

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; 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 0.89 acres (or 39,069 square feet) 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

11. 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.

12. 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 ten rentable townhome units and will fill a supply gap of similar rental units in the area. These units will all be two-stories and some units will feature first-floor master bedrooms to help meet a significant housing demand in Naperville. 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 above each standard two-car 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 3,906 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. Recognizing the different needs of future occupants, Petitioner is specifically incorporating first-floor master bedrooms into the design where appropriate. This feature is highly desirable and there is certainly a need for more housing products with first-floor master bedroom options in the area. Taking into consideration the surrounding area, the Cress Creek Townhomes are located immediately southwest of the Property and the proposed development is complementary to that community by way of use and its comparable location along Mill Street and Bauer Road. 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. Given the wide variety of land uses in the immediate vicinity, the requested zoning designation in this location is consistent with the City's intent and vision for the Property pursuant to the comprehensive plan and will provide for a development that reflects the trend of the area.

*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 than more intense uses that could otherwise be proposed and permitted under TU, B2, B3, or OCI Zoning as the comprehensive plan recommends for "City Corridor" designated properties.

*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 6-71-5:2 OF THE CITY CODE  
TO ALLOW ONE UNIT PER 3,906 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*

In the City's TU zoning district, there is no minimum lot area for single-family attached dwellings provided the sum of the area of the lot(s) which the townhome building(s) is located shall not be less than the number of dwellings times 4,000 square feet. Petitioner is proposing 10 units, which requires a minimum lot area of 40,000 square feet. The 39,069 square foot Property falls short

of this requirement by a mere 931 square feet. However, this Code requirement is not intended to impose a minimum square footage for each townhome unit, but is rather intended to control the density of a development. In this instance, 4,000 square feet per dwelling would limit the number of dwelling units to 9.8. Rounding to the nearest whole number, Petitioner complies with this requirement with the proposed 10-unit development. Density limitations are in place to 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. By way of strictly calculating the lot area pursuant to the Code, petitioner requires a variance for an increase of 0.3 units, which will certainly 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 ten dwelling units is consistent with the surrounding area, is 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, and complies with the intent of this Code regulation capping a density limit of 10 units.

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 and helps to address the need for more homes with first-floor master bedrooms incorporated into the design. Moreover, the land plan and Code comfortably supports ten units with timeless dimensions without compromising on quality or comfort of the units.

The requested variance to allow for ten 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 ten units. The variance requested is based upon the technical calculation of the Code requirement of 1 unit per 4,000 square feet of lot area which equates to a density of 9.8 units. Again, the City uses this calculation as a means to control density rather than the livable square footage of the units. In this instance, Petitioner’s proposal of 10 units is consistent and compliant with the density requirement generated under this lot area calculation.

*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 in the immediate vicinity.

**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; and (iii) all other such relief from the Code as may be deemed necessary and appropriate to develop the Subject Property.

RESPECTUFLLY SUBMITTED this 30<sup>th</sup> day of June, 2023.

PETITIONER:

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



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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

PINS: 07-12-226-002  
07-12-209-022