

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

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

THE UNDERSIGNED Petitioner, Bridge Street Properties, LLC, an Illinois limited liability company (hereinafter “the Petitioner”) respectfully petitions the City of Naperville to consolidate four (4) existing lots located along East 4th Avenue and North Loomis Street (“Subject Property”) into one (1) lot, approve a conditional use to allow a townhome development in the R-2 Zoning District, grant a variance from Section 6-6C-8 of the City’s code to allow 3.5 stories and a building height of up to 42’1”, grant an area requirement variance from Section 6-6C-5 of the City’s code to allow one unit per 2,299 square feet in lieu one unit per 4,000 square feet, grant a setback variance from Section 6-6C-7 to reduce the rear yard setback along the south property line from twenty-five feet (25’) to six feet (6’), grant a setback variance from Section 6-6C-7 to reduce the front yard setback along the north property line from twenty-five feet (25’) to fifteen feet (15’), and approve a text amendment to the Section 6-2-26 of the City’s Tear Down/Infill Regulations (“Infill Regulations”) to exclude duplex homes from the building coverage requirements of said Infill Regulations regarding 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”).

BACKGROUND INFORMATION

1. Bridge Street Properties, LLC, an Illinois limited liability company, with an office at 618 W. Jefferson Avenue, Naperville, Illinois 60563, is the contract purchaser and Petitioner.

2. The Subject Property consists of four (4) lots totaling approximately 29,892 square feet located along 4th Avenue and Loomis Street in Naperville, Illinois.
3. The Subject Property is currently occupied by four (4) single family homes which are depicted on **Exhibit B**.
4. The Subject Property is transitional in nature in that there are single family homes located to the south, east and west, commuter parking to the northeast, and railroad tracks and the 5th Avenue Station to the north.
5. The Subject Property is not located with the City’s Historic District or 5th Avenue Study Area.
6. The existing land uses surrounding the Subject Property are as follows:
 - a. North: Industrial Zoning: Commercial – Railroad tracks, 5th Avenue Station and commuter parking.
 - b. East: “R-2” Zoning: Single family homes and commuter parking.
 - c. South: “R-2” Residential Zoning: multiple-family attached rental home.
 - d. West: “R-2” Residential Zoning: single family homes and Ellsworth Station apartments.
7. The Petitioner’s intended development is consistent with the City’s objective to provide a diverse housing stock which is responsive to evolving community needs, including;
 - (i) Respecting the character of the existing neighborhoods while supporting the City’s changing demographics and market.
 - (ii) Encouraging residential developments that appeal to young professionals and seniors.
 - (iii) Pursuant to the City’s pending comprehensive plan update areas where duplex and townhomes may be appropriate are in the following locations.

- (a) Areas where the residential place type is adjacent to or across the street from and non-residential place type (i.e. railroad tracks and 5th Avenue Station)
- (b) Large lots or multiple lots that are consolidated along the periphery of single-family residential neighborhoods as they transition into non-residential uses.
- (c) Areas close to public transportation or walkable to commercial areas and other amenities.
- (d) Areas adjacent to arterial roadways and collector streets.

SUMMARY OF DEVELOPMENT

The Subject Property is located at the southwest corner of 4th Avenue and Loomis Street across the street from the BNSF Railway and 5th Avenue Train Station and within walking distance to downtown Naperville as well as multiple commercial and convenience uses located at Washington Street and Ogden Avenue. The location presents an excellent canvas for a development to attract young professionals and keep empty nesters our community with a new residential opportunity for those who desire an upscale living environment and associated amenities in close proximity to employment, mass transit, and a variety of retail and convenience uses. The proposed residential development is anticipated to provide an additional housing options responsive to community needs by offering close proximity to mass transit (Pace, Amtrak, Metra), recreational uses and Burlington Square Park all in a walkable environment. The proposed development will consist of thirteen (13) homes ranging from approximately 2,000 square feet to 2,500 square feet. Each of the homes will be maintenance free with the homeowner's association being responsible for all exterior maintenance, landscaping and snow

removal. The proposed development would create an optimum use of the Subject Property by providing an underserved segment of the housing market with an opportunity to reside in Naperville, while also enhancing our real estate tax base, infusing our local economy with additional income and improving our work force.

With respect to architecture, the homes have been designed to complement the character of the existing neighborhood. This historically inspired development is a perfect bridge between the single-family residential district to the south, west and east and the railroad tracks, commuter parking and 5th Avenue Station to the North. The proposed architecture is also an excellent fit with some of the more period accurate buildings located to the south and east in the Historic District of Naperville. Exterior materials are primarily reddish-brown brick and 2 different colors of horizontal composite siding. Architectural accents of paneled bay windows with standing seam metal roofs punctuate the façade as well as the decorative gutters, downspouts and scuppers. Alternating masonry water tables, covered porch and covered entries as well as small Juliet balconies face 4th street and a scaled version with similar detailing fronts on Loomis Street. The windows will be double hung with a historic grill pattern. Windows are to be clad in white with white trim and head details to provide contrast with the colored siding field. The ends and middle units will project to create a non-linear front elevation while one unit will do likewise on the duplex homes. Wrought-iron railings accent the balconies at the front façade where 2nd floor balconies or smaller Juliet balconies are utilized. Special care has been taken at the ends of the building to provide additional detail to neighbors to the west as well as the side elevation fronting on Loomis. At the rear of the homes, carriage style doors are used to provide a historic look to the building. Each home has a balcony projecting over the garage at the rear with decorative railing. The main roof of this building will be a standing seam metal roof with a flat

roof portion at the ends and middle with piers and half walls to provide architectural interest. All homes are designed to accommodate an optional terrace level access as well as hide mechanical homes on the roof structure. The main expanse of roof not seen will have a lower pitch. Architectural details are utilized throughout in the form of paneled columns at end homes, large detailed brackets, brick jack arches, and proper beam and column detailing at all porches. Eave brackets at the oversized third floor eave provide architectural detail. Each home will have a high-quality wood and glass front door with varied entry sequences.

Upon approach to each home, one passes through a small landscaped walkway, stepping up to the concrete stoop at the entry. The ground floor of each home contains an office or living space plus a 2-car rear-facing garage not visible from the street. Optional elevators in all of the homes access all 3 floors. The second floor of each home contain the main living spaces: a generous great room, a casual dining room, a well-appointed eat-in kitchen, as well as a powder room and small butler's pantry. On the top floor are the primary bedroom suite and a second in-suite bedroom and bath as well as a laundry room. Each home will have with a rooftop deck.

At the rear of each home will be the two-car garages. There will be no driveways or garages fronting 4th Avenue which will enhance the front facades of each home. Overall, these features are utilized in the proposed building in ways that fit within the historical context of the neighborhood while still delivering the modern building its residents will demand. The proposed community will also provide an excellent land planning transition from the high intensity of the BNSF Railway, commuter parking and 5th Avenue Station to the north and will provide a buffer for the residential properties to the south and west by reducing the noise and disturbances experienced currently. A landscape area and fencing will be also installed adjacent to the existing residential homes along the south and west property line to provide further screening to

the existing residences and enhance the view to the Subject Property. Unique to the proposed development will also be an open space area along the southern portion of the Subject Property which will be improved with a seating area for relaxation and socializing as well as landscape treatments.

Access and circulation will also be improved. Primary access will be provided from Loomis Street as well as the existing alley to the south which is currently on the City's Capital Improvement plan to be improved in 2021. The enhanced access will allow for the removal of the existing curb cuts along 4th Avenue and Loomis. All together three (3) curb cuts will be removed from 4th Avenue and Loomis Street. Removing the curb cuts will provide safer access and improved vehicular circulation which is an improvement over the current conditions. Additionally, on-site parking and guest parking will be provided compliant with all City requirements not to mention the availability of approximately 2,000 commuter parking spaces which are available on nights and weekends when most people entertain guests. Additionally, the 4th and Loomis frontages will be enhanced with decorative porches, parkway trees, a sodded parkway and ornamental trees and shrubs.

TRANSIT ORIENTED DEVELOPMENT

The proposed development meets the definition of a transit-oriented development which are generally defined as:

- A type of development that has uses integrated within a walkable neighborhood and located with ½ mile of public transportation;
- Pedestrian orientation/connectivity;
- Multiple transportation choices;
- A mix of uses in close proximity.

Consistent with the above definition, the Subject Property presents an excellent opportunity for a transit-oriented development. Pre-COVID according to data contained in the

City's 5th Avenue Study, there are approximately 8,000 people that board the train at the Naperville's train stations every day (3,994 inbound & 4,222 outbound). Not only is the public transportation within ½ mile but it is a literally a stones' throw away. In addition to the BNSF, there are Pace bus lines, taxi stands and Amtrak all immediately available thereby meeting and exceeding all aspects of transportation availability. Enhancing the site's desirability is the proximity to Naperville's downtown area, as well as a grocery store and pharmacies less than a mile to the north. 5th Avenue Station, consisting of professional offices and service retail and a neighborhood grocery are also in very close proximity. As the City envisions future development of the properties north of the tracks additional retail and employment opportunities in close proximity will further enhance amenities in close proximity.

REQUIRED DEVELOPMENT ENTITLEMENTS – R-2 ZONING DISTRICT

1. The Petitioner seeks approval of a plat of re-subdivision to consolidate the four (4) lots into one (1) lot.
2. The Petitioner seeks a conditional use to allow for townhomes in the R-2 zoning district.
3. The Petitioner seeks approval of a variance to City code section 6-6C-8 to allow for 3.5 stories and building heights of up to 42'1".
4. The Petitioner seeks approval of an area requirement variance from Section 6-6C-5 of the City's code to allow one unit per 2,299 square feet in lieu one unit per 4,000 square feet.
5. The Petitioner seeks approval of a setback variance from Section 6-6C-7 to reduce the rear yard setback along the south property line from twenty-five feet (25') to six (6') and the front yard setback along 4th Avenue from twenty-five feet (25') to fifteen feet (15').
6. The Petitioner seeks a text amendment to the Section 6-2-26 of the City's Infill Regulations to exclude duplex homes from the building coverage provisions of said Infill

Regulations when said duplex homes are part of a larger development including townhomes which are excluded from said Infill Regulations

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.

CONDITIONAL USE TO ALLOW TOWNHOMES IN THE R-2 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; and

The R-2 Zoning District is intended to accommodate a variety of housing types and compatible uses. The proposed conditional use will not be detrimental to or endanger public health, safety or the general welfare. The conditional use will provide for the development of additional housing opportunities to those who currently reside in Naperville or wish to reside in Naperville. It will also provide an opportunity for those seeking an upscale row home opportunity within walking distance to mass transit as well as necessities such as pharmacies, a public park, retail and dining and entertainment venues to be able to enjoy such a lifestyle. In addition, the conditional use 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 areas and enhance the City's workforce and retail and property tax bases. The proposed amendment is also in conformance with the City's official plans for the Subject Property, including the City's draft comprehensive plan update and will serve as a complimentary residential use to the existing homes to the south, west and east.

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; and

The conditional use will provide for the improvement of the Subject Property which will improve property values in the area as well as the elimination of the existing structures which have outlived their useful lives. As a result, the property values in the area will increase, and the housing stock will be improved. Additionally, the proposed community has been designed in a fashion to compliment the surrounding homes and provide a transition and buffer from the high intensity train, commuter parking and commercial uses to the north. Additionally, the proposed setbacks are generally consistent with the setbacks that exist today.

- 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; and*

The Proposed development is consistent with the City's master plan for this property and the R-2 Zoning District which will then help insure the normal, orderly and desirable development of the Subject Property and adjacent areas. The proposed development will create the highest and best use of the Subject Property and eliminate the existing houses and unnecessary access points on 4th Avenue and Loomis while also providing an excellent transitional and buffer use for the neighbors to the west and south.

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

The proposed development is consistent with the City's R-2 zoning district as evidenced herein as well as the comprehensive master plan and pending comprehensive plan update for this area.

**VARIANCE FROM CITY CODE SECTION 6-6C-8 TO ALLOW FOR 3.5 STORIES
AND A BUILDING HEIGHT OF 42'1"**

- a. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

Code Section 6-6C-8 of the R-2 zoning district permits heights of up to forty (40) feet

and three (3) stories for townhomes and heights up to thirty-five (35) feet and three (3) stories for duplex homes. The story variances arise from the code requirement that the building not exceed three (3) stories. The main living areas of all homes will only encompass three (3) stories. However, code section 6-1-6 (Definitions) requires the rooftop deck area portion of the attic to be considered as a half (½) story as it is accessible by a stairwell, will include a small storage area, and is improved with floor decking. As a result, despite the building meeting the City's three-story requirement, the Petitioner must seek a variance for an additional half (½) story in order to provide for a roof top deck feature. It is important to note, that if the variance were not granted, the building height and aesthetics will not change at all. If this variance is not granted, the only changes would be that there would be no roof top deck feature and the attic area would not be utilized for storage. The size, height and dimensions of the building would be exactly the same.

With regard to the height of the building, pursuant to Section 6-2-4 of the Code, as of July 5, 2005, building height is measured from "datum points", which are established by calculating the average of the two grades taken where the front yard setback line intersects with the side property lines. The homes are 32' 7" to the top of the roof deck which is compliant with the City's R-2 height requirement. As a side note, the Ellsworth Station apartments to the west are 43' to the top of the roof deck which is 10' taller. Additionally, the proposed height is consistent with the adjacent home to the west which is approximately 34' feet tall and considerably less than Ellsworth Station at 43' to the top of the roof deck and 50' when considering the height of the parapet. The Petitioner's request for a height variance arises from the access door to the rooftop deck which is 42"1" tall. Although, the Petitioner believes that the access door and roof top deck are considered "scenery lofts" which are exempt from the height

calculation, the Petitioner is requesting the variance as a precaution. Additionally, the Petitioner has submitted a sight line exhibit showing that from the adjacent homes, the roof top access door will not be visible.

- b. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

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. Additionally, strict enforcement of this title would substantially negatively affect the marketability and viability of these homes and this project. In researching the viability of this development to our target market, the roof top decks are a significant amenity and major selling point which have been positively received. In addition, the small attic storage areas will be beneficial as well. Should the roof top decks be removed, a significant enhancement and a marketable feature will be lost.

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

The variance, 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, so there will be no detriment to the adjacent properties. This variance would be virtually undetectable and would have only positive effects on the essential character of the area. In fact, the rooftop deck area is completely screened behind the roof area and invisible from view from the northern, eastern and western facing facades. The proposed use of the Subject Property is consistent with the residential character of the area, will actually improve upon the area, and will not be a substantial detriment to adjacent property. Instead, the variance will allow Petitioner to construct homes on the Subject Property consistent with enhanced quality contributing to the growth of the neighborhood and Naperville in general.

**VARIANCE FROM CITY CODE SECTION 6-6C-7 TO REDUCE THE REAR YARD
SETBACK FROM 25' TO 6'.**

- a. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The variance is in harmony with the general purpose and intent of this title. First, it is important to note that if someone were to build a single-family home along the southern property line, the interior side yard setback requirement of six feet (6') would be applicable. Here, because the two homes to be built along the south property line are part of a larger row home project where the front yard is considered along 4th Avenue, the south property line is considered a rear yard. However, for all intensive purposes the rear yard will actually function as a side yard in which case the proposed six-foot (6') setback will actually meet what is required for an interior side yard. The property located immediately to the south of the Subject Property will be adjacent to the side elevation of the southernmost homes and open space areas which will function very much like two interior side yards. Lastly, the setback area will be nicely landscaped and fenced to create additional delineation. The proposed row homes located along the south property line will be a substantial improvement over the existing single-family home and compliment the multi-family rental home to the south

- b. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

The Subject Property is unique as it is bounded by two roads and is a transitional property separating a busy commercial and transportation environment from a residential setting. A residential use is the only appropriate use for the Subject Property, and a single-family home would not be viable at this location. In particular, this area of town is unique in that the lots are only 41' wide which preclude redevelopment as single-family homes as they would only be 25'

considering the applicable side yard setbacks. Strict enforcement of this title would substantially negatively affect the marketability and viability of these townhomes and this project.

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

The variance will not alter the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. Currently, the existing home and garage located on the Subject property is setback approximately five feet (5') from the rear property line which is actually currently considered an interior side yard setback and permitted to be only setback six feet (6'). The exact same situation occurred with the Charleston Row II project on Aurora Avenue and Main Street where you can see exactly how the rear yard actually functions as a side yard exactly how Charleston Row II functions which was granted the same variance. The variance will provide for the improvement of the Subject Property with a complimentary residential use which will have a positive impact on property values. Lastly, the setback area will be landscaped to create additional delineation between the two properties and enhance property values in the area.

**VARIANCE FROM CITY CODE SECTION 6-6C-7 TO REDUCE THE FRONT YARD
SETBACK FROM 25' TO 15'.**

- a. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The proposed row homes located along the north property line on 4th Street will be a substantial improvement over the existing single-family home and compliment the overall neighborhood. Currently the homes along 4th Avenue are generally setback less than 25' with the closest home being setback as little as nine feet (9'). Therefore, the proposed setback of 15' will preserve the character of the neighborhood and enhance the existing setbacks. Additionally, no driveways will be installed along 4th Avenue further improving the aesthetic of the

neighborhood. In addition, locating the new homes at 15' will also allow the Petitioner to locate all parking internal to the site in the rear of the building and out of view. These design attributes ensure that the essential character and residential feel will be preserved and there will be no detriment.

- b. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

The Subject Property is unique as it is bounded by two roads and is a transitional property separating a busy commercial area and transportation network from a residential setting. A residential use is the only appropriate use for the Subject Property, and a single-family home would not be viable at this location. In particular, this area of town is unique in that the lots are only 41' wide which preclude redevelopment as single-family homes as they would only be 25' considering the applicable side yard setbacks. Strict enforcement of this title would substantially negatively affect the marketability and viability of these townhomes and this project.

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

The variance will not alter the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. Currently, the existing homes located on the Subject property are setback as little as nine feet (9') from the front property line. The variance will provide for the improvement of the Subject Property with a complimentary residential use which will have a positive impact on property values. Lastly, the setback area will be extensively landscaped to further improve upon the aesthetics and enhance property values in the area.

**AREA REQUIREMENT VARIANCE FROM SECTION 6-6C-5 OF THE CITY CODE
TO ALLOW ONE UNIT PER 2,299 SQUARE FEET IN LIEU OF ONE UNIT PER 4,000
SQUARE FEET**

- a. *The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The Subject Property consists of approximately 29,892 square feet. The City's R-2 zoning district requires 4,000 square feet per dwelling unit. 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. In this instance, the proposed use of the Subject Property as thirteen (13) dwelling homes is a substantially less intense use than other uses within the surrounding area and is consistent with what is appropriate for an area adjacent to mass transit which also reduces the vehicular impact. Maintaining the Subject Property in its current configuration, with only four (4) homes, is not an efficient use of resources or the highest and best use of the Subject Property. The requested variance to allow for thirteen (13) homes on the Subject Property is in harmony with the general purpose and intent of this Title and the comprehensive master plan. Lastly, the proposed development will include the open space amenity discussed above.

- b. *Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

The Subject Property is unique as it is bounded by two (2) roads and is a transitional property separating a busy commercial area and transportation network from a quiet residential setting. A residential use is the only appropriate use for the Subject Property; however, a single-family home would not be viable at this location, predominantly because of the existing 41' wide lots. Therefore, strict enforcement of this title would substantially negatively affect the marketability and viability of these townhomes and this project. Without the density variance the project would no longer be viable.

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

The existing structures which are currently located on the Subject Property are generally past their useful life and contribute little to the neighborhood. As such, Petitioner's variance request could be restated as a request to improve the existing condition with townhomes complementary to the surrounding uses and which will increase the property values in the area.

TEXT AMENDMENT TO EXEMPT DUPLEX HOMES FROM THE CITY'S INFILL REGULATIONS.

Pursuant to the City's Infill Regulations, the Duplex homes are subject to the building coverage provisions of said Infill Regulations, but the townhomes are not. As the duplex component is part of a larger development whereby the townhome component is not subject to the Infill Regulations it creates inconsistencies in application of said Infill Regulations.

Accordingly, the Petitioner requests a text amendment exempting duplex homes from the City's Infill Regulations only when said duplex homes are part of a larger development as is the case here.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to consolidate four (4) existing lots located along East 4th Avenue and North Loomis Street ("Subject Property") into one (1) lot, approve a conditional use to allow a townhome development in the R-2 Zoning District, grant a variance from Section 6-6C-8 of the City's code to allow 3.5 stories and a building height of up to 42'1", grant an area requirement variance from Section 6-6C-5 of the City's code to allow one home per 2,299 square feet in lieu one unit per 4,000 square feet, grant a setback variance from Section 6-6C-7 to reduce the rear yard setback along the south property line from twenty-five feet (25') to six (6'), grant a setback variance from Section 6-6C-7 to reduce the front yard

setback along the north property line from twenty-five feet (25') to fifteen (15'), and approve a text amendment to the Section 6-2-26 of the City's Infill Regulations to exclude duplex homes from said building coverage Infill Regulations, all regarding 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 ____ day of August, 2020.

PETITIONER:

Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

LIST OF EXHIBITS

EXHIBIT A: LEGAL DESCRIPTION OF SUBJECT PROPERTY
EXHIBIT B: PICTURES OF SUBJECT PROPERTY