

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION TO GRANT A MAP AMENDMENT (REZONING) AND PRELIMINARY/FINAL PLAT OF SUBDIVISION FOR THE PROPERTY AT 830 E. HILLSIDE ROAD**

THE UNDERSIGNED Petitioners, Brian Sternstein and Carrie Sternstein (hereinafter “the Petitioner”) respectfully petitions the City of Naperville (the “City”) to, upon annexation of the Property pursuant to a separate petition submitted by the Petitioners: (i) zone the Property in the City’s R1B Medium Density Single-Family Residence District; (ii) approve a preliminary and final plat of subdivision; and (iii) such other relief from the Naperville Municipal Code (“Code”) as may be deemed necessary and appropriate to develop the Property.

In support of this Petition, the Petitioner represents to the City as follows:

1. The Owners of the Property are Petitioners Brian Sternstein and Carrie Sternstein;
2. Petitioners, as owners of the Property, filed a separate petition with the City of Naperville to annex the Property to the City of Naperville (“Annexation Petition”).
3. The Subject Property is zoned R-4 in unincorporated DuPage County and consists of one (1) lot totaling approximately 0.57 acres.
4. The existing land uses surrounding the Property are as follows:
  - a. North       R1B Medium Density Single-Family Residential
  - b. East:       Unincorporated DuPage County
  - c. South       Unincorporated DuPage County
  - d. West        Unincorporated DuPage County and R1B Single Family

**APPROVAL OF REZONING TO R1B**

5. The rezoning request is appropriate based on the following factors:
  - a. *The amendment promotes the public health, safety, comfort, convenience and*

*general welfare and complies with the policies and official land use plan and other official plans of the City; and*

Petitioner filed a separate petition requesting the Property be annexed to the City of Naperville. Pursuant to section 6-5-3 in the Code, the Petitioner shall request a zoning classification for the Property upon annexation to the City of Naperville. Upon annexation, Petitioner's requested zoning is consistent with the nearby existing land uses surrounding the Property being that all surrounding uses are residential. Adjacent incorporated properties to the north and west are zoned R1B and the adjacent properties not yet incorporated to the City of Naperville are zoned for residential use in DuPage County. In addition, Naperville's comprehensive plan addressing the East Sector designates the future land use for the Property for residential land use.

*b. The trend of development in the area of the subject property is consistent with the requested amendment; and*

The trend of development in the area of the Property has been and continues to be single-family residential. Upon annexation to the City, the requested zoning is consistent with the nearby adjacent properties, all of which are zoned R1, R1A, and R1B in the City of Naperville.

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

The existing zoning classification of the Property is R-4 in unincorporated DuPage County. Petitioner submitted a separate petition for Annexation to the City of Naperville and upon annexation requests the Property be zoned R1B, which is consistent with the existing zoning designations for nearby properties that have been incorporated to the City of Naperville.

- d. *The subject property has not been utilized under the existing zoning classification for a substantial period of time; and*

The Property has never been utilized under a City of Naperville zoning designation as the Property is zoned R-4 in unincorporated DuPage County and upon annexation to the City, the Code requires Petitioner to request a zoning designation for the Property.

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

As mentioned above, zoning the Property R1B is consistent with the single-family residential character of the neighborhood. The existing uses surrounding the Property are all single-family residential and are either zoned R1, R1A, and R1B in the City of Naperville. The surrounding properties that remain unincorporated are zoned for residential use in DuPage County. All surrounding properties are intended for single-family residential homes, which is the very use for which Petitioner plans to utilize the Property.

#### **APPROVAL OF A PRELIMINARY AND FINAL PLAT OF SUBDIVISION**

6. Petitioner seeks approval of a Preliminary and Final Plat of Subdivision, a copy of which has been submitted herewith, to establish easements and create a legal lot of record. The proposed subdivision meets the standards for a subdivision consistent with the standards set forth in the Code.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to , upon annexation of the Property pursuant to a separate petition submitted by the Petitioners: (i) zone the Property in the City's R1B Medium Density Single-Family Residence District; (ii) approve a preliminary and final plat of subdivision; and (iii) such other relief from the Naperville Municipal Code as may be

deemed necessary and appropriate to develop the Property.

RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of February, 2020.

PETITIONER:

Brian Sternstein and Carrie Sternstein

By: Cristi E. Palei  
ROSANOVA & WHITAKER, LTD.  
ATTORNEY FOR PETITIONER

**EXHIBIT A  
LEGAL DESCRIPTION**

PARCEL 1: THE EAST HALF OF LOT 2 IN BLOCK 5 IN ARTHUR T. MCINTOSH AND COMPANY'S NAPERVILLE ESTATES, BEING A SUBDIVISION OF PART OF SECTION 19 TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 20, 1927 AS DOCUMENT 236013, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THE WEST 2.0 FEET OF THE NORTH 95.0 FEET OF LOT 1 IN BLOCK 5 IN ARTHUR T. MCINTOSH AND CO'S NAPERVILLE ESTATES, BEING A SUBDIVISION OF PART OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 20, 1927 AS DOCUMENT 236013, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS:           830 E. Hillside, Naperville, IL 60540

PIN:                               08-19-217-012