

on-site. The waivers from zoning regulations allow Petitioner to provide a unique housing opportunity which serves a compelling community need.

- f. The planned unit development is compatible with the adjacent properties and nearby land uses.*

The proposed use of the Subject Property is consistent with age restricted residential uses to the south and west (Tabor Hills). Additionally, the proposed use is consistent with the Forest Preserve land to the east and will provide a transition from the intensity of the office uses to the north. The proposed development would create a beneficial use of the Subject Property that will provide a housing opportunity to an underserved segment of the housing market. The planned unit development's proposed use is compatible with and serves as an excellent transitional use between the existing adjacent residential to the south and east and the business/commercial to north. It is also an excellent synergistic use with the assisted living facility to the south.

- g. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the City.*

The proposed development is consistent with the overall objectives of the City to enhance the housing stock for our aging population. The proposed development will allow for underperforming land to be utilized for its highest and best use which will in turn enhance the City's property tax bases while providing a buffer to the adjacent residential uses.

**DEVIATION TO THE PLATTED SETBACKS ALONG THE NORTH, EAST AND SOUTH PROPERTY LINES.**

- a. The Petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the owner or petitioner.*

The Petitioner's request arises from the fact that the McDowell Point Plat of Subdivision recorded in DuPage County as Document No. 2008-143214 anticipated that an office building would be constructed on the Subject Property and noted the following platted setbacks which are

inconsistent with the City's Zoning Code: (i) a 37.4' building setback along Diehl Road, (ii) a 39.4' building setback along Raymond Drive, (iii) a 30' parking setback along Raymond Drive, (iv) a 29.4' building setback along the south property line, and (v) a 20' parking setback along the south property line. After ten years of sitting dormant, in 2018 the City of Naperville rezoned the Subject Property to OCI to allow for an age-restricted residential development consistent with the overall area and complimentary to the adjacent Tabor Hills residential use to the south. Notably, the City of Naperville's OCI zoning district requirements are inconsistent with the setbacks platted by the Owner back in 2008. The Petitioner will comply with all OCI zoning district requirements. As a result compliance with the setbacks depicted on the prior 2008 plat of subdivision would require the Petitioner to shift the buildings back inconsistent with the City's current zoning code which would in turn reduce the open space, impact special management areas such as wetlands, impact circulation and have a negative effect on the overall development.

*b. The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this title.*

The setbacks should have never been platted in the first place. It is very unusual to depict side and rear yard setbacks on a plat of subdivision as it is the City's Zoning Code that should control and regulate all setbacks. Therefore, without the deviations to the platted setback, the proposed building would have to be constructed further in a placement that negatively impacting the open space areas. Instead, granting the requested deviations will be an improvement to the whereby the building will be setback consistent with and in excess of all OCI setback requirements. The proposed development is consistent with the overall objectives of the City to enhance the housing stock for our population as well as our local economy. The proposed development will also allow for underperforming land to be utilized for its highest and best use

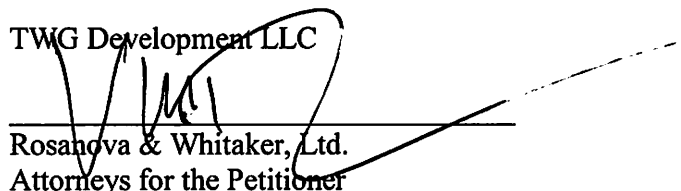
in turn enhancing the City's property tax bases while providing a buffer to the adjacent residential uses.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: approve a Final Planned Unit Development for the property legally described on Exhibit A ("Subject Property") allowing for adjustments to the building elevations, grant a deviation to the platted setback along the north, east and south property lines of the Subject property such other deviations, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** ("Subject Property"), and as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the "Code").

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of May 2020

PETITIONER:

TWG Development LLC

  
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Rosanova & Whitaker, Ltd.  
Attorneys for the Petitioner