

CITY OF NAPERVILLE

PETITION FOR DEVELOPMENT APPROVAL

DEVELOPMENT NAME (should be consistent with plat): Lincoln at CityGate Centre

ADDRESS OF SUBJECT PROPERTY: Portions of Lots #2 & #3 in the CityGate Centre

PARCEL IDENTIFICATION NUMBER (P.I.N.) 07-03-103-017 & 07-03-103-018

I. PETITIONER: CityGate Centre Ventures LLC a Delaware Limited liability company

PETITIONER'S ADDRESS: c/o Joe Segobiano 1110 Jorie Boulevard

CITY: Oak Brook STATE: IL ZIP CODE: 60523

PHONE: 630-572-6661 EMAIL ADDRESS: jsegobiano@lpsi.com

II. OWNER(S): CityGate Centre II LLC, a Delaware limited liability Company

OWNER'S ADDRESS: c/o Calamos Property Holdings LLC Ken Witkowski 2020 Calamos Court, Naperville, IL 60563

CITY: Naperville STATE: IL ZIP CODE: 60563-2787

PHONE: 630-245-1082 EMAIL ADDRESS: kwitkowski@calamos.com

III. PRIMARY CONTACT (review comments sent to this contact): Vince Rosanova

RELATIONSHIP TO PETITIONER: Vince Rosanova; Rosanova & Whitaker, Ltd

PHONE: 630-355-4600, Ext. 101 EMAIL ADDRESS: vince@rw-attorneys.com

IV. OTHER STAFF

NAME: Drew Walker - Kimley- Horn

RELATIONSHIP TO PETITIONER: Engineer

PHONE: 630-487-5569 EMAIL ADDRESS: drew.walker@kimley.horn.com

NAME: Luay Aboona, KLOA, Inc

RELATIONSHIP TO PETITIONER: Traffic & Parking Engineer

PHONE: 847-518-9990 EMAIL ADDRESS: laboona@kloainc.com

Callison RTKL - Adam Zingrone - Architect, 312-542-5982, adam.zingrone@crtkl.com

Weinbach - Daniel Weinbach - Landscape Architect, 312-427-2888, dweinbach@dwpltd.com

V. PROPOSED DEVELOPMENT

(check applicable and provide responses to corresponding exhibits on separate sheet)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Amending or Granting a Conditional Use (Exhibit 1)* | <input type="checkbox"/> Landscape Variance (Exhibit 5) |
| <input checked="" type="checkbox"/> Amending or Granting a Planned Unit Development (Exhibit 2) | <input checked="" type="checkbox"/> Planned Unit Development Deviation (Exhibit 6) |
| <input type="checkbox"/> Annexation (Exhibit 3) | <input type="checkbox"/> Sign Variance (Exhibit 7) |
| <input checked="" type="checkbox"/> Plat of Easement/Vacation/Dedication | <input type="checkbox"/> Zoning Variance (Exhibit 7) |
| <input type="checkbox"/> Rezoning (Exhibit 4) | <input checked="" type="checkbox"/> Platted Setback Deviation (Exhibit 8) |
| <input checked="" type="checkbox"/> Subdivision Plat | <input type="checkbox"/> Subdivision Deviation/Waiver (Exhibit 8) |
| <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Other (Please Specify: _____) |

**When requesting approval of a Small Wind and/or a Solar Renewable Energy System complete Exhibit 9 instead of Exhibit 1.*

ACREAGE OF PROPERTY: +/- 5 Acres

DESCRIPTION OF PROPOSAL/USE (use a separate sheet if necessary)

Please see attached land use petition.

VI. REQUIRED SCHOOL AND PARK DONATIONS (RESIDENTIAL DEVELOPMENT ONLY)

(per Section 7-3-5: Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of)

Required School Donation will be met by:

- ☐ Cash Donation (paid prior to plat recordation)
- ☐ Cash Donation (paid per permit basis prior to issuance of each building permit)
- ☐ Land Dedication

TBD

Required Park Donation will be met by:

- ☐ Cash Donation (paid prior to plat recordation)
- ☐ Cash Donation (paid per permit basis prior to issuance of each building permit)
- ☐ Land Dedication

TBD

PETITIONER'S SIGNATURE

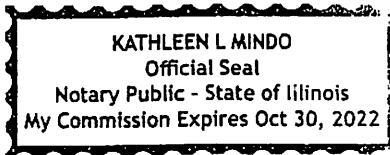
I, CITYGATE CENTRE VENTURES, LLC (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.

[Signature]
(Signature of Petitioner or authorized agent)

2/19/19
(Date)

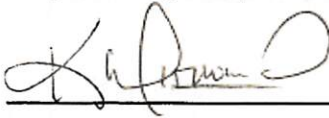
SUBSCRIBED AND SWORN TO before me this 19TH day of FEBRUARY, 2019

[Signature]
(Notary Public and Seal)



OWNER'S AUTHORIZATION LETTER*

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).



(Signature of 1st Owner or authorized agent)



(Signature of 2nd Owner or authorized agent)

02/14/2019

(Date)

Kenneth S. Witkowski
SVP of Calamos Property Holdings LLC

1st Owner's Printed Name and Title

02/14/2019

(Date)

James R. Adams
SVP of Calamos Property Holdings LLC

2nd Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 14th day of Feb., 2019



(Notary Public and Seal)



* Please include additional pages if there are more than two owners.

**CITY OF NAPERVILLE
DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Petitioner: CITYGATE CENTRE VENTURES LLC, A Delaware limited liability company
Address: 1110 Jorie Blvd., OakBrook, IL 60523
2. Nature of Benefit sought: Major change to PUD, Conditional Use, Plat of Subdivision, Zoning Deviations and related entitlements
3. Nature of Petitioner (select one):
- | | |
|-----------------------|---|
| a. Natural Person | d. Trust/Trustee |
| b. Corporation | e. Partnership |
| c. Land Trust/Trustee | <input checked="" type="radio"/> f. Joint Venture |
4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:
Limited Liability Company
5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, in the case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:
- | | |
|----|---|
| a. | <u>Mack Poque 2000 McKinney Avenue, Suite 1000 Dallas, TX 75201</u> |
| b. | <u>Tim Byrne 2000 McKinney Avenue, Suite 1000 Dallas, TX 75201</u> |
| c. | <u>John P. Calamos, Sr. 2020 Calamos Court Naperville, IL 60563</u> |
| d. | <u>John P. Calamos, Jr. 2020 Calamos Court Naperville, IL 60563</u> |
6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:
Brian Byrne EVP
1110 Jorie Blvd., Suite 300 Oak Brook, IL 60523

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

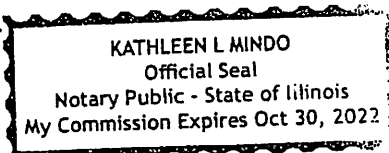
VERIFICATION

I, Brian Byrne, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: Brian Byrne

Subscribed and Sworn to before me this 19th day of FEBRUARY, 2019.

Kathleen L Minto
Notary Public and seal



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

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

THE UNDERSIGNED Petitioner, CityGate Centre Ventures LLC, a Delaware limited liability company (hereinafter “the Petitioner”) respectfully petitions the City of Naperville to approve a Major Change to the Planned Unit Development for CityGate Centre for the portion of property legally described on Exhibit “A” (“Subject Property”), approve a Planned Unit Development Plan and Plat, approve a conditional use to allow for a highly appointed two hundred and eighty five (285) unit multifamily building and +/- 38,000 square foot event center in the OCI Zoning District, grant an area requirement deviation to allow two hundred and eighty five (285) residential units on the +/- five (5) acre Subject Property, grant a parking deviation allowing for a parking ratio of approximately one and a half (1.5) spaces per unit in lieu of two (2) spaces per unit and guest parking of thirty-six (36) spaces in lieu of seventy-two (72) spaces, grant a height deviation to allow heights of up to seventy-seven feet two inches (77’2”) in lieu of forty-three feet (43’), grant a deviation to the thirty foot (30’) platted setback along Westings Avenue, grant a masonry requirement deviation 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, CityGate Centre Ventures LLC, a Delaware limited liability company, with an office at 1110 Jorie Boulevard, Oak Brook, Illinois is the contract purchaser of the Subject Property.
2. CityGate Centre II LLC, a Delaware limited liability company is the owner of the Subject

Property.

3. Upon re-subdivision, the Subject Property will consist of approximately five (5) acres located at the northeast corner of Westings Avenue and CityGate Lane in the CityGate Centre development.
4. The Subject Property is well suited for the proposed residential and event space uses given its desirable location in CityGate Centre, its proximity to the Hotel Arista, its proximity to the tollway, and its proximity to the I-88 employment corridor.
5. The proposed development, as depicted on the plans submitted herewith, consists of a five (5) story building surrounding an on-site parking deck internal to the building.
6. The proposed community will include common facilities/programming specifically targeted to the recreational and lifestyle needs of its residents including first floor areas designed to look like commercial areas to enhance the overall commercial vibrancy of CityGate Centre.
7. The Subject Property is centrally located entirely within CityGate Centre. The existing land uses surrounding the Subject Property are as follows:
 - a. North: City of Naperville – Zoning “OCI” PUD: CityGate Centre – Hotel Arista, Restaurants, Office & Commercial Uses
 - b. East: City of Naperville – Zoning “OCI” PUD: CityGate Centre – Vacant Land
 - c. South: City of Naperville – Zoning “OCI” PUD: Calamos Corporate Center – Calamos Investments Corporate Office which is adjacent I-88
 - d. West: City of Naperville – Zoning “OCI” PUD: CityGate Centre – Vacant Land
8. The Subject Property is currently vacant.
9. The proposed residential community will provide for additional vibrancy within CityGate Centre and provide the “Live” component of the “Live, Work & Play” vision for CityGate Centre.
10. The proposed event space will provide for additional economic activity within the CityGate Center, enhance Hotel Arista’s capabilities, and benefit the City’s overall tourism, convention activity and economy.

11. Parking for the event space along with guest parking for the residential component will be provided on the remainder of lot #3.

REQUIRED DEVELOPMENT ENTITLEMENTS

1. The Petitioner seeks approval of a Major Change to the CityGate Centre Planned Unit Development.

2. The Petitioner seeks approval of a Planned Unit Development Plat and Plan.

3. The Petitioner seeks conditional uses to allow for a multifamily development and event center in the City's OCI zoning district.

4. The Petitioner seeks approval of an off-street parking deviation to reduce the required parking ratio from two (2) spaces per unit to approximately one and 1/2 (1.5) spaces per unit and guest parking from seventy-two (72) spaces to thirty-six (36) spaces.

5. The Petitioner seeks a deviation to allow heights of up to seventy-seven feet two inches (77'2") in the OCI zoning district.

6. The Petitioner seeks approval of a deviation to construct two hundred and eighty five (285) residential units on the Subject Property in lieu of one (1) unit per 2,600 square feet in the OCI Zoning District.

7. The Petitioner seeks approval of a deviation to a platted setback to reduce the thirty foot (30') platted setback along Westings Avenue as previously platted pursuant to Document No R2000-110800 from thirty feet (30') to twenty feet (20') consistent with the City's OCI zoning district.

8. The Petitioner seeks approval of a masonry requirement deviation to reduce the required masonry from fifty percent (50%) to approximately five percent (5%).

9. 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 located in CityGate Centre (f/k/a Calamos Town Centre) which is adjacent to Calamos Corporate Center featuring the Calamos Investments corporate office and includes Hotel Arista, restaurants, office and commercial buildings and many other conveniences and related uses. The Subject Property is completely internal to the Calamos Corporate Center and CityGate Centre developments with the nearest property not owned by Calamos Property Holdings LLC being several hundred feet away from the Subject Property. In addition, the Subject Property is adjacent to Interstate 88, a major employment corridor and is also a short drive to all the conveniences of Route 59. As such, the Subject Property presents an excellent canvas to create a unique living environment to complement the existing Calamos Corporate Center and CityGate Centre developments. To this end, extensive care was taken in the development of the site plan to fit harmoniously within the existing Calamos Corporate Center and CityGate Centre developments.

The proposed development will consist of a two hundred and eighty five (285) unit “Class A” apartment community and +/- 38,000 square foot event center on the 5th floor of the building. The residential component will provide an additional housing opportunity to an underserved segment of Naperville’s population sometimes referred to as “Renters by Choice”. This segment is composed of predominantly young professionals or empty nesters looking to avoid the daily responsibilities of home ownership but who require an upscale living environment and associated amenities in close proximity to a variety of employment opportunities, retail, entertainment and convenience uses. The new +/- 38,000 square foot event space will be owned and operated by the Calamos group and will significantly enhance the convention and event capabilities of the Hotel Arista. Together, the proposed uses will create an optimum use of the Subject Property by

providing a unique housing opportunity, enhancing our local economy, enhancing our hospitality industry, enhancing our real estate tax base, infusing our local economy with additional income and improving our work force.

With respect to the residential component, the Petitioner's goal is to provide high quality residences in an intelligently designed living environment. As such, the community will be functionally designed to meet the needs of its residents. The Property will be developed with one interconnected building including a parking structure internal to the building. The interconnectivity of the building is essential to the community and provides residents with access to their daily functions as well as indoor parking, recreation, fitness, socialization areas and other amenity areas. Recreational amenities, including activity areas, health facilities, and a pool, are central to the operation of the community. The proposed development will combine attractive architectural design features, on-site amenities and active management. The residences will consist of twenty (20) studios, one hundred and seventy nine (179) one bedroom, and eighty six (86) two bedroom units (no three (3) bedroom units). The predominance of one and two bedroom units is indicative of a housing choice that will primarily suit young professionals, empty nesters and not families.

With regard to architecture and the surrounding environment, the development was designed by Callison RTKL to build upon and be complimentary to the existing Calamos Corporate Center and CityGate Centre environment. The exterior of the building will fit seamlessly into the existing Calamos Corporate Center and CityGate Centre developments by borrowing elements of bold architectural expression balanced with subdued colors that, while remaining individualistic, enhance the surrounding glass, metal panel and limestone of the neighboring buildings. The exterior elevations are finished on all sides using a material palette that reinforces the sense of place that the existing Calamos Corporate Center and CityGate Centre developments have established over the years. The ground level will be predominantly glass along the street frontage which compliments the existing retail storefront

to the north and enhances the pedestrian experience. Portions of the first floor of the building will consist of commercial uses for the residents which will “activate” the street level and keep a consistent retail/commercial theme on the ground level. The event space will have its primary access from City Gate Lane where visitors will be greeted by a 1st floor ball room lobby feature designed to complement the overall CityGate Center. The new event center will also be connected to the existing CityGate Center via an elevated walkway over CityGate Lane further unifying the existing and future components. The proposed event space will be located on the fifth (5th) floor with scenic overviews of the CityGate property and will include a ballroom, kitchen, and an outdoor terrace area.

The building will also contain a day lit interior courtyard of lush vegetation and an outdoor amenity area including a fully screened pool area and dog run on the south side of the building along Westings Avenue for resident use. In addition to exceptional architecture, an extensive landscape plan has been created to enhance the view to the Subject Property. The landscape plan will include substantial landscape treatments along all four sides of the property including parkway trees, planter boxes and extensive decorative materials. Sidewalks will be incorporated along Westings Avenue and CityGate Lane consistent with the existing CityGate Centre streetscape and consistent with what one would expect in a “Live, Work & Play” environment. In addition to the internal sidewalks located throughout the Calamos Corporate Center and CityGate Centre developments promoting pedestrian activity, the residents will also have access to the overall path system throughout the Westings Community Association as well as the regional trail system located in the vicinity.

The building has been designed with multiple access points. The full ingress/egress on Westings Avenue is the primary point of access that will provide the residents with access to the interior parking deck. The parking garage will be accessed from ground level and will accommodate one hundred percent (100%) of the residents’ parking needs exclusively. Parking for the residential building will not be visible from any street. Additionally, a drop-off area is provided along CityGate

Lane as well as a guest parking lot which is located at the northeast corner of the building just east of CityGate Lane. The event center will be accessed from the 1st floor lobby along City Gate Lane as well as the second story elevated walkway connecting the building to the existing CityGate Center. Visitors to the event space will have access to the existing CityGate parking deck north of City Gate Lane.

Lastly, all public utilities and the storm water management facilities located to the southeast of the Subject Property were sized to properly accommodate development of the Subject Property when the original Calamos Corporate Center and CityGate Centre developments were first constructed.

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.
- (iii) Common Open Space: Common open space will be included in the development consisting of a pool area, a courtyard area, fitness area, outdoor decks, socialization areas and recreation areas. Common open space was also master planned as part of the improvements for CityGate Centre and the original Westings Subdivision.
- (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 will be 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 complimentary to the surrounding uses and will actually enhance the overall vibrancy of the commercial and office uses in the Calamos Corporate Center and CityGate Centre developments.
- (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 are no existing natural features on the site. The existing site consists of roughly graded vacant land. The proposed plan maximizes connectivity to the existing commercial areas of the Calamos Corporate Center and CityGate Centre developments while supporting the viability of the overall development. Overall, the proposed development greatly enhances the Subject Property and efficiently utilizes property which has been vacant and underperforming for many years. The proposed development has been designed with ground floor areas to complement the existing uses along CityGate Lane.

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

Open space, outdoor common areas, and recreational facilities have been incorporated into the development. The open space areas will include safe and secure amenities which include a fitness facility, a pool area, socialization areas as well as outdoor areas. Additionally, the Subject Property is located in CityGate Centre which offers an array of recreational activities and entertainment. Additionally, the Subject Property is located within the Westings Community Association which offers extensive walking paths as well as being in close proximity to a regional trail system.

- 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 the proposed building exceeds all subdivision control requirements. Additionally, the Petitioner is enhancing the environment. The waivers from zoning regulations allow Petitioner to provide a unique housing and hospitality opportunity 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 complimentary to the existing Calamos Corporate Center and CityGate Centre developments and will provide both a residential opportunity for the people who work at Calamos Investments or within the I-88 employment corridor as well as an event center to enhance the overall vibrancy of the CityGate Centre development. The proposed development would create a beneficial use of the Subject Property that will provide an underserved segment of the housing market and also provide a boost to the existing commercial uses consistent with the character and intent of the Calamos Corporate Center and CityGate Centre developments.

- 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 our local economy and the housing stock and is consistent with the City's OCI zoning district which allows hotel/event space and residential uses and conditional uses. The proposed development will also allow for underperforming land to be utilized for its highest and best use in turn enhancing the City's property tax bases while providing a buffer to the adjacent residential uses.

DEVIATION TO REDUCE THE REQUIRED OFF-STREET PARKING FROM 2 SPACES PER UNIT TO APPROXIMATELY 1.5 SPACES PER UNIT AND GUEST PARKING FROM 72 TO 36 SPACES

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

The proposed deviation to reduce the required residential off-street parking from 2 to approximately 1.5 spaces per unit is consistent with the purpose and intent of the zoning regulations. There will be a total of four hundred and sixty-four (464) parking spaces provided for the residential component with four hundred and twenty-eight (428) of those spaces being inside parking dedicated to residents, and the remaining thirty six (36) being outdoor spaces for residential guest parking. The event space parking will be provided as surface parking on the remainder of lot 3 at a ratio of 10 spaces per 1,000 square feet which will enhance the overall parking supply for the City Gate Center. 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 two (2) spaces per unit regardless of how many bedrooms, the specific use or the location of the development. The parking study submitted herewith by KLOA, Inc. attached hereto as Exhibit

“B” evidences that the parking supply of four hundred and sixty-four (464) spaces per unit is more than adequate for the residential component. Additionally, the KLOA study evidences that the existing parking supply available in the parking decks is adequate for the event space. KLOA’s conclusion was based on industry research, census data on vehicle ownership and a detailed field study of similarly situated projects. Professional publications reviewed for purposes of the residential parking needs analysis recommended parking ratios ranging from 1.31 spaces per unit to 1.47 spaces per unit. The field study of similar communities evidences that the proposed parking for the Subject Property exceeds the average parking supply provided at ten other similar communities with regard to both parking provided per unit and per bedroom. 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. As a result, the requested deviation contributes to a planned unit development which offers a superior level of design, amenity enhancement, and environmental benefit.

b. The requested deviation will not be a detriment to the provision of municipal services and infrastructure.

Great care was taken in site and building design. All resident parking areas have been placed internal to the site (428 spaces) and will be regulated by the Petitioner’s on-site management team. 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, reduce the event space 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. Lastly, to further facilitate the efficient use of the Subject Property, the Petitioner has designed the proposed development to facilitate pedestrian and bicycle access to and from the retail, employment and entertainment options located in proximity to the Subject Property.

DEVIATION TO INCREASE THE PERMITTED HEIGHT IN THE OCI ZONING DISTRICT FROM 43' TO 77'2"

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

The Subject Property is located entirely within the Calamos Corporate Center and CityGate Centre developments and adjacent to structures that range in size from two (2) stories to thirteen (13) stories, including the Arista Hotel to the north which is well over one hundred feet (100') tall. The Petitioner is proposing a five (5) story building with a height of seventy-seven feet two inches (77'2") which is considerably less than the existing buildings. As a result Petitioner's request for a height deviation to seventy-seven feet two inches (77'2") will not alter the essential character of the neighborhood and will actually be a benefit to the adjacent buildings which will enjoy the benefit of a complimentary adjacent residential use.

- b. The requested deviation will not 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.

- 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 uses and will be the highest and best use of the property with a development that offers a superior level of architecture and amenity. The deviation will provide for a building designed with a superior level of amenity and design.

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. Petitioner proposes to construct two hundred and eighty five (285) multi-family dwelling units on the approximately five (5) acre Property which is part of a much larger CityGate development that consists of professional offices, restaurants, commercial uses as well as an upscale hotel. Of the two hundred and eighty five (285) units, the residences will consist of twenty (20) studios, one hundred and seventy nine (179) one bedroom, and eighty six (86) two bedroom units (no three (3) bedroom units). The selection between one (1) bedroom and two (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 the target market (young

professionals and empty nesters), 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 as well as other essential on-site amenities. 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 allows the cost to not negatively affect the viability of the development. To not allow density in a location such as this is contrary to the vision for CityGate Centre where the requisite “Work” and “Play” components already exist and need the “Live” component to sustain the viability of the overall development.

- b. The requested deviation will not be a detriment to the provision of municipal services and infrastructure.*

The requested deviation will have no detriment to municipal services or infrastructure. Adequate municipal services and infrastructure are already in place to serve the Subject Property. 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. The proposed development is consistent with the overall objectives of the City to enhance the housing stock for our population and is consistent with the City’s OCI zoning district which allows residential uses and conditional uses. The proposed development will also allow for underperforming land to be

utilized for its highest and best use in turn enhancing the City's property tax bases while providing a buffer to the adjacent residential uses.

**DEVIATION TO REDUCE THE REQUIRED MASONRY PERCENTAGE FROM 50% TO
APPROXIMATELY 5%**

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

In 2002 the City of Naperville amended its Municipal Code to require masonry construction on fifty percent (50%) of the exterior of all multiple-family and multiple single-family dwellings. The Ordinance, Ordinance 02-66, includes a finding that "having a requirement for brick or other masonry products promotes the appearance of multiple-family developments and helps maintain long-term property values." The proposed architecture in this instance reflects a variety of building materials with significant detailing to create architectural interest consistent and most importantly complimentary to the existing Calamos Corporate Center and CityGate Centre developments. Strict adherence to the masonry requirement of fifty percent (50%) will not align with the unique design and consistent theme of the Calamos Corporate Center and CityGate Centre developments. In prior instances much of the CityGate buildings were constructed with precast materials designed to give the look of limestone. In regard to the new proposed building, the Petitioner is seeking to achieve a consistent limestone look through the use of a fiber cement material. It is important to note that the CityGate buildings did not require a variance to use the precast materials because the 50% masonry requirement only applies to multi-family buildings. Given the unique design of existing buildings, the additional detail provided by the proposed variance will elevate the developments overall attractiveness and the demand of those interested in residing in CityGate Centre. Complementing the first class exterior appearance of CityGate Centre will inherently enhance the overall appeal of the overall development.

- b. *The requested deviation will not be a detriment to the provision of municipal services and infrastructure.*

Requiring fifty percent (50%) of the exterior to be constructed with masonry would impose exceptional hardships by undermining the value and architectural style of the entire CityGate Centre.

- 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 will allow the Petitioner to construct a building which offers a superior level of design, amenity, enhancement and which will be consistent with and complimentary to the existing CityGate buildings. The proposed architecture has been rigorously scrutinized by the original Calamos Corporate Center and CityGate Centre architect to insure a harmonious design.

DEVIATION TO ELIMINATE THE 30' PLATTED SETBACK ALONG WESTINGS AVENUE

- 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.*

The Petitioner's request arises from the fact that the CityGate Centre Plat of Subdivision recorded in DuPage County as document no. R2000-110800 depicted a thirty (30') foot building front setback line along Westings Avenue. Notably, the City of Naperville's OCI zoning district requires a twenty foot (20') setback along Westings, not a thirty foot (30') setback as platted years ago. As a result compliance with the existing subdivision plat would require the Petitioner to shift the buildings back an additional ten feet (10'), inconsistent with the City's current zoning code which would in turn reduce the open space and have a negative effect on the overall development. Lastly it is important to note that the only areas in which the deviation is sought is at the southeast and southwest corners of the property with the majority of the building meeting and considerably

exceeding the thirty foot (30') platted setback due to the curved nature of Westings Avenue.

- b. The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this title.*

Without the deviation to the platted setback, the proposed building would have to be constructed further away from Westings Avenue negatively impacting the open space areas. Instead, granting the requested deviation will be an improvement to the existing use, whereby the building will be setback twenty feet (20') from Westings Avenue consistent with the OCI twenty foot (20') front yard setback.

- 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 proposed development is consistent with the overall objectives of the City to enhance the housing stock for our population as well as our local economy. The proposed development will also allow for underperforming land to be utilized for its highest and best use in turn enhancing the City's property tax bases while providing a buffer to the adjacent residential uses.

CONDITIONAL USE TO ALLOW MULTIFAMILY AND EVENT SPACE 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 solely within the Calamos Corporate Center and CityGate Centre developments and will include unique features specifically targeted to the needs and desires of the anticipated resident population. Given the resident profile and associated lifestyle, external impacts are significantly

reduced (School & Park). In conclusion, the establishment and maintenance of the multi-family community and event space to complement the existing Hotel Arista will not be detrimental to or endanger the public health, safety, and general welfare.

- 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.

- 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 compatible with the existing Calamos Corporate Center and CityGate Centre developments. 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 property immediately adjacent to the Property and will be compatible with the surrounding environs.

- 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. The existing OCI zoning of the property allows residential as a conditional use. The proposed multi-family use is a conditional use in the OCI district.

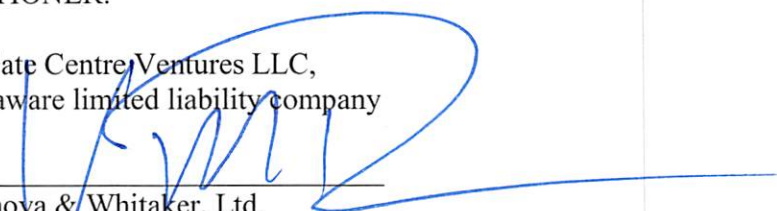
WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: approve a Major Change to the Planned Unit Development for CityGate Centre for the portion of property legally described on Exhibit “A”

("Subject Property"), approve a Planned Unit Development Plat, approve a conditional use to allow for a two hundred and eighty five (285) unit multifamily building and +/- 38,000 square feet of event space in the OCI Zoning District, grant an area requirement deviation to allow said two hundred and eighty five (285) residential units on the +/- 5 acre Subject Property, grant a parking deviation allowing for a parking ratio of approximately one and a half (1.5) spaces per unit in lieu of two (2) spaces per unit, grant a height deviation to allow heights up to seventy-seven feet two inches (77'2") in lieu of forty-three (43') feet, grant a deviation to a platted setback, grant a masonry requirement deviation and such other deviations or departures 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 18th day of July 2019.

PETITIONER:

CityGate Centre Ventures LLC,
a Delaware limited liability company



Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

**EXHIBIT "A":
LEGAL DESCRIPTION OF SUBJECT PROPERTY**

EXHIBIT "B"
PARKING STUDY