

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

PETITION TO THE NAPERVILLE CITY COUNCIL
FOR A SUBDIVISION DEVIATION

THE UNDERSIGNED Petitioner, Pulte Home Company LLC, a Michigan limited liability company (hereinafter the “Petitioner”), as contract purchaser of the property legally described on Exhibit A (the “Property”) respectfully requests a deviation from Section 7-3-5:5 of Naperville’s Municipal Code (hereinafter the “Code”) to permit a subdivision deviation. In support of this Petition, the Petitioner represents to the City of Naperville as follows:

1. Petitioner, Pulte Home Company LLC, a Michigan limited liability company having an office at 1900 E. Golf Road, Suite 300, Schaumburg, Illinois 60173, is contract purchaser of the Property.

2. The City of Naperville approved Ordinance No. 17 – 094 approving a Preliminary Plat of Subdivision for Columbia Park Townes. Said Ordinance is recorded as document no. R2017-075755 in the office of the DuPage County Recorder.

3. The Code requires that prior to the time of recording any plat or development agreement, the cash-in-lieu of land contribution shall be paid to the City of Naperville.

4. Petitioner seeks approval of a subdivision deviation extending the time for payment of the cash-in-lieu of land contribution to the time of issuance of building permits instead of at the time of plat recording.

5. The proposed subdivision deviation meets all City and State requirements for the a subdivision deviation and will facilitate the beneficial use of the Property as stated below:

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; and

Strict adherence to the provisions of this Title would cause unnecessary hardship upon Petitioner. The purpose of the cash-in-lieu of land contribution is to minimize the impact new development will have upon parks and schools. The funds collected for this purpose may be utilized to purchase additional school or park land or improve upon already existing school and park infrastructure. Imposition of the cash-in-lieu of land contribution at the time of plat recording unduly burdens Petitioner because at the time of plat recording, there will be no impact to the schools or parks. Any impact the proposed development will have on schools or parks will not be realized until the development is occupied. Petitioner requests that it pay the required cash-in-lieu of land contribution at the time of issuance of the building permit, instead of at the time of plat recording, which still provides funding to the underlying taxing district prior to any impact being realized.

b. The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title.

The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title. The purpose of the Subdivision Ordinance is to establish requirements and standards regulating subdivision and platting of land within the corporate limits, for the promotion of the public health, safety, comfort, morals and welfare of the community. Petitioner's subdivision complies with all subdivision regulations and will promote the public health, safety, comfort, morals and welfare of the community. Petitioner merely requests that it pay the required cash-in-lieu of land contribution at issuance of building permit, instead of at the time of plat recording. Forcing payment of impact fees at time of platting places unnecessary financial burden on the project without any correlation to the impact being realized by the underlying taxing districts. By paying at the time of issuance of the building permit, Petitioner will still be paying fees to the

underlying districts circa six months prior to any impact from the development being realized by the underlying taxing districts.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the Naperville City Council take the necessary steps to grant the Petitioner's request to approve a deviation from Section 7-3-5:5 of Naperville's Municipal Code (hereinafter the "Code") to permit a subdivision deviation and to approve any such other relief from the Naperville Municipal Code ("Code") as may be deemed necessary and appropriate.

RESPECTFULLY SUBMITTED this _____ day of _____ 2017.

PETITIONER:

By: _____
Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

EXHIBIT A

LOT 3 OF TYSON'S ASSESSMENT PLAT OF PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 13, 1954 AS DOCUMENT 716523 AND CONTAINED IN CERTIFICATE OF CORRECTION RECORDED OCTOBER 10, 1957 AS DOCUMENT 859357, IN DUPAGE COUNTY, ILLINOIS.

PIN NO: 08-18-207-003