

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 APPROVE A
PRELIMINARY/FINAL PLAT OF SUBDIVISION FOR THE PROPERTY AT 26W325
CASE AVENUE**

THE UNDERSIGNED Petitioner, Andrew and Kia Cvengros, (hereinafter the “Petitioner”) respectfully petitions the City of Naperville (the “City”) to, upon annexation of the property legally described on Exhibit A (the “Property”) pursuant to a separate petition submitted by the Owners of Record of the Property: (i) zone the Property in the City’s R1A Low Density Single-Family Residence District; (ii) approve a preliminary and final plat of subdivision; and (iii) such other relief from the City of Naperville Municipal Code (the “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 owner of the Property is the Estate of John Squires (the “Estate”).
2. Patricia Landorf is the executor of the Estate of John Squires (the “Executor”).
3. The Estate and Executor are hereinafter collectively referred to as the owner (the “Owner”).
4. Owner filed a separate petition with the City of Naperville to annex the Property to the City of Naperville (“Annexation Petition”).
5. The Petitioner, Andrew and Kia Cvengros, is the contract purchaser of the Property.
6. The Subject Property is zoned R-4 in unincorporated DuPage County and consists of one (1) lot totaling approximately .429 acres.
7. The existing land uses surrounding the Property are as follows:

- a. North: R-4 Unincorporated DuPage County
- b. East: R-4 Unincorporated DuPage County
- c. South: R1A Single Family Residential
- d. West: R1A Single Family Residential

APPROVAL OF REZONING TO R1A

8. Upon annexation of the Property to the City of Naperville, Petitioner respectfully requests that the Property be zoned R1A, low density single-family residence district.

9. 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*

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. The requested zoning is consistent with both the proposed use of the Property and the existing use of the properties in the immediate vicinity. Adjacent incorporated properties to the south and west are zoned R1A 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 designates the future land use of the Property as single-family and duplex residential.

- 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 surrounding the Property has been and continues to be single-family residential. Upon annexation to the City, the requested zoning will be consistent with the nearby adjacent properties already incorporated into the City, all of which are zoned R1A. Similarly, the adjacent properties not yet incorporated into the City of Naperville are zoned for residential use. Further, the requested zoning will permit the development of a single lot residential subdivision in keeping with the trend of development in the neighborhood.

- 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. The Owner submitted a separate Petition for Annexation to the City of Naperville and upon annexation, Petitioner requests the Property be zoned R1A, which is consistent with the existing zoning designations for nearby and adjacent 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. 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 R1A is consistent with the single-family residential character of the neighborhood. 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

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 single 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: (i) zone the Property in the City's R1A Low 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 4th day of March, 2024.

PETITIONER:

Andrew and Kia Cvengros

By: 

ROSANOVA & WHITAKER, LTD.
ATTORNEY FOR PETITIONER

EXHIBIT A
LEGAL DESCRIPTION

THE EAST 93.5 FEET OF LOT 11 AND THE EAST 93.5 FEET OF LOT 12 IN BLOCK 12 IN ARTHUR T. MCINTOSH AND COMPANY'S OGDEN HIGHLANDS, BEING A SUBDIVISION IN THE EAST 1/2 OF SECTION 7, AND THE WEST 1/2 OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1925 AS DOCUMENT NO. 195889, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 26W325 CASE STREET, NAPERVILLE, ILLINOIS 60563

PIN: 08-07-404-015