the existing conditions.

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

If granted, the amendment will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property. Rather, the R-3A zoning designation will be consistent with the City's vision for the Subject Property and with the zoning of the larger neighborhood. Petitioner proposes to subdivide the property into four lots and construction of four single family detached homes. Petitioner believes R-3A zoning is the appropriate zoning designation given the smaller lot sizes which is typically associated with a medium-density subdivision however, in this instance Petitioner's single family detached subdivision is less dense and more consistent with the adjacent residential uses. Petitioner's proposed development will enhance the neighborhood, be substantial improvement over the existing condition, and annexation into the City will result in additional revenue.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Planning and Zoning Commission take the necessary steps to: 1) annex the Subject Property; 2) zone the property R-3A; 3) approve the requested plat of subdivision; and 4) grant such other variances, departures, deviations or other relief which is deemed necessary to approve the development of the Subject Property as depicted on the plans submitted herewith.

RESPECTFULLY SUBMITTED this 3 day of December 2018.

PETITIONER:



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