

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

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION TO GRANT A MAP AMENDMENT (REZONING), A SUBDIVISION DEVIATION, AND PRELIMINARY/FINAL PLAT OF SUBDIVISION FOR THE PROPERTY AT 7S345 COLUMBIA STREET, NAPERVILLE, ILLINOIS

THE UNDERSIGNED Petitioner, Pradip Shah, Sandhya Shah, Nimisha Pavone, and Anthony Pavone (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; (iii) approve a subdivision deviation from Section 7-4-4 of the Code; and (iv) 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 Petitioner is the Owner of the Property.
2. Petitioner 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 two (2) lots totaling approximately 0.63 acres.
4. The existing land uses surrounding the Property are as follows:
 - a. North: Unincorporated DuPage County – R4 and City of Naperville R1 Single family Residential
 - b. East: R1A Single Family Residential
 - c. South: R1A Single Family Residential
 - d. West: R1B Single Family Residential

APPROVAL OF REZONING TO R1A

5. 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.
6. 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 east are zoned R1A, the adjacent incorporated properties to the 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 incorporated properties, all of which are zoned R1A and R1B in the City of Naperville. Further, the requested zoning will permit the future development of a two-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 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 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 SUBDIVISION DEVIATION

7. As it exists, the Property is currently two parcels with two tax PINs pursuant to the DuPage County GIS.

8. It is the Petitioner's intent to keep the Property as two separate parcels as they currently exist, which requires formal subdivision in the City of Naperville upon annexation.

9. Upon formal subdivision of the Property, Lot 1 will be 11,614 square feet and Lot 2 will be 15,813 square feet.

10. The minimum lot size in the R1A zoning district is 10,000 square feet and

accordingly, both lots will be code compliant.

11. According to Section 7-4-4 of the Code, the minimum lot size of any single-family residential lot that results from resubdividing one or more existing lots shall be equal to or greater than 90% of the mean of all of the single-family residential lots within 300 feet of the subject property (the “90% Rule”).

12. Based on the current residential lots incorporated into the City within 300 feet of the Property, 12,569 square feet is the estimated required minimum lot size per the 90% Rule.

13. In order for Petitioner to keep the two parcels as they currently exist, a variance from the 90% rule for Lot 1 is required.

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; and

Upon subdividing the Property into two (2) lots, the sizes of the two respective lots will not be unique to the area as this general area is the host of a wide range of lot sizes due to the trend of annexation in the area. The incorporated lots used to calculate the 90% rule range from 7,840 square feet on the west side of Wright street to 35,283 square feet along Julian Street. More specifically and in closer proximity to the Property, there is a series of 10 homes located on the other side of Columbia Street (636 S. Wright St., 640 S. Wright St., 646 S. Wright St., 650 S. Wright St., 656 S. Wright St., 702 S. Wright St., 706 S. Wright St., 710 S. Wright St., 714 S. Wright St., and 718 S. Wright St.) where the average lot size is approximately 10,541 square feet. These lots are neighboring properties to the subject Property, which in turn illustrates the Property fits seamlessly within the existing neighborhood notwithstanding the few uncommonly large lot sizes of 30,000 – +35,000 square feet, which most certainly increased the lot size requirement under the 90% rule.

The trend of development among new home buyers is that of smaller lot sizes to provide for less property maintenance. That being said, an 11,614 square foot lot is still deemed a considerably large lot in accordance with today's development standards. The neighborhood surrounding the Property is in transition and many of the older homes have been replaced with large teardowns. While some of the older homes remain, the general character of the area has certainly shifted toward much larger teardowns. It would appear that the percentage of teardowns in this neighborhood is greater than that in many other neighborhoods in the general vicinity of downtown Naperville. Given the neighborhood's ongoing transition and wide range of lot sizes, requiring a minimum lot size of 12,569 square feet when the minimum lot size in the R1A zoning district is 10,000 square feet would require the Petitioner to fully resubdivide the Property by shifting the existing lot lines and creating a hardship for the already narrow southern lot by making it even more narrow thereby limiting the development and not allowing Petitioner to develop the Property in accordance with its highest and best use.

b. The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title.

The purpose of the City's Subdivision regulations is to establish the requirements and standards regulating the subdivision and platting of land within the corporate limits, and plat approval jurisdiction of the City, for the promotion of the public health, safety, comfort, morals, and welfare of the community. The intent of these regulations is to provide for the orderly and harmonious development of the City and the surrounding areas within the City's planning jurisdiction. Moreover, the purpose of the City's 90% Rule is to ensure the size of the proposed lot(s) are compatible with the surrounding neighborhood so as to avoid excessively large or small lots where it is not appropriate. However, the neighborhood the Property is located is in transition. Many of the nearby properties have recently been annexed to the City of Naperville,

subsequently subdivided, and ultimately redeveloped. Petitioner seeks to follow this trend and upon annexation, formally subdivide the Property into two lots that are approximately 11,614 square feet and 15,813 square feet, which are sizable lots suitable for residential development. It is also important to note that the properties directly across the street along Columbia Street range from +/-9583 square feet to +/- 12,196 square feet, so the intent of the City's Subdivision Regulations to provide for harmonious development is not disturbed given the compatibility of Petitioner's proposed lots to the immediately adjacent properties.

APPROVAL OF A PRELIMINARY AND FINAL PLAT OF SUBDIVISION

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

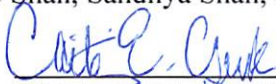
WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to, upon annexation of the Property: (i) zone the Property in the City's R1A Low Density Single-Family Residence District; (ii) approve a preliminary and final plat of subdivision; (iii) approve a subdivision deviation from section 7-4-4 of the Code; and (iv) such other relief from the Naperville Municipal Code as may be deemed necessary and appropriate to develop the Property.

RESPECTFULLY SUBMITTED this 7th day of December, 2021.

PETITIONER:

Pradip Shah, Sandhya Shah, Nimisha Pavone, and Anthony Pavone

By:



ROSANOVA & WHITAKER, LTD.
ATTORNEY FOR PETITIONER

EXHIBIT A
LEGAL DESCRIPTION

THE WEST 116 FEET OF THE NORTH HALF OF LOT 4 AND THE SOUTH HALF OF LOT 4 (EXCEPT THE EAST 158 FEET) IN BLOCK 4 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.

COMMONLY KNOWN AS: 7S345 Columbia St., Naperville, IL 60540

PINS: 08-19-219-004
 08-19-219-003