

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

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

THE UNDERSIGNED Petitioner, AG Investors III, L.L.C., an Illinois limited liability company (hereinafter “the Petitioner”) respectfully petitions the City of Naperville to approve a Planned Unit Development for the property legally described on Exhibit A (“Subject Property”), a rezoning of the Subject Property from ORI – Office, Research & Light Industry District (“ORI”) to OCI – Office, Commercial and Institutional District (“OCI”), approve a conditional use to allow for an age-restricted one hundred and seventy-four (174) unit multifamily building in the OCI Zoning District, grant an area requirement deviation to allow said one hundred and seventy-four (174) residential units on the 8.26 acre Subject Property, grant a parking deviation allowing for a parking ratio of 1.75 spaces per unit in lieu of 2.25 spaces per unit, grant a height deviation to allow heights ranging from 45’8” to 54’8” in lieu of forty-three (43’) feet and such other deviations or departures as may be necessary to develop the 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, AG Investors III L.L.C., an Illinois limited liability company, with an office at 1000 Devonshire Avenue, Naperville, Illinois, 60540 is the Petitioner and owner of the Subject Property.
2. The Subject Property consists of one (1) lot totaling approximately 8.264 acres located along the southwest corner of Diehl Road and Raymond Drive in Naperville, Illinois.

3. The Subject Property is well suited for the proposed development given its desirable location in Naperville, its proximity to the tollway, its proximity to both downtown Naperville and other local shopping destinations as well as the lack of senior restricted apartments in the marketplace.
4. The proposed development, as depicted on the plans submitted herewith, consists of a building ranging from four (4) to five (5) stories with one hundred and seventy-four (174) dwelling units with the first floor of the building being utilized for indoor resident parking.
5. The proposed building will be age-restricted and include common facilities/programming specifically targeted to the needs of the anticipated residents.
6. The existing land uses surrounding the Subject Property are as follows:
 - a. North: City of Naperville – Zoning “ORI” - Diehl Road & Tell Labs Buildings
 - b. East: DuPage County – Zoning R-2 Unincorporated DuPage County McDowell Wood Forest Preserve
 - c. South: City of Naperville – Zoning “OCI” PUD - Tabor Hills Senior Living
 - d. West: City of Naperville – Zoning “OCI” PUD - Diehl Road & Tell Labs Buildings
7. The Subject Property is vacant.

REQUIRED DEVELOPMENT ENTITLEMENTS

1. The Petitioner seeks approval of a Planned Unit Development.
2. The Petitioner seeks approval of a rezoning of the Subject Property from ORI to OCI to allow for the construction of an age-restricted apartment community.
3. The Petitioner seeks a conditional use to allow for an age-restricted one hundred and seventy-four (174) unit multifamily development in the OCI zoning district.
4. The Petitioner seeks approval of an off-street parking deviation to reduce the required parking ratio from 2.25 spaces per unit to approximately 1.75 spaces per unit.
5. The Petitioner seeks a deviation to allow heights of up to 54’8” in the OCI zoning district.
6. The Petitioner seeks approval of a deviation to construct one hundred and seventy- four (174) units on the Subject Property in lieu of one unit per 2,600 square feet in the OCI Zoning District.

7. The proposed entitlement requests meet all City and State requirements for the development of Subject Property and will facilitate the beneficial use of the Subject Property as stated below.

SUMMARY OF DEVELOPMENT

- a. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.*

The Subject Property is in close proximity to I-88 and is also a short drive to all the conveniences of Route 59, the Cantera development as well as Naperville's downtown area. The location presents an excellent opportunity to create a unique living environment for active seniors. The Petitioner's goal is to provide high quality residences in an intelligently designed living environment. The proposed development will consist of a one hundred and seventy-four (174) unit age-restricted community which will provide a much needed housing opportunity to an underserved segment of Naperville's population who desire an upscale living environment and associated amenities in close proximity to a variety of retail and convenience uses. The proposed development would create a beneficial use of the Subject Property by providing this underserved segment of the housing market with an opportunity to reside in Naperville when a traditional home no longer suits their needs. While Naperville has seen a few "senior housing" projects over the last decade, the senior housing market is diverse and addresses a broad range of wants/needs of the senior population from age 55 through more intensive assisted living. Senior housing communities such as Arbor Terrace or Harbor Chase are built upon a health care model and address seniors with more advanced needs. On the flip side, communities such as Carrillon Club provide single family dwellings in a restricted senior setting that is more attractive to residents in the younger segment of the 55+ population. Petitioner's proposed development will address a slightly older segment of the senior population than Carrillon Club.

The development is functionally designed to meet the needs of its residents. The Property will be developed with one interconnected building. The interconnectivity of the building is essential to the programming of the community and provides residents with access to their daily functions as well as indoor parking, recreation and other amenity areas. The layout allows access to a central courtyard to ensure that each and every resident enjoys safe access to the pool and fitness amenities. Recreational amenities, including activity areas, health facilities, and a pool, are central to the operation of the community. Additionally, the first floor of the building will consist of an indoor parking area accommodating 233 vehicles which will enhance resident safety. A lobby, mail room and leasing office are conveniently located on the west side of the building. The second floor will include a courtyard that will be improved with a pool and associated active recreational amenities for community residents. The proposed development will combine attractive architectural design features, on-site amenities and active management in a zero entry-fee rental community exclusively for the 55+ population in a safe and secure setting. The residences will consist of ninety (90) one-bedroom units, seventy-four (74) two-bedroom units and ten (10) three-bedroom units and will range in size from approximately 758 square feet to 1,680 square feet.

To enhance the surrounding environment, the building was designed to evoke traditional forms and details found in the Naperville community. The proposed architecture provides complementary design. Significant features of the structure are masonry walls, decorative architectural enhancements, recessed balconies, large windows and complimentary trim work and moldings. The exterior materials are predominately brick with stone. These design features have been carried through on all four sides of the building and are utilized in ways that fit within the context of the neighborhood while still delivering a modern building its users demand.

The site is designed with two (2) access points per Naperville standards. The full ingress/egress on Diehl Road is the primary point of access that will serve both residents and guests.

A drop-off area and guest parking is provided at the primary entrance of Diehl Road. To the east will be a secondary point of access from Raymond Drive that will be restricted to right-in / right-out. The parking garage will be accessed from ground level and is anticipated to accommodate one hundred percent (100%) of the residents' parking needs. Additionally, to properly take into account Tabor Hills assisted living community to the south, the building will be setback approximately 37.5 feet from the south property line. In addition, an extensive landscape buffer adjacent to Tabor Hills along the south property line will be installed to enhance the view to the Subject Property, and the site will be heavily landscaped in excess of City requirements.

Lastly, it is important to point out that the Subject Property is triangular in shape, partially occupied by wetlands and includes a creek running east/west. To further enhance the environment, the creek will remain, and the wetlands on-site will be preserved along with the incorporation of new native wetland plantings and the installation of a wetland buffer area. Additionally, the storm water management facilities adjacent to the wetland areas will be constructed with the incorporation of PCBMP's (Post Construction Best Management Practices).

b. The planned unit development meets the requirements and standards of the planned unit development regulations.

The proposed planned unit development meets the requirements and standards of the planned unit development regulations as follows:

- (i) Ownership and Control: The proposed development meets the ownership and control requirements.
- (ii) Area, Lot Width, Yard, and Height/Bulk Requirements: The proposed development meets all lot width and yard requirements. The proposed development requires deviations from the area and height requirements of the OCI zoning district.

- (iii) Common Open Space: Common open space will be included in the development consisting of a pool, fitness area, outdoor decks, socialization areas and recreation areas. Additional outdoor open space areas will be preserved along Diehl Road and Raymond Drive.
- (iv) Landscaping, Screening, and Tree Preservation: A landscape plan has been submitted in compliance with the City's requirements for landscaping and screening on the Subject Property.
- (v) Lighting: A lighting plan has been submitted in compliance with the City's lighting requirements.
- (vi) Pedestrian and Bicycle Circulation: The provisions pertaining to Pedestrian and Bicycle Circulation have been met. The development will include sidewalks and the proposed development will include bicycle parking.
- (vii) Relationship to Adjoining Land: The proposed use is consistent with adjacent age restricted residential uses and will be complimentary to the surrounding uses.
- (viii) Density Bonuses: No density bonuses are requested.
- (ix) Park and School Sites: Park and School donations will be paid pursuant to applicable ordinances.
- (x) Public Improvements: All public improvements will be provided for as part of the development.

c. *The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.*

There is a significant change in topography with the southern portion of the Subject Property being higher than the north end. As a result, the on-site storm water detention will be provided along the north and east property lines to efficiently utilize the land. The building will be located on the higher ground towards the southern property line. There are also existing wetlands on-site which will be incorporated into the proposed development plan to insure efficient utilization of the land and enhance the environment. There will also be transportation available to the residents and all public facilities and improvements will be installed as part of the development. Overall, the proposed development greatly enhances the Subject Property and efficiently utilizes the Subject Property which has been vacant and underperforming for many years.

d. Open Space, outdoor common area, and recreational facilities are provided.

As stated above, open space, outdoor common areas, and recreational facilities have been incorporated into the development. The open space areas will include safe and secure amenities interior to the building which include a fitness facility, a pool area, socialization areas as well as outdoor open areas on the second floor of the building. Additionally, there will be sidewalks installed as well as two large common area open spaces providing for naturalized plantings and the preservation of wetland areas. Lastly, the property is directly across the street from the Forest Preserve which offers extensive walking paths and seating areas.

e. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.

The design of proposed building exceeds all subdivision control requirements. Additionally, the Petitioner is enhancing the environment and preserving natural features existing

on-site. The waivers from zoning regulations allow Petitioner to provide a unique housing opportunity for those 55 years and older 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 the aging 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.

REZONING FROM ORI to OCI

The requested rezoning from ORI to OCI meets the requirements for a rezoning 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 current zoning of the Property is "ORI", Office Research & Industrial. The applicable land use plan that covers the Property is the 1996 Northwest Sector Revision of the Naperville

Comprehensive Master Plan (“Northwest Plan”). The Northwest Plan identifies the Property as being designated for Commercial. The Northwest Plan is over 22 years old and under this designation the Subject Property has remained vacant and underperforming. Additionally, the Petitioner believes that the “ORI” zoning designation is inappropriate based on the established residential character surrounding the Property. Permissible uses in the Industrial Districts include uses such as medical cannabis distribution, warehouses, laboratories, manufacturing, assembly and food processing which are incompatible uses with the existing character of the area. Rather, Petitioner believes that a designation of OCI (Office, Commercial and Institutional) is appropriate for the Property. The OCI District does not permit any of the incompatible uses outlined above. Uses permitted in the OCI district include things such as churches, office buildings, veterinary offices, hotels, and multi-family dwellings. Moreover, the defined intent of the OCI District is to “act as a transitional zone between intensive business areas and residential neighborhoods”. In this instance, Diehl Road and Raymond Road are rather intensive roadways designed to convey traffic to/from highways and provide intra-community connectivity. Here, the proposed OCI zoning and age-restricted residential use will provide for the transition between the intensive uses on the north side of Diehl Road and the Tabor Hills residential areas to the south while also being complimentary to the forest preserve area to the east.

Lastly, the amendment will provide for the development of additional housing opportunities to those who currently reside in Naperville or wish to reside in Naperville. 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 adjacent commercial development and enhance the City’s retail and property tax bases.

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

The proposed zoning is consistent with the trend of development along the Mill and Raymond

corridor. The property to the south is occupied by the Tabor Hills community which is directly in line with the proposed development of the Subject Property for residential purposes. Additional residents in this specific location would certainly provide a positive boost to the adjacent area as well as a complimentary land use. Also, the proposed residential community will be complimentary to the existing forest preserve property to the east.

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

The proposed residential use at this location is consistent with the Tabor Hills community to the south as well as the forest preserve to the east. 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 resources located in close proximity. The proposed age-restricted apartment community is considerably more in line with the adjacent uses than currently permitted industrial uses.

- d. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.*

Under its current zoning designation, the Subject Property has remained vacant and unimproved. The unique configuration of the Subject Property along with the existence of wetlands has hindered its development as an industrial use.

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

The Subject Property has been vacant at all times under its existing ORI zoning designation.

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

The amendment will actually have a positive effect on the character of the neighborhood. The proposed use is in line with the existing Tabor Hills community to the south and will bring additional users to the Forest Preserve to the east. The net result will be increased viability to the Subject Property and surrounding areas 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 takes the concerns of the adjacent property including providing extensive landscaping, enclosing the dumpsters and providing the majority of parking interior to the building. The proposed residential use will also serve as a buffer for the residences from the traffic and public transportation along Diehl Road and I-88.

DEVIATION TO REDUCE THE REQUIRED OFF-STREET PARKING FROM 2.25 SPACES PER UNIT TO 1.75 SPACES PER UNIT

a. The requested deviation would not undermine the intent and purpose of the underlying zoning district.

There will be a total of 304 parking spaces provided with 233 of those spaces being inside parking and the remaining 71 being outdoor spaces. Of the total 304 spaces, 44 spaces will be dedicated to guest parking and the remaining 260 spaces will be assigned. The proposed deviation to reduce the required off-street parking from 2.25 to 1.75 spaces per unit is consistent with the purpose and intent of the zoning regulations. The purpose of the off-street parking requirement is to ensure that adequate parking is provided to meet the demand. Accordingly, the Code provides that each property must provide on-site parking to meet the anticipated parking demand, based on the use of the individual property. The City of Naperville code does not consider the nature of residential developments, but instead states 2.25 spaces per unit regardless of how many bedrooms, the specific use or the location of the development.

Furthermore, the recently approved Avenida age restricted development parking needs analysis submitted with that project detailed that the age-restricted nature of the project dictates significantly different parking needs. The Avenida parking needs analysis concluded that 1.13 spaces per unit would be sufficient parking for the proposed project which was approved in 2017. This conclusion was based on both secondary research and a detailed field study of similarly situated projects. Professional publications reviewed for purposes of the Avenida parking needs analysis recommended parking ratios of 1 space per unit, 0.5 spaces per unit and 0.6 spaces per unit. The detailed field study

found a maximum utilization rate among 12 surveyed communities of 0.98 spaces per unit. Avenida's development plans showed a parking ratio of 1.42 spaces per unit. Petitioner's development plans show 1.75 spaces per unit which exceeds what is actually required and what Avenida was recently approved for. As a result, the proposed deviation does not undermine the intent and purpose of the underlying requirement because sufficient parking is provided to meet the specific demand anticipated to be generated by the development.

b. The requested deviation will be a detriment to the provision of municipal services and infrastructure.

Great care was taken in site and building design. The majority of parking areas have been placed internal to the site (233 spaces) and will be regulated. Strict enforcement of this parking requirement would require the Petitioner to install and maintain excess parking areas that will not be used. As a result, the proposed parking deviation will contribute to a development that both offers a superior design and provides environmental benefit by maximizing open space. Absent the proposed deviation, Petitioner would be required to both reduce unit count and provide additional on-site parking. The loss of units will negatively affect the Petitioner's project and thereby affect the ability to provide the level of recreational amenity that is presently contemplated for the community. This diminution in service will negatively impact future residents of the community. Similarly, additional parking would increase development costs, reduce open space, increase storm water requirements and may cause additional tree removals. The construction of additional parking spaces would, according to the aforementioned parking needs analysis, provide no benefit to the residents of the development but would negatively impact the overall design and amenity presently programmed for the community.

c. The requested deviation will contribute to a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit, or would enhance the community vitality through the inclusion of attainable or barrier free housing.

This deviation would be virtually undetectable. Someone would have to enter the locked parking area to count the spaces. In addition, the parking study clearly shows that the development will be fully parked.

DEVIATION TO INCREASE THE PERMITTED HEIGHT IN THE OCI ZONING DISTRICT FROM 43' TO 54'8"

a. The requested deviation would not undermine the intent and purpose of the underlying zoning district.

The Subject Property is currently zoned ORI which permits industrial uses along with heights of up to one hundred feet (100'). Upon rezoning to OCI, the Petitioner is proposing a five (5) story building with a maximum height of 54'8" which is considerably less than the 100' tall building Petitioner could currently build in the existing ORI zoning district. As a result Petitioner's request for a height deviation to 54'8" will not alter the essential character of the neighborhood and will actually be a benefit to the adjacent property (Tabor Hills) which will enjoy the benefit of a complimentary adjacent residential use.

b. The requested deviation will be a detriment to the provision of municipal services and infrastructure.

The requested deviation will have no effect on the provisions of municipal service or infrastructure. To the contrary, strict enforcement of this requirement would cause the Subject Property not to be developed in conformance with the highest and best use of the land, but instead with a possible incompatible industrial use. In addition, this situation is unique in that the Subject Property has a unique triangular configuration, is occupied by wetland areas, and is zoned for ORI uses with height allowances of up to one hundred feet (100') while being adjacent to existing residential uses and forest preserve uses not compatible with the existing zoning designation.

c. The requested deviation will contribute to a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit, or would enhance the community vitality through the inclusion of attainable or barrier free housing.

The deviation, if granted, will help pave the way for a residential development in harmony with

adjacent residential uses and will be the highest and best use of the property with a development that offers superior level of architecture and amenity. Additionally, as the Subject Property is occupied by wetland areas, the requested height deviation will allow the Petitioner to construct the building in a manner that will allow for preservation of the wetland area and enhancement of the environment. To the contrary, if the deviation were not granted the Petitioner may be forced to utilize the property for less desirable commercial or industrial uses which would have a negative effect on the adjacent uses.

**DEVIATION TO EXCEED ONE UNIT FOR EVERY 2,600 SQUARE FEET OF LAND
AREA**

a. The requested deviation would not undermine the intent and purpose of the underlying zoning district.

The lot area requirement is a measurement of density establishing how many dwelling units are permitted on a per acre basis. Density limitations ensure that public facilities, be it utilities, schools, parks, or roadway infrastructure, are not overwhelmed by the number of people output from a development. However, an age-restricted residential development has a substantially different impact on community facilities than would a standard market-rate residential project. This has been widely recognized by the City, the Park District and the School District in the negotiation of impact fees applicable to a development. However, the zoning code has never been updated to reflect the reduced impact an age-restricted development has on the City. For density purposes, the City's zoning ordinance treats a 4-bedroom attached single-family dwelling unit the same as a 1-bedroom age-restricted apartment despite the fact that the impact of these units is disparate.

Petitioner proposes to construct one hundred and seventy four (174) age-restrict multi-family dwelling units on the approximately 8.26 acre Property. Of the 174 units, 90 of the units will be 1-bedroom units, 74 of the units will be 2-bedroom units and 10 will be 3-bedroom units. The selection between 1-bedroom and 2-bedroom units is less indicative of population/unit, but more

indicative of capacity to afford additional space and desire to accommodate a guest room. Because of the unique population and impacts associated with an age-restricted community, the proposed lot area deviation does not undermine the intent and purpose of the underlying zoning district. The proposed lot area deviation will have no negative impact on the provision of municipal services or infrastructure.

The requested deviation is essential to the overall concept of the project. Without a minimum density threshold, the overall concept of the project and the delivery of a cost-effective yet high-quality living environment starts to unravel. Indoor parking is removed from the plan. The clubhouse shrinks. The rooftop courtyard is eliminated. The density of the project is the mechanism that allows the cost of the unique and creative components of the project to be spread across a sufficient number of residential units and that the cost does not negatively affect the viability of the development.

b. The requested deviation will be a detriment to the provision of municipal services and infrastructure.

The requested deviation will have no detriment to municipal services or infrastructure. The property has a unique configuration, is encumbered by wetland areas and is adjacent to two major roadways all of which add additional development challenges and costs. Strict enforcement of this title would cause the property to not be redeveloped.

c. The requested deviation will contribute to a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit, or would enhance the community vitality through the inclusion of attainable or barrier free housing.

The deviation if granted will help pave the way for a residential development in harmony with adjacent residential uses which will be the highest and best use of the property. To the contrary, if the deviation were not granted the Petitioner would be forced to utilize the property for less desirable uses which would have a negative effect on the adjacent uses.

CONDITIONAL USE TO ALLOW MULTIFAMILY IN THE OCI ZONING DISTRICT

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

The proposed conditional use will not be detrimental to or endanger public health, safety or the general welfare. The use provides for needed and desirable living options that help create enhanced living opportunities and compliment the surrounding area. Petitioner's proposed development is situated adjacent to the existing Tabor Hills community and will also serve as a transitional use to the high intensity of Diehl and Raymond. Given the nature of Petitioner's development as an age-restricted community, it will have less impact on nearby residences than traditional multi-family uses. Accordingly, the development will include unique features specifically targeted to the needs and desires of the targeted resident population. Given the resident profile and associated lifestyle, external impacts are significantly reduced because there are fewer residents per dwelling unit and residents will utilize community services at non-peak hours. In conclusion, the establishment and maintenance of the age-restricted multi-family community will not be detrimental to or endanger the public health, safety, and general welfare. The proposed age-restricted multi-family community will serve the same purpose, but with significant and material reductions to external impacts (i.e. traffic) on the surrounding community.

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.

The conditional use will provide for the improvement of the Subject Property which will improve property values in the area. As a result the property values in the area will increase as well as the housing stock improved. The conditional use will not be injurious to the use and enjoyment of property in the immediate area nor will it impair property values. The Property is designated for "Office, Research and Development". Under this future land use designation, an industrial zoning designation would be permissible and uses could include things such as medical cannabis

distribution, medical cannabis cultivation, laboratories, manufacturing, assembly and food processing. In real estate, uncertainty regarding future development prospects and the possibility of uses that some may deem incompatible can result in diminution of property values. Through development of the Property, Petitioner will eliminate a large degree of uncertainty from the market and thereby bolster the value of surrounding residential real estate. A multi-family development is an appropriate transitional use between the existing Tabor Hills to the south and more intensive commercial use corridors to the north.

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 proposed development will create the highest and best use of the Subject Property with a harmonious residential use. The conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. The proposed development is consistent with the trend of development in the area, shares the zoning of incorporated properties immediately adjacent to the Property and will be compatible with the surrounding environs. Lastly, it is important to point out that all surrounding property is already developed.

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

Establishment of the conditional use is not in conflict with the adopted comprehensive master plan. Under the Northwest Plan, the property is designated for Commercial. Petitioner proposes OCI zoning of the property because the permitted uses in the OCI district are more in keeping with the adjacent residential land uses. The proposed multi-family use is a conditional use in the OCI district. Most recently, the City has approved OCI zoning for Avenida which is a similarly situated project. The proposed conditional use for “multi-family dwellings” is similar in character and compatible with the adjacent Tabor Hills community to the south.

EXHIBIT "A":
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 1 IN MCDOWELL POINT, BEING A PART OF THE SOUTH HALF OF SECTION 3,
TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 2008 AS
DOCUMENT R2008-143214, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: SW corner of Diehl Road and Raymond Drive, Naperville, Illinois

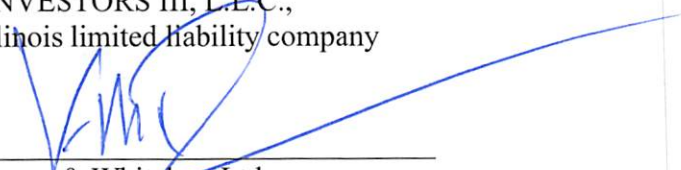
PIN: 07-03-402-027

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: approve a Planned Unit Development, approve a rezoning of the Subject Property from ORI to OCI, approve a conditional use to allow an age-restricted multifamily development in the OCI Zoning District, grant a density deviation to allow for one hundred and seventy four (174) units, grant a parking deviation, grant a height deviation, and 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 12th day of April 2018

PETITIONER:

AG INVESTORS III, L.L.C.,
An Illinois limited liability company



Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner