

**REQUEST FOR MAJOR CHANGE TO THE PUD AND USE DEVIATIONS - IGMC PHASE 2B**

Iron Gate Motor Condos Development (IGMC) is a Planned Unit Development (PUD) zoned in the I - Industrial District with certain conditional uses for automobile warehousing, catering to collectors of custom cars in Phase 1 and conditional uses in Phase 2 for custom / antique car servicing and repairs / add-ons with car washing associated with the service station along with eating and drinking establishments. Phase 1 is now nearing completion as is Phase 2A except for Building 3, which will mirror Building 2 in Phase 2A but with an architectural feature to connect Buildings 2 and 3 at the second story with a raised room for the Owner's private office, all in accordance with the Existing PUD (see Final PUD Plat Exhibit A). As shown on Exhibit A, the total parking for the commercial uses in Phase 2A will increase by 48 spaces for an overall parking ratio of 3.93 spaces per 1,000 square feet (see Parking Utilization Survey and Study) which study demonstrates that this parking ratio is more than sufficient for the compatible commercial uses in Phase 2A.

The City of Naperville has recently enacted a certain Ordinance (Ordinance No. 21-012) amending Chapter 3 and Chapter 4 of Title 6 of the Naperville Municipal Code regarding use deviations, zoning decisions by the City Council, and PUD revocations (herein incorporated as Exhibit B and referred to as the "Amendment"), "Owner", High Point Investment, Inc., and Iron Gate Motor Condos, Inc. and "Petitioner" Iron Gate Motor Condos, Inc., hereby wish to avail themselves of the flexibility afforded by said Amendment by incorporating into Phase 2B certain deviations that would allow residential occupation of the six buildings in Phase 2B in a live / work type environment, while preserving the car condominium warehousing component within the I District.

The six (6) buildings proposed in Phase 2B will be architecturally similar to, but have certain distinctive finishes from, the car condo / commercial buildings in Phase 1 and Phase 2A, will have building sizes / footprints almost identical to those previously shown and with an orientation and layout of driveways, parking spaces and utility systems that mirror prior submittals. From a physical layout perspective and functional operation, Phase 2B will be indistinguishable from Phase 1 and Phase 2A except for the live / work environment. Changes in construction, such as they are, would mostly entail somewhat different building code requirements for fire protection, interior layouts for residential rooms and partitions, and exterior finishes (see Floor Plans Exhibit C).

The subject 6.8± acre parcel of this Petition would remain zoned in the I District under the same underlying PUD but with certain use deviations pursuant to the "Amendment" as later described below. It should be noted that the subject Phase 2B parcel abuts an existing residentially zoned R-2 District in Unincorporated DuPage County to the west with several large homesteads along Meadow Road that are likely to remain and a residential component in Phase 2B will afford a good land use transition.

Otherwise, the individual units in Phase 2B will also be conveyed under the Condominium Act to a single owner / user. Generally, the land uses contemplated in Phase 2B include single family attached dwellings in a live / work environment that would allow offices or shops with enclosed garages in the lower first level offering low volume professional services (accounting, legal counseling, business consultation, learning centers, musical tutelage, clinical diagnostics, etc.) or craft shops for artisans or hobbyists (quilting, pottery, wood working, fine arts, etc.) who wish to market, display and sell their wares in small workspaces with residences in the upper floors (see Floor Plans and Elevations Exhibit C). Phase 2B will be comprised of three (3) building types with compatible exterior finishes. The Wilmette series along the Ferry Road frontage would feature good exposure to the motoring public with plenty of off-street parking as well as parking spaces in front dedicated by signage to each unit owner, along with 3-4 interior garage spaces that can be accessed across the paved area in front of each unit, all as controlled by individual owners who can arrange for a convenient parking space in front of their unit for the occasional client. The mid-size Kenilworth residences will focus on the more hardcore car collector / owners who wish to both showcase and live with their vehicles, while the larger Glencoe residences will feature large patios with decks and direct access to hiking trails off the expansive 20.1± acre open space / nature preserve with connection to the Prairie Path (see Open Space Exhibit D). While certain low volume commercial uses in a live / work setting would be easily accommodated and allowed in each building type (per the uses granted), the gated Kenilworth and Glencoe units would be targeted to more resident owner / users who would have ample room on the

first level to store their cars. The workspace and garage floor areas on the ground level in each type would be as follows:

Wilmette = 1,290 SF

Kenilworth = 1,708 SF end units / 1,440 SF mid units

Glencoe = 2,114 SF end units / 2,061 SF mid units

There will be a total of 51 single family attached live and/or live / work residences on this 6.8± acre PUD for an average area of 5,808± SF per unit, exceeding the 4,000 SF threshold in Section 6-7F-5 of the OCI District Zoning Ordinance. Each unit will be accessed off private driveways leading to Ferry Road for which Permits from DuPage County DOT were previously obtained and which driveways, in the case of the Kenilworth and Glencoe residences, will be gated and there will also be room for 3-4 interior garage spaces for each unit (see PUD Plat Exhibit A). Each attached unit will be conveyed as a condominium so the minimum lot width requirement of 100-feet in Section 6-8C-7 would not apply as there would be no public street or front yard (see use deviations below). The maximum height of the unit types will be:

Wilmette 36'

Kenilworth 39'

Glencoe 37.5'

For the 198,674 SF of gross floor area, the Phase 2B site will need to be increased to 6.8± acres in order to maintain the threshold of a 0.7 F.A.R. (see Table of Floor Areas) in Section 6-8C-8, and there is no height limitation requirement. As the character and architectural features and exterior appearances of the units in Phase 2B will not be materially changed and any changes to interior construction to meet fire protection codes or architectural finishes which are ministerial in nature that building code officials can and do enforce, it is Petitioner's belief that the requested use deviations meet the intent and purposes of Chapter 4 Section 12.2 of the Amendment. As such they may be granted by the City Council in this instance for such "deviations that would permit a use which is not a permitted use or conditional use in the Zoning District in which the PUD is located upon a satisfactory demonstration that the criteria set forth below has been met so as to merit granting the unusual request of a use deviation in said Planned Unit Development." In that regard, Petitioner maintains that :

- 12.2.1** Unique and unusual circumstances are present in that a live / work type land use in a motor condo setting is a circumstance not likely to be replicated elsewhere in the City and which use deviations are compatible and complimentary to both the Existing PUD Phase 1 and Phase 2A as well as the existing R-2 Residence District to the west.
- 12.2.2** The requested use deviations will not have any adverse impact on the current uses in the Existing PUD Phases 1 and 2A, and in fact will be supportive of and an adjunct to those current uses.
- 12.2.3** The requested use deviations will be incidental and indeed complimentary to the principal use of the PUD as principal use is defined in Section 6-1-6 of the Title; and that
- 12.2.4** The requested use deviations will not have an adverse impact on adjacent properties that would be significantly different than the permitted or conditional uses allowed in the underlying zoning district in that the residential component with more residential architectural features will afford a good transition from the commercially oriented Phase 2B on the east to the existing residential uses to the west; and
- 12.2.5** Furthermore, one or more of the following criteria are present:

- 12.2.5.1** The requested use deviation would achieve a land use goal identified and adopted pursuant to Title 1 (Administrative), Chapter 2 (Comprehensive Plan) of this Code in that the use deviation would provide a live / work residence component in a car condo setting, a goal adopted by the City pursuant to Title 1; and
- 12.2.5.2** The requested use deviation would satisfy an unmet market need as evidenced by a market study or other similar report by offering a unique product in a residential setting but with a car condo component in a project what has been by most measures a highly successful and beneficial development within the City; and
- 12.2.5.3** The requested use deviation is likely to benefit existing uses in which the PUD is located in that it will provide customers for these existing uses and resident ownership with a proprietary interest in the efficient operation and function of the Property Owners Association (POA); and
- 12.2.5.4** The requested use deviation is appropriate due to other circumstances or conditions specific to the PUD in that the use deviation will be attractive to recent changes in market conditions by providing a live / work environment to empty nesters still engaged in the workforce who will value this type of maintenance-free setting and wish to avoid daily commutes while still living within a first-rate suburban setting with a wide variety of municipal services and amenities.

Otherwise, such use deviations do not include any relaxation or deviations in landscaping, outdoor amenities or signage but do include certain relief from the City of Naperville Design Manual for Public Improvements as more fully described in the Specific Use Deviations clarifications and relief cited below:

#### **Requested Use Deviations and Standards for Approving a PUD Deviation**

##### **A. Use Deviation for a Major Change to the Iron Gate Motor Condos PUD:**

1. The requested deviation would not undermine but, in fact, be supportive of and a compliment to the existing PUD and to the intent and purposes of the underlying I Zoning District while achieving a land use goal of the City by providing a live / work residence component; and
2. The requested deviation will not be a detriment to the provision of municipal services and infrastructure which would complete the looping of the water system and entail services no different than the existing PUD; and
3. The deviation requested would contribute planned unit development features with a superior level of design which will afford enhancements to the vitality of the community through inclusion of a live / work residential environment but in a car condo setting within the existing PUD.
4. In each building type, and in each unit, there will be just one Owner / Resident who will own the lower-level garage / workspace. No other individual would be able to run or lease a business in these spaces per covenants to be recorded.
5. There is one collective trash enclosure noted for the proposed 51 units and the P.O.A. under currently operating procedures may provide weekly pick up of trash and recycled materials in

front of each unit. Otherwise, the unit owners will deposit trash and recyclables in the dumpsters.

**B. Use Deviation for permissible land uses per Amendment Exhibit B to allow single family attached residential units and live / work units per Section 6-8A-3.5 of the Municipal Code:**

1. The requested deviation would not undermine but, in fact, be supportive of and a compliment to the existing PUD and to the intent and purposes of the underlying I Zoning District while achieving a land use goal of the City by providing a live / work residence component; and
2. The requested deviation will not be a detriment to the provision of municipal services and infrastructure which would complete the looping of the water system and entail services no different than the existing PUD; and
3. The deviation requested would contribute planned unit development features with a superior level of design which will afford enhancements to the vitality of the community through inclusion of a live / work residential environment but in a car condo setting within the existing PUD.
4. In each building type, and in each unit, there will be just one Owner / Resident who will own the lower-level garage / workspace. No other individual would be able to run or lease a business in these spaces per covenants to be recorded.
5. There is one collective trash enclosure noted for the proposed 51 units and the P.O.A. under currently operating procedures may provide weekly pick up of trash and recycled materials in front of each unit. Otherwise, the unit owners will deposit trash and recyclables in the dumpsters.

**C. Use Deviation to allow relaxation of the 50% masonry requirement for the three building types in Phase 2B subject to review by both the Building Review Board (BRB) and PZC for the following reasons:**

Architectural Review Response

Particular staff comments regarding the requested Deviation to allow the relaxation of the 50% masonry requirement for each of the three proposed building product types requested that, "additional information would be helpful ", as you complete your review process. To that purpose we provide the following as requested:

Our Initial design direction, and parameters, regarding the proposed Architecture were to integrate into the existing IGMC Community a common sense of neighborhood, not only by the obvious shared lifestyle interests, but, through the use of sympathetic building massing, including expanding on the use of the existing scale, intensity of use, and a style and use of material previously established on the IGMC s' initial phases. It is our belief, and our design goal that by incorporating such a IGMC community wide approach, to contribute to, and enhance both the value of the adjacent property Owners condominiums, and seamlessly provide a welcome addition to the existing community and lifestyle.

Comparatively speaking in regard to scale and massing, the average maximum height of the proposed structures is 37.5 - 38', by comparison the existing IGMC construction maximum height is 38-39'. Building widths on the existing IGMC structures are consistently, with few exceptions 80', with the proposed structures ranging from 43' for the Live/Work, 65' for the Glencoe, and 80' for the Kenilworth buildings. More subtle is the consistent attention to maintaining the floor-to-floor heights from the existing to new product holding at 11' at first floors, and 10' at all subsequent levels, at new and old. By attention to proportion, we are assuring a visual flow from residence to car condo and vice-versa that is gradual from existing to proposed and will create an attractive transition neighborhood to neighborhood.

Some enhancements more unique to the residential character of this Phase, and Architectural expressions common to housing have been included, principally they are; the addition of slightly steeper roof planes 6/12 in general, with fly/shed style dormers w/ 3/12 pitch reflective of the existing buildings roof pitches, the inclusion of "Architectural Style" and deep profile shingle roofing in lieu of metal seamed roofs, and a more intense use of exterior trim products, i.e. heavy frieze boards, window head and jamb trims, and a reliance on the increased number of windows that comply with current housing codes, create an appearance more commonly identified with residential construction

Some existing common material/elements to be utilized in creating the unified neighborhood we desire, are a similar concrete horizontal siding profile, window manufacturer, window muntins, identical exterior railings and deck materials, identical stone/masonry and sill construction of approximate percentage of use as well as application as a wainscot. Subtle consideration to the existing and the lifestyle IGMC offers are the oversized garage doors, and social nature of the community enhanced by the common areas along the "Nature Preserve Area" to the south of the Glencoe product, the inclusion of a shared "Rooftop Amenity Deck", on the Kenilworth product, and the siting of the new Wilmette "Live / Work" product in an area with great parking and good visibility to the north, all the while providing 1800+ square foot of beautiful living space, both practical and convenient for today's lifestyles, part of the vibrant IGMC community and lifestyle.

We have tabulated the % of masonry for each product shown below and have calculated that it is a slightly greater percentage being proposed than that which was utilized on the prior phases of our North Shore neighbors, in this case stone, with continuous cast stone sill profile, thickness and of a complimentary color to that of the existing IGMC building product will be used. Tabulations have been calculated based on the weighted average of the "4-side" elevations provided in this submittal for each product. All openings + additional trim packages deducted from the surface area remaining to be clad.

Glencoe	7.5%
Kenilworth	8.3%
Wilmette	9.5-10%

\* Please reference the additional information requested, that has been provided by IGMC earlier:

- 4 sided colorized elevations for each product, Glencoe, Kenilworth & Wilmette

### **Standards for Approval**

1. The requested Use Deviation would not undermine the existing PUD in that the architectural massing and layout of building would replicate those already constructed in Phase 1 as well as materials of construction, albeit with enhanced finishes and features such as steeper roof pitches and dormers more expressive of a residential character. In that regard, the incorporation of somewhat distinctive architectural features, while maintaining the scale and material composition of the existing Phase 1 and Phase 2A, will both enhance the existing community and provide a complimentary addition to the IGMC project and lifestyle (see above Architectural Review).
2. The requested deviation would in no way be detrimental to the provision of municipal services and infrastructure as the proposed utility systems and design standards would replicate the already successful and functioning system in Phase 1 and Phase 2A and provide similar facilities for the provisions of municipal support services.
3. The requested Use Deviation would contribute to the diversity of uses available in the IGMC project and offer a superior level of design, architectural features and amenities particularly

suited to the residential character of Phase 2B such as rooftop amenity decks, multiple windows with window treatments, more intense uses of exterior trim and architectural style roof shingles which will enhance the vitality and variety of existing uses in IGMC, while providing a live / work environment to cater to today's lifestyles in an already vibrant community.

The requested deviations would not undermine but, in fact, be supportive of and a compliment to the existing PUD and to the intent and purposes of the underlying I Zoning District while achieving a land use goal of the City by providing a live / work residence component; and

### **Requested Clarifications**

To avoid the need for further use deviations, Petitioner offers the following clarifications:

1. The patio depth on the Wilmette building units along the Ferry Road frontage will be reduced to 5-feet.
2. Each of the Wilmette units will have interior garage spaces sufficient to accommodate 3-4 vehicles in addition to a minimum of 2 dedicated spaces in front of each unit, the use of which spaces will be under each unit owner's direct control. Overflow parking and guest parking for the other buildings will be afforded in the parking stalls across the drive aisle or in front of the Kenilworth buildings at an overall ratio of nearly 6 spaces per unit.
3. The live / work units, which are anticipated to be primarily concentrated in the Wilmette buildings, are likely to be used for professional offices or craft shops as described in the foregoing narrative, only a relatively few of which will entail retail sales. Of those unit owners who do choose to engage in retail sales of their craftworks as accessory use to their office / studio, the retail portion of the floor space will be less than 25%. Petitioner is open to discussions on the realm of permissible uses.
4. In each building type, and in each unit, there will be just one Owner / resident who will own the lower-level garage / workspace. No other individual would be able to run or lease a business in these spaces per covenants to be recorded.
5. There is one collective trash enclosure noted for the proposed 51 units and the P.O.A. under currently operating procedures may provide weekly pick up of trash and recycled materials in front of each unit. Otherwise, the unit owners will deposit trash and recyclables in the dumpsters.
6. The southerly property line of Phase 2B has been shifted 125 feet to provide a rear yard setback and increase site area to 6.80± acres.

### **Requested Relief from Design Manual**

Petitioner does request certain relief or deviations from, or clarifications to, the "City of Naperville Design Manual for Public Improvements" (Manual) due to the unique nature and site grading requirements of this project and the fact that the site driveway and parking lot pavement improvements in this case are all privately owned and maintained as further explained below:

1. Section 2.5.4.2 of the Manual reads:

#### **2.5.4.2 Basins**

A detention basin is a facility that normally drains completely between runoff events. The maximum side-slopes of a detention basin adjacent to a residential area, including multi-family developments, shall be 6 to 1 (6:1, or 6 feet horizontally for every 1-foot drop in elevation). The maximum side-slopes

of a detention basin adjacent to a commercial area shall be 4 to 1. The maximum depth of stormwater storage in a detention basin shall be 6 feet. This depth is measured from the lowest point in the basin (located at the invert of the outlet pipe or at the rim elevation of an inlet grate) to the design high water elevation as illustrated below.

The northerly detention basin serving Phase 2B is already constructed with 4:1 side slopes for which record drawings were submitted to and approved by the City. The basin is separated from the nearby Glencoe buildings by a 5± foot high concrete retaining wall. Phase 2B will remain zoned in the I Industrial District. The lower levels of the Glencoe units adjacent to the northerly detention basin will be devoted to garage and workspaces. Residential living quarters will be on the second and third levels. The change to 6:1 side slopes would entail a complete reconstruction of the facility, impacting adjacent wetlands which would likely not be permitted, and would most assuredly be a financial hardship without any attendant benefit to stormwater management. It is Petitioner's understanding that staff is supportive of this relief.

2. Section 2.5.2.2 of the Manual provides that, for residential developments, there shall be no less than 1.5 feet of freeboard between the high water level of an overland flood route and the adjacent top of foundation. In this case, the lower level of the slab on grade buildings in the I Industrial District will be devoted to garage and workspaces (see Floor Plans in Exhibit C). Residential uses will occupy the upper levels. The critical duration 100-year storm overflow from Ferry Road was previously determined to be 35± cfs (see Report Narrative) which could have been conveyed along and through the Phase 2B driveways with a flow depth of 4-6 inches providing a freeboard to the proposed lower level garages of 6 inches which is not unusual for garages which are typically 6-12 inches below the top of foundation elevation.

It is Petitioner's understanding, however, that staff is not supportive of the extent of this relief but is supportive of 1.0 foot freeboard revisions. So, the finished floor elevation, the Wilmette and Kenilworth buildings were raised and parking lot / driveway gradients revised to achieve 1.0 foot of freeboard to the interior garages which is in accordance with the relief supported by City staff and is the customary freeboard provided for garage floors in residential developments. The imposition of a freeboard of 1.5 feet to these garages would impact grading of ADA spaces in front of the Wilmette units and significantly alter the earthwork balance on a site that has already been pre-graded.

For the above reasons, Petitioner requests relief, reinterpretation or approval of the remedial measures proposed by these design provisions given the unique nature of this development.

Ordinance No. 21-012 amending Chapter 3 and Chapter 4 of Title 6 of the Naperville Municipal Code provides a relatively straightforward and expeditious means to grant the Use Deviations to the existing Iron Gate Motor Condo PUD as it applies to Phase 2B, which will accomplish the worthwhile objectives set forth in the findings of fact summarized in the foregoing. In order to realize the mutually beneficial objectives envisioned under Ordinance 21-012, Petitioner respectfully requests due consideration of the minor relief sought by this Petition.

Respectfully submitted,

*Tom Burgess*

Thomas Burgess, Owner / Developer  
High Point Investment, Inc. / Iron Gate Motor Condominiums, Inc

Dated: April 8, ~~2021~~