

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

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION
FOR ENTITLEMENTS REGARDING LOTS 9 AND 21 IN THE
NAPERVILLE CROSSINGS SUBDIVISION

THE UNDERSIGNED Owner, First National Bank of Brookfield, a National Banking Association (hereinafter “the Owner”) respectfully petitions the City of Naperville to approve a major change to the Naperville Crossings Planned Unit Development allowing for a rezoning of lots 9 and 21 from B-2 PUD to R-3 PUD which property is legally described on **Exhibit A** (“Subject Property”), pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

In support of this Petition, the Owner states to the City of Naperville as follows:

1. First National Bank of Brookfield, a National Banking Association, 9136 Washington Avenue, Brookfield, Illinois 60513, is the owner of the Subject Property.
2. The Subject Property is known as Lots 9 and 21 in the Naperville Crossings Subdivision and consists of approximately 5.33 acres generally located west of Showplace Drive and north of Anna Maria Lane in Naperville, Illinois.
3. The existing land uses surrounding the Subject Property are as follows:
 - a. North: B-2-PUD – Movie Theater & Daycare Facility
 - b. East: B-2 PUD – Retail Uses & Restaurants
 - c. South: B-2 PUD – Vacant Lots and Andy’s Frozen Custard
 - d. West: R-3A PUD – Heatherstone Duplex Subdivision & R-3 PUD – Fire Station #10

4. The Subject Property is located in Will County, Illinois, and at all times since being annexed to the City of Naperville in February of 2004 has remained vacant and underperforming.
5. The Owner acquired title to the Subject Property in March of 2009 and at all times has actively marketed the property for commercial/retail purposes.
6. The Subject Property is located internal to Naperville Crossings with no visibility or frontage along either Illinois Route 59 or 95th Street.
7. There are vacant lots remaining along both Illinois Route 59 and 95th Street which are more suitable for retail and commercial uses.
8. As the Subject Property has remained vacant for 14 years, the market has proven that the Subject Property is not viable for retail/commercial uses.
9. The Owner seeks approval of a major change of the Naperville Crossings Planned Unit Development to rezone lots 9 and 21 from B-2 PUD to R-3 PUD.
10. The Owner's request is consistent with the mixed use intent of the original Naperville Crossings Planned Unit Development which anticipated retail, residential, recreation and office uses.
11. The Owner's rezoning request is consistent with the R-3 zoning of the Tapestry at Naperville Crossings community which is also zoned R-3, is located off of Route 59 and 95th Street and has been a very successful residential community adding to the success and vibrancy of Naperville Crossings.
12. The City's R-3 zoning district is specifically intended to provide for multiple-family areas of a medium density character accommodating a variety of housing types and compatible uses.

13. The Owner's request is consistent with the intent of the City's R-3 zoning district, and without the requested rezoning to provide for residential uses, the Subject Property will continue to sit vacant.

14. The Owner's requested rezoning for residential purposes will allow Owner to secure a residential developer at which time said residential developer will make formal request to the City for site plan, plat of subdivision and all zoning approvals to construct said residential community.

15. The Owner also owns lots 10 and 23 in the Naperville Crossings Subdivision which lots are adjacent to 95th Street and are also vacant.

16. The Owner is not seeking any rezoning of these lots and will continue to actively market said lots for retail/commercial purposes.

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

18. The requested Major Change to the existing Naperville Crossings Planned Unit Development meets the requirements for a Major Change under the Naperville Municipal Code and is appropriate based upon the following factors:

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

The Naperville Crossings Planned Unit Development was approved as a mixed use development consisting of entertainment uses, residential uses, office uses and retail/commercial uses. Over the past 14 years retail/commercial uses have filled in along Route 59, a movie theater was constructed internal to the site, and the Tapestry Apartment Community was constructed. While the retail areas adjacent to Route 59 have filled in over the years, the lots

adjacent to 95th Street along with internal lots 9 and 21 have sat totally dormant. Unless rezoned for residential uses, the property will continue to sit vacant and will not contribute to the overall success of the mixed use vision for Naperville Crossings.

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

The proposed Major Change to the Planned Unit Development will allow the Owner to utilize the Subject Property to an extent that is compatible with the surrounding environment and to its highest and best use. 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 the applicable standards of the R-3 zoning district.
- (iii) Common Open Space: Common open space was master planned as part of the development improvements for Naperville Crossings.
- (iv) Landscaping, Screening, and Tree Preservation: A landscape plan will be submitted in compliance with the City's requirements for landscaping and screening upon development of the Subject Property.
- (v) Lighting: The proposed development will comply with the City's exterior lighting regulations.
- (vi) Pedestrian and Bicycle Circulation: The provisions pertaining to Pedestrian and Bicycle Circulation will be met and exceeded.
- (vii) Relationship to Adjoining Land: The proposed use is consistent with the mixed-use concept of the Naperville Crossings Planned Unit Development

and will actually enhance the viability of the commercial uses within the development. Additionally, the proposed major change will provide for a rezoning to R-3 PUD which is consistent with the adjacent zoning of the Heatherstone Subdivision (R-3A PUD) and Fire Station #10 (R-3 PUD) to the West.

- (viii) Density Bonuses: No Density bonuses are requested.
- (ix) Park and School Sites: Park and School donations will be required as part of this development. The Owner has already dedicated Lot #12 to the City of Naperville to provide for Fire Station #10.
- (x) Public Improvements: All public improvements have been provided for as part of the Naperville Crossings PUD, including signalized access points at Route 59 and 95th Street and a dedication of land which is now home to Fire Station No. 10.

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 are no existing natural features on the site. The Subject Property has already been subdivided and improved. The existing site consists of roughly graded vacant land. The future plan will incorporate residential uses, maximize connectivity to the existing retail component of Naperville Crossing and support the viability of the overall development. Overall, the proposed rezoning will greatly enhance Naperville Crossings and efficiently utilize residential property which has been vacant and underperforming for many years. The proximity of extensive retail opportunity will significantly reduce the need for vehicular travel.

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

Open space and outdoor common area will be incorporated into the future residential site plans and reviewed by city planning staff to confirm compliance with the City's open space requirements. Additionally, recreational opportunities are provided within the Naperville Crossings Subdivision which include health and fitness uses, a movie theater, retail and shopping uses as well as dining.

- 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 Owner is not seeking any modifications in design standards from the subdivision control regulations or waivers in bulk regulations from the zoning regulations.

- 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 the proposed mixed-use development of Naperville Crossings. Naperville Crossings was conceptualized as a mixed-use development with a combination of retail, service commercial uses, professional and medical office uses and residential uses. The retail commercial component of the development is largely developed along Illinois Route 59. The secondary commercial and residential components of the development have stalled over the past 14 years. The proposed rezoning would provide for a beneficial use of the Subject Property. The proposed community will bring additional patrons to the development and thereby support the viability of the commercial portions of Naperville Crossings. Additionally, the rezoning is consistent with the established residential uses to the west (Hearthstone Subdivision), as well as the Primrose daycare facility to the north.

- 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 Naperville Crossings Planned Unit Development, which anticipated a mixed-use development. In addition, the proposed development is consistent with the formerly approved residential component on the Subject Property. Lastly, the proposed rezoning is consistent with the City's comprehensive plan which designated the Subject Property as mixed-use residential and commercial.

17. The requested Rezoning from B-2 PUD to R-3 PUD 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 amendment will promote the public health, safety, comfort, convenience, and general welfare. 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 and will provide an opportunity to enjoy an upscale lifestyle within walking distance of necessities such as pharmacies, grocery stores, retail and dining and entertainment venues. The amendment will also provide for a community inclusive of recreational activities. 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 adjacent commercial development and enhance the City's retail and property tax bases. The proposed amendment is also in conformance with the City's official plans in that the Naperville Crossings Planned Unit Development has always been intended to be a mixed-use development.

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

The adjacent Heatherstone residential community has existed for over 20 years, and a

residential use is certainly in harmony with the neighboring community as well as the adjacent Primrose preschool and fire station. Over the past seven years the adjacent retail has filled in sporadically. As the Naperville Crossings Planned Unit Development has always been intended as a mixed-use development, the trend of development in the area is consistent with the requested residential rezoning.

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

The existing zoning classification, B-2 PUD, is appropriate for commercial uses. There are an abundance of vacant commercial lots in Naperville Crossings with superior frontage and access currently available. The Subject Property is secluded, internal to the site and is not desirable for commercial development as the market has indicated over the past 14 years. In addition, the intent of the Subject Property, as evidenced by the Naperville Crossings Planned Unit Development, is for residential purposes. Therefore, a rezoning to R-3 PUD is necessary to achieve the highest and best use of the Subject Property.

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

The Subject Property is not viable as a commercial property as its intended and highest and best use is as a residential community, which is in conformance with the Naperville Crossings Planned Unit Development. Under its current zoning designation, the Subject Property has remained vacant and unimproved.

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

At all times the Subject Property has remained vacant under its current zoning classification.

- 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 very positive effect on the essential character of the neighborhood and will benefit the adjacent property. The proposed development plans will actually bring the Naperville Crossings mixed-use intent to fruition, which will not only provide additional housing opportunities, but will also have a positive effect on the sustainability of the adjacent commercial uses. The net result will be increased viability to Naperville Crossings in its entirety and an enhanced retail and property tax base for the City. In addition, the residential rezoning is consistent with the adjacent residential community to the West, the Primrose day school to the north and fire station on lot #10.

WHEREFORE, by reason of the foregoing, the undersigned Owner requests the City Council and Plan Commission take the necessary steps to: 1) grant a major change to the Naperville Crossings Planned Unit Development and approve a rezoning from B-2 PUD to R-3 PUD for the Subject Property as depicted on the plans submitted herewith.

RESPECTFULLY SUBMITTED this 7th day of September, 2018.

OWNER:

FIRST NATIONAL BANK OF BROOKFIELD,
a National Banking Association



Rosanova & Whitaker, Ltd.
Attorneys for the Owner

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

LOT 9 IN NAPERVILLE CROSSINGS, BEING A SUBDIVISION IN THE EAST ½ OF SOUTHEAST ¼ OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 21, 2004 AS DOCUMENT NUMBER R2004-90897, IN WILL COUNTY, ILLINOIS.

LOT 21 IN NAPERVILLE CROSSINGS, BEING A SUBDIVISION IN THE EAST ½ OF SOUTHEAST ¼ OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2011 AS DOCUMENT NUMBER R2011-087592 IN WILL COUNTY, ILLINOIS.

PINS: 07-01-04-410-066; 07-01-04-410-076