

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

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

THE UNDERSIGNED Petitioner, Greene Valley 75, LLC, an Illinois limited liability company (hereinafter “the Petitioner”), respectfully petitions the City of Naperville to approve the following: (i) annexation, (ii) map amendment rezoning from R-2 (Single Family Residence District) in DuPage County to OCI (Office, Commercial and Institutional District) in the City of Naperville (“City”), (iii) a Conditional Use to allow for a thirty-eight (38) unit apartment development in the OCI Zoning District, (iv) a variance to the maximum permitted height of 43 feet to allow for a building height of up to 47 feet, (v) an area requirement variance to allow for a thirty-eight (38) unit apartment development on a +/-1.53 acre parcel, and (vi) such other variances, departures or deviations as may be necessary to develop the property commonly known as 25W462 75th Street, Naperville, Illinois, and legally described on **Exhibit A** (“Subject Property”) as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

BACKGROUND INFORMATION

1. The Petitioner, Greene Valley 75, LLC, with a registered office at 8S330 College Road, Naperville, Illinois, is the Petitioner and owner of the Subject Property.
2. The Subject Property is an approximately 1.53 acre parcel of property, currently improved with a single-family structure, most recently used as an office, located north of 75th Street (approximately midway between Naper Boulevard and Oxford Lane) in unincorporated DuPage County.

3. Petitioner proposes to develop 38 apartments with a mix of 1 and 2 bedroom units in a single, three-story building.
4. The proposed community will include exterior amenity areas and indoor and outdoor parking.
5. The proposed community will be complementary to the existing land uses surrounding the Subject Property which are as follows:

- a. North: R-2 (Single Family Residence District) in DuPage County: Goodrich Woods Forest Preserve
- b. East: R1A (Low Density Single-Family Residence District with a Conditional Use for transportation/utility facility) in the City of Naperville: City electric substation facility
- c. South: R-2 (Single Family Residence District) in DuPage County: single-family residential
- d. West: R-2 (Single Family Residence District); in DuPage County: religious institution

SUMMARY OF DEVELOPMENT

The Subject Property is a 1.53 acre parcel located immediately north of 75th Street between Naper Blvd. and Oxford Lane. It is improved with an old single-family residence and detached garage. The area near the Subject Property is unique in that it includes a wide variety of disparate, transitional uses, especially along the north side of 75th Street. These uses include the Fox Run shopping center, the recently renovated Market Meadows shopping center, a car wash/car sales facility, and a City of Naperville electric facility immediately to the east of the Subject Property. To the west of the Subject Property is a religious institution (Islamic Center of

Naperville), a veterinary clinic, a medical office building, and the DuPage River with adjoining foot/bike path. On the south side of 75th Street are several single-family residences located in unincorporated DuPage County. The property is within walking and biking distance to a wide variety of uses, including extensive grocery shopping and other retail options found at Market Meadows and Fox Run, nearby office/medical, banking, service, worship/religious uses, and natural features. The Subject Property shares its northern property line with the 15 acre Goodrich Woods, a historic gem owned by the DuPage County Forest Preserve District, with old-growth oaks, natural loop trail, and creek. Goodrich Woods surrounds the Hobson School (a cooperative preschool) located on Hobson Road.

While this quadrant of town in the vicinity of Naper Boulevard and 75th Street includes many different institutional, commercial and non-commercial uses, with single-family and townhome uses, it is lacking in options for residents who would like to lease a high-quality residence in this part of town. Siting an attractive apartment use on the Subject Property contributes to the diverse variety of uses in the area and provides an excellent opportunity to redevelop the property with a new housing option to attract additional residents to Naperville. The proposed development will consist of a thirty-eight (38) unit apartment community called Forest Meadows, providing a welcomed and much-needed housing option in the eastern-central part of the City. Forest Meadows will serve a segment of Naperville's population that desires a safe living environment, excellent schools, and associated amenities in relatively close proximity to the City's downtown area, and a variety of other retail and convenience uses. The proposed development would create an optimum use of the Subject Property by providing an underserved segment of the housing market with an opportunity to reside in Naperville while also enhancing the City's real estate tax base, infusing the local economy with additional income and improving

the City's work force.

The Subject Property has some nice mature trees along the east property line. Every effort will be made to retain existing mature trees of high quality which will serve to enhance the livability of the site for residents of the proposed community and provide a buffer to the adjoining electric substation. Additional trees, bushes and plantings will be planted in accordance with a professionally prepared landscape plan to create an aesthetically pleasing apartment community that fits in harmoniously with adjoining uses.

The exterior of the building will be composed of brick masonry material with stone sills and heads. The exterior will also include accents of fiber cement materials and varied roof lines to divide the building. Balconies will provide exterior access for each apartment. Large operable windows will provide ample natural light for all units.

An outdoor amenity area will be included to enhance the social interaction and recreational possibilities for residents. Amenities will include a shaded seating area with pergola, a grill area, an exterior fire area with seating, a turf area for lawn games—all landscaped and secured for privacy—to provide a central location for residents to gather and socialize.

The site will also feature a secluded sitting area and woodland overlook in the northeast corner. This overlook will contain decorative concrete paving, a contemporary pedestal picnic table, circular seat wall enclosure and ornamental plantings. The orientation will be directed towards a majestic view into Goodrich Woods and beyond.

A dumpster serving the site will be located within the building to avoid any unsightly circumstances outside.

There are limited rental units in this portion of the City. While this area of the City includes many different uses, it is underserved with the opportunities rental communities provide

for young professionals, for new entries to the City, for empty nesters who want to stay in the City but no longer want the cost and burden of maintaining a large home, and for retired individuals who also want to stay in the City but want to spend the colder months in warmer weather. Forest Meadows is designed for those who are seeking to rent in an upscale community without the hassles of home ownership. The proposed Forest Meadows community will provide additional rental housing for the benefit of the local work force, millennials, senior citizens, and everyone in between.

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 the neighborhood.

CITY OF NAPERVILLE LAND USE MASTER PLAN 2022

In March of 2022, the City of Naperville adopted its Land Use Master Plan 2022 (Master Plan) that addressed this area of the City. The Subject Property is designated as City Corridor in the Master Plan. City Corridors include a wide range of types and intensities of development. Forest Meadows is consistent with the Master Plan in that multi-family residential buildings are considered supporting uses for the primary commercial, retail, services, restaurants, entertainment, and office uses that are in the immediate area of the proposed development, especially in the Market Meadows and Fox Run centers, the major retail nodes in the eastern part of the City. Given its location on 75th Street, the Subject Property will be limited to right-in/right-out access, with no break in the median or access to a traffic signal, making the potential for commercial or other more intense uses of the property highly remote. The Forest Meadows

development's supporting use of multi-family residential housing is consistent with the Master Plan's designation as City Corridor.

The Master Plan notes that 75% of the housing stock in Naperville is single-family detached homes, and there are far fewer options for multi-family housing. The Master Plan states that an increase in housing diversity, including different price points, housing types and locations, will help provide options to appeal to residents of different income levels. The vision of the City is to provide residents with access to sustainability, walkability, affordability, and accessibility of housing in Naperville. Creative and innovative infill redevelopment projects are suggested to support the City's vision. Forest Meadows is the perfect fit for the redevelopment of the Subject Property.

According to the Master Plan, City Corridors are often positioned along major arterial roadways and oriented to automobile accessibility. The residents of Forest Meadows will not have to walk or drive far to access all of the major retail, office, restaurant, medical and entertainment uses nearby, promoting the continued success and viability of those uses and creating an even more vibrant and lively area of the City. There are few rental housing opportunities in this quadrant of the City, so the proposed development will be supportive of the housing diversity envisioned in the Master Plan. For the reasons listed above, Forest Meadows is consistent with the Master Plan.

REQUIRED DEVELOPMENT ENTITLEMENTS – OCI ZONING DISTRICT

1. The Petitioner seeks approval of annexation to the City of Naperville.
2. The Petitioner seeks approval of a Map Amendment, rezoning the Subject Property from R-2 (Single Family Residence District) in DuPage County to OCI (Office, Commercial and

Institutional District) (“OCI”) in the City to allow for the construction of a thirty-eight (38) unit multi-family community in a single building on the Subject Property.

3. The Petitioner seeks a conditional use for multi-family development in the OCI zoning district.

4. The Petitioner seeks a variance to the maximum permitted height of 43 feet to allow for a building height of up to 47 feet.

5. The Petitioner seeks an area requirement variance to allow for a thirty-eight (38) unit apartment development on a +/-1.53 acre parcel in lieu of one unit per 2,600 square feet in the OCI District.

6. The proposed entitlement requests meet 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.

The required standards for a Map Amendment, a Conditional Use to allow for a multi-family development in the OCI District, and the requested variances are addressed below.

MAP AMENDMENT TO REZONE THE SUBJECT PROPERTY TO OCI

The requested Map Amendment, rezoning the Subject Property from R-2 in DuPage County to OCI in the City, meets the requirements for a Map Amendment under the Naperville Municipal Code and is appropriate based upon the following factors:

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.

The amendment will promote the public health, safety, comfort, convenience, and general welfare in many ways. First, the amendment will provide for the development of additional housing opportunities to those who currently reside in Naperville or wish to reside in Naperville.

It will also provide an opportunity for those seeking a rental opportunity within walking distance of necessities such as grocery stores, pharmacies, retail, banking, dining, recreation, office, worship, medical, and entertainment venues to be able to enjoy such a lifestyle. In addition, the amendment will provide for the development of underperforming land to be utilized for its highest and best use, which will in turn support the nearby commercial developments and enhance the City's workforce and retail and property tax bases. The amendment will provide for improvement over the existing outdated and non-functional single-family home and garage on the Subject Property. The location of the Subject Property fronting 75th Street does not lend itself to a single-family use. The better use for the Subject Property is the proposed use of Forest Meadows allowing this portion of the City to be served with rental housing opportunities.

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

There is a need in this quadrant of the City for rental housing opportunities. The Subject Property will provide a transition from the more intensive commercial and retail uses on the east to the less intensive uses of properties to the west and residential properties to the south of 75th Street. The Master Plan encourages diversity in housing and notes the suitability of rezonings for increased density in areas adjacent to arterial roadways and close to walkable commercial areas and other amenities. The Subject Property fits these parameters perfectly.

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

The existing zoning classification of R-2 (Single Family Residence District) is intended for large lot residential (typically on well and septic systems) in DuPage County. The requested OCI zoning classification for residential uses in the City is more suitable for this area given that it fronts 75th Street and is surrounded by commercial, utility, forest preserve, religious institution,

and other related uses, making Forest Meadows a suitable transition use for this area. The proposed apartment community will provide a unique housing opportunity unavailable in this area of the City and in close proximity to living necessities. The requested OCI zoning will permit a desirable multi-family development that will create an efficient use of the Subject Property as well as the many resources located nearby.

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

The home on the Subject Property has not been occupied as a residential use for a substantial period of time and is the only remaining single-family home on the north side of 75th Street between Naper Boulevard and Washington Street. In fact, the most recent use of the property was a doctor's office, a use that may not have been operated in accordance with the County's applicable zoning ordinance. There is no kitchen in the structure at the present time, making it wholly unusable under its current zoning classification. Given the many other uses along this road (retail, medical office, electric utility, car wash/sales, veterinary clinic, religious institution, etc.), a single-family home is clearly an underutilization of the Subject Property and out of character for this portion of 75th Street. As the Subject Property has been empty for an extended period, it has clearly not been utilized under the existing County zoning classification.

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

Properties in the vicinity of the Subject Property include a variety of distinct uses—residential, major retail/commercial, worship, medical office, veterinary office, forest preserve, utility, restaurant, and similar uses. The neighborhood and adjacent properties will not suffer any detriment with the addition of a multi-family residential use on the subject site. The amendment will likely result in a very positive effect on the essential character of the

neighborhood and will benefit the adjacent properties by providing a compatible residential use. The proposed development plans will provide additional housing opportunities and will also have a positive effect on the sustainability of the nearby commercial uses. The net result will be increased viability of the Subject Property and surrounding area in its entirety and an enhanced retail and property tax base for the City. In addition, the Petitioner has designed the site in a manner which will preserve the existing evergreen tree line on the southern property line along 75th Street.

CONDITIONAL USE TO ALLOW MULTI-FAMILY IN THE OCI ZONING DISTRICT

The requested Conditional Use to allow multi-family residential units in the OCI Zoning District meets the requirements for a Conditional Use under the Naperville Municipal Code and is appropriate based upon the following factors:

a. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare; and

The proposed conditional use for Forest Meadows will not be detrimental to or endanger public health, safety or the general welfare. The use provides for additional and desirable living options that help complement the surrounding area while also improving the real estate tax base and value of adjacent properties. As stated in the Master Plan, the community is better served with homes of different types, styles, and densities. The proposed development will complement an area already consisting of a wide variety of land uses by introducing rental housing options where they are currently lacking, thereby improving the public welfare and satisfying the City's vision for broad diversity in housing.

b. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and

The conditional use will provide for the improvement of the Subject Property with a new, attractive, desirable residential use which will increase property values in the area as well as eliminate an underutilized parcel with a relatively unattractive and unusable building. As a result, the property values in the area will increase as well as the housing stock improved with a new multi-family use. Further, the proposed Forest Meadows development will create the highest and best use of the Subject Property, thereby promoting the desirability of properties in the neighborhood.

c. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

The adjacent properties are essentially already developed and will not be impacted by the introduction of Forest Meadows. The proposed development is consistent with the City's Master Plan for this property which will help ensure the normal, orderly and desirable development of the Subject Property and nearby areas. The proposed development will create the highest and best use of the Subject Property and eliminate an underutilized, poorly maintained building that is out of character with the area.

d. The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

The proposed development is consistent with the City's Master Plan designation of City Corridors for this segment of land on the north side of 75th Street. The Forest Meadows apartment community is consistent with the Master Plan in that multi-family residential buildings are considered supporting uses for the more intense primary commercial and retail uses designated for City Corridors in the Master Plan. Further, the Master Plan includes numerous statements as to the need for a range of housing types allowing for increased densities in a multi-family residential setting. The increase in housing diversity is intended to "appeal to a variety of

income levels, including young families, aging residents, and people with disabilities”. The Forest Meadows conditional use helps the City further that goal of diversity, making it entirely consistent with the Master Plan.

**VARIANCE TO THE MAXIMUM PERMITTED HEIGHT OF 43 FEET TO ALLOW
FOR A BUILDING HEIGHT OF UP TO 47 FEET**

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

The purpose and intent of the City’s zoning ordinance is to permit the orderly and harmonious use of lands within the City, including the heights of buildings. The minor height variance requested would allow the Forest Meadows building to exceed the height maximum by only four feet. The land uses immediately adjoining the Subject Property—a City electric substation, a heavily-wooded forest preserve parcel, a parking lot for a religious institution, and 75th Street—would not suffer a detriment with a building that is four feet higher than allowed in the OCI district. The essentially mixed-use pattern of the immediate neighborhood with commercial, retail, medical and veterinary office, electric utility, car wash/sales, forest preserve, preschool, religious institution and single-family attached and detached uses will not be altered with the height of the proposed Forest Meadows building. Forest Meadows, with a moderately increased height under the requested variance, will be heavily screened with existing, mature trees. The current terrain of the site will further minimize the impact and appearance of the height of the building.

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 title would cause the property to be developed with a building that would not have the aesthetics and density of the proposed Forest Meadows building. The

Subject Property has an unusual condition in that it is uniquely adjoined by an electric substation (and corresponding transmission towers), forest preserve parcel, and large parking lot, creating a condition that minimizes any impact of a slightly taller building on these neighboring properties. This circumstance is unique to this parcel and not generally found in other similarly zoned properties.

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 character of the neighborhood around the Subject Property is already that of a mixed use area varying in type, size, and height of buildings. The variance to allow four extra feet to the height of the Forest Meadows building will simply add to the variety and mix of buildings and uses making up the essential character of the area, resulting in no detriment to the adjoining properties. The heights of the electric substation, transmission towers, and the mature trees in the forest preserve parcel already meet or exceed the proposed height of the Forest Meadows building. The building housing the adjoining religious institution will be 200 or more feet from the proposed Forest Meadows structure, highly diminishing any visual effect of the height of the new development. Further, the natural fall of the existing terrain from the north property line to the south property line of the Subject Property, combined with the City Code requirement for measuring a building's height, also mitigate any impact related to height variance requested. This variance will allow the development of an aesthetically pleasing Forest Meadows building, a positive addition to this quadrant of town as promoted in the City's Master Plan, resulting in the highest and best use of the Subject Property.

VARIANCE TO PERMIT 38 UNITS IN LIEU OF ONLY ONE UNIT FOR EVERY 2,600 SQUARE FEET OF LAND AREA

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

The purpose and intent of the City's zoning ordinance is to permit the orderly and harmonious use of lands within the City. The land uses in the vicinity of the Subject Property currently reflect a mixed use pattern of commercial, retail, medical and veterinary office, electric utility, car wash/sales, forest preserve, preschool, religious institution and single-family attached and detached uses. Forest Meadows, with a moderately increased density under the requested variance, simply becomes part of the mix in an already varied area of the community. It will not alter the character of the existing mixed use neighborhood but will become part of it. The immediately adjoining uses—a religious institution, a forest preserve parcel, and an electric substation—will suffer no detriment due to Forest Meadows. There are no residential neighbors immediately adjoining the Subject Property that would be affected by this variance. As stated throughout this Petition, the proposed development is in harmony with the City's adopted Master Plan by introducing a needed multi-family use, adding to the range and diversity of housing options currently lacking especially in this section of Naperville.

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 title would cause the Subject Property to not be redeveloped and continue to be occupied by a neglected single-family structure and garage that cannot be used due to its lack of a kitchen and overall unsuitability as a place to live or raise a family (i.e., former conversion to doctor's office, lack of any residential neighbors, etc.). This circumstance is unique to this parcel and not generally found in other similarly zoned properties in the County. Multi-family housing is consistent with the City's Master Plan designation of this stretch of 75th Street as City Corridor, since multi-family residential buildings are supporting uses for areas designated as City Corridor.

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 other properties near the proposed Forest Meadows apartment community vary greatly in land use and intensiveness: residential, retail, restaurant, medical office, electric utility, car wash/sales, veterinary clinic, religious institution, forest preserve, etc. The variance to allow additional dwellings within the Forest Meadows development will not result in any detriment to these areas, but will supplement the wide array of uses already present in the area by introducing a new type of housing not currently available.

The City's current zoning districts and their corresponding densities date back to a time when the City was not focused on providing a wider variety of housing, resulting in the need for variances like this one to carry out the City's updated vision as expressed via the Master Plan. Density limitations exist in zoning codes to prevent overburdening of public facilities. Here, there is no lack of water or sewer facilities. 75th Street is a major arterial roadway and will not be overtaxed by the traffic from Forest Meadows. The few school children anticipated to be generated by Forest Meadows will not unduly burden School District 203. All required parking is satisfied on the site. The Forest Meadows building and site layout will meet or exceed all required setbacks. There are no residential dwellings immediately adjoining Forest Meadows — single-family or otherwise — that would be impacted by the proposed development. And Forest Meadows as proposed would certainly result in a less intense use than any extension of the commercial uses located nearby.

Additional density in the form of a needed multi-family apartment building is desirable for this use in this location and is consistent with the City's vision for the area as evidenced by future land use designated in the Master Plan. The Forest Meadows proposal will result in the highest and best use of the Subject Property.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to approve the following: (i) annexation, (ii) map amendment rezoning from R-2 (Single Family Residence District) in DuPage County to OCI (Office, Commercial and Institutional District) in the City of Naperville, (iii) a Conditional Use to allow for a thirty-eight (38) unit apartment development in the OCI Zoning District, (iv) a variance to the maximum permitted height of 43 feet to allow for a building height of up to 47 feet, (v) an area requirement variance to allow for a thirty-eight (38) unit apartment development on a +/-1.53 acre parcel, and (vi) such other variances, departures or deviations as may be necessary to develop the property commonly known as 25W462 75th Street, Naperville, Illinois, legally described on **Exhibit A**, and as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Code.

RESPECTFULLY SUBMITTED this 27th day of January, 2023.

PETITIONER:
Greene Valley 75, LLC

By: Michael J. Van Poucke
Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

EXHIBIT A
LEGAL DESCRIPTION

LOT 9, IN BLOCK 2, IN ARTHUR T. MCINTOSH AND COMPANY'S RIVER GROVE SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTIONS 29 AND 30, IN TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 14, 1926 AS DOCUMENT NO. 206178, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS 25W462 75th St. NAPERVILLE IL.

PIN: 08-29-104-014