

REQUEST FOR MAJOR CHANGE TO THE PUD AND USE DEVIATIONS - IGMC PHASE 2B

Iron Gate Motor Condos Development (IGMC) is a Planned Unit Development (PUD) zoned in the I - Industrial District with certain conditional uses for automobile warehousing, catering to collectors of custom cars in Phase 1 and conditional uses in Phase 2 for custom / antique car servicing and repairs / add-ons with car washing associated with the service station along with eating and drinking establishments. Phase 1 is now nearing completion as is Phase 2A except for Building 3, which will mirror Building 2 in Phase 2A but with an architectural feature to connect Buildings 2 and 3 at the second story with a raised room for the Owner's private office, all in accordance with the Existing PUD (see Final PUD Plat Exhibit A). As shown in the table on Exhibit A, the total parking for the commercial uses in Phase 2A will increase by 48 spaces for an overall parking ratio of 3.93 spaces per 1,000 square feet (see also Parking Utilization Survey and Study) which study demonstrates that this parking ratio is more than sufficient for the compatible commercial uses in Phase 2A.

The City of Naperville has recently enacted a certain Ordinance (Ordinance No. 21-012) amending Chapter 3 and Chapter 4 of Title 6 of the Naperville Municipal Code regarding use deviations, zoning decisions by the City Council, and PUD revocations (herein incorporated as Exhibit B and referred herein as the "Amendment"). "Owner", High Point Investment, Inc., and Iron Gate Motor Condos, Inc. as developer / licensee, hereby wish to avail themselves of the flexibility afforded by said Amendment by incorporating into Phase 2B certain deviations that would allow residential occupation of the six buildings in Phase 2B in a live / work type environment, while preserving the car condominium warehousing component within the I District.

The six (6) buildings proposed in Phase 2B will be architecturally similar to, but have certain distinctive finishes from, the car condo / commercial buildings in Phase 1 and Phase 2A and will have building sizes / footprints almost identical to those previously shown on and with an orientation and layout of driveways, parking spaces and utility systems that mirror prior submittals. From a physical layout perspective and functional operation, Phase 2B will be indistinguishable from Phase 1 and Phase 2A except for the live / work environment. Changes in construction, such as they are, would mostly entail somewhat different building code requirements for fire protection, interior layouts for residential rooms and partitions, and exterior finishes (see Floor Plans Exhibit C).

The subject 5.078± acre parcel of this Phase 2B Request would remain zoned in the I District under the same underlying PUD but with certain use deviations pursuant to the "Amendment" as later described below. It should be noted that the subject Phase 2B parcel abuts an existing residentially zoned R-2 District in Unincorporated DuPage County to the west with several large homesteads along Meadow Road that are likely to remain so the residential component in Phase 2B will afford a good land use transition.

Otherwise, the individual units in Phase 2B will also be conveyed under the Condominium Act to a single owner / user. Generally, the land uses contemplated in Phase 2B include single family attached dwellings in a live / work environment that would allow offices or shops with enclosed garages in the lower first level offering low volume professional services (accounting, legal counseling, business consultation, learning centers, musical tutelage, clinical diagnostics, etc.) or craft shops for artisans or hobbyists (quilting, pottery, wood working, fine arts, etc.) who wish to market, display and sell their wares in small workspaces with residences in the upper floors (see Floor Plans and Elevations Exhibit C). Phase 2B will be comprised of three (3) building types with compatible exterior finishes. The Wilmette series along the Ferry Road frontage would feature good exposure to the motoring public with plenty of off-street parking as well as parking spaces in front dedicated by signage to each unit owner, along with 3-4 interior garage spaces that can be accessed across the paved area in front of each unit, all as controlled by individual owners who can arrange for a convenient parking space in front of their unit for the occasional client. The mid-size Kenilworth residences will focus on the more hardcore car collector / owners who wish to both showcase and live with their vehicles, while the larger Glencoe residences will feature large patios with decks and direct access to hiking trails off the expansive 19.8± acre open space / nature preserve with connection to the Prairie Path (see Overall

IGMC PUD Plat Exhibit D). While certain low volume commercial uses in a live / work setting would be easily accommodated and allowed in each building type (per the uses granted), the gated Kenilworth and Glencoe units would be targeted to more resident owner / users who would have ample room on the first level to store their cars. The workspace and garage floor areas on the ground level in each type would be as follows:

Wilmette = 1,290 SF

Kenilworth = 1,708 SF end units / 1,440 SF mid units

Glencoe = 2,114 SF end units / 2,061 SF mid units

There will be a total of 51 single family attached live and/or live / work residences on this 5.082± acre PUD for an average area of 4,337± SF per unit, exceeding the 4,000 SF threshold in Section 6-7F-5 of the OCI District Zoning Ordinance. Each unit will be accessed off private driveways leading to Ferry Road for which Permits from DuPage County DOT were previously obtained and which driveways, in the case of the Kenilworth and Glencoe residences, will be gated and there will also be room for 3-4 interior garage spaces for each unit (see PUD Plat Exhibit A). Each attached unit will be conveyed as a condominium so the minimum lot width requirement of 100-feet in Section 6-8C-7 would not apply as there would be no public street or front yard (see use deviations below). The maximum height of the unit types will be:

Wilmette 36'

Kenilworth 39'

Glencoe 37.5'

The Iron Gate Motor Condos PUD was approved by Ordinance No. 13-157 in 2014 and was platted as a single Lot of Record encompassing a Phase 1 area, a Phase 2 area, a stormwater management area and an open space conservation area encompassing in total 37.949± acres. Appended to Exhibit D is a table summarizing the net area of each Phase and stormwater or open space easement area as well as the respective gross flood areas in each Phase and the Overall FAR for the Iron Gate Motor Condos Project. This Overall FAR at 0.394 will be considerably lower than the 0.70 FAR permitted in the I-District. Since there is no height limitation in the I-District the building heights above are compliant. As the character and architectural features and exterior appearances of the units in Phase 2B will not be materially changed and any changes to interior construction to meet fire protection codes or architectural finishes which are ministerial in nature that building code officials can and do enforce, it is Petitioner's belief that the requested use deviations meet the intent and purposes of Chapter 4 Section 12.2 of the Amendment. As such they may be granted by the City Council in this instance for such "deviations that would permit a use which is not a permitted use or conditional use in the Zoning District in which the PUD is located upon a satisfactory demonstration that the criteria set forth below has been met so as to merit granting the unusual request of a use deviation in said Planned Unit Development." In that regard, Petitioner maintains that :

- 12.2.1** Unique and unusual circumstances are present in that a live / work type land use in a motor condo setting is a circumstance not likely to be replicated elsewhere in the City and which use deviations are compatible and complimentary to both the Existing PUD Phase 1 and Phase 2A as well as the existing R-2 Residence District to the west.
- 12.2.2** The requested use deviations will not have any adverse impact on the current uses in the Existing PUD Phases 1 and 2A, and in fact will be supportive of and an adjunct to those current uses.
- 12.2.3** The requested use deviations will be incidental and indeed complimentary to the principal use of the PUD as principal use is defined in Section 6-1-6 of the Title; and that

12.2.4 The requested use deviations will not have an adverse impact on adjacent properties that would be significantly different than the permitted or conditional uses allowed in the underlying zoning district in that the residential component with more residential architectural features will afford a good transition from the commercially oriented Phase 2B on the east to the existing residential uses to the west; and

12.2.5 Furthermore, one or more of the following criteria are present:

12.2.5.1 The requested use deviation would achieve a land use goal identified and adopted pursuant to Title 1 (Administrative), Chapter 2 (Comprehensive Plan) of this Code in that the use deviation would provide a live / work residence component in a car condo setting, a goal adopted by the City pursuant to Title 1; and

12.2.5.2 The requested use deviation would satisfy an unmet market need as evidenced by a market study or other similar report by offering a unique product in a residential setting but with a car condo component in a project what has been by most measures a highly successful and beneficial development within the City; and

12.2.5.3 The requested use deviation is likely to benefit existing uses in which the PUD is located in that it will provide customers for these existing uses and resident ownership with a proprietary interest in the efficient operation and function of the Property Owners Association (POA); and

12.2.5.4 The requested use deviation is appropriate due to other circumstances or conditions specific to the PUD in that the use deviation will be attractive to recent changes in market conditions by providing a live / work environment to empty nesters still engaged in the workforce who will value this type of maintenance-free setting and wish to avoid daily commutes while still living within a first-rate suburban setting with a wide variety of municipal services and amenities.

Otherwise, such use deviations do not include any relaxation or deviations in landscaping, outdoor amenities or signage but do include certain relief from the City of Naperville Design Manual for Public Improvements as more fully described in the Specific Use Deviations clarifications and relief cited below: