

# CITY OF NAPERVILLE

TRANSPORTATION, ENGINEERING, AND DEVELOPMENT (TED)
BUSINESS GROUP
400 S. Eagle Street
Naperville, IL 60540
www.naperville.il.us

# PETITION FOR ZONING VARIANCE

## TRANSPORTATION, ENGINEERING, & DEVELOPMENT (TED) BUSINESS GROUP

Use this packet to request a variance from the City of Naperville zoning regulations. Zoning variances are subject to a public hearing before the Planning and Zoning Commission and approval by the Naperville City Council. This Petition for Zoning Variance is available on the City's website at <a href="http://www.naperville.il.us/developmentpetition.aspx">http://www.naperville.il.us/developmentpetition.aspx</a>. Questions may be directed to the City of Naperville TED Business Group at DRT@naperville.il.us.

#### E-Plan Review

"E-plan review" is short-hand for electronic plan review. It is the process of reviewing development submittals in a digital format instead of on paper. All development projects submitted to the City require e-plan review. All plans (e.g., site plan, engineering plans, landscape plans, etc.) and application materials (e.g. parking and traffic studies, application forms, etc.) associated with these projects must be provided to the City of Naperville electronically per the following table:

Required E-Plan Review Submittals	Format*	Page
Zoning Variance Form (Exhibit A)	PDF File	5 - 7
Response to Standards (Exhibit B or Exhibit C)	PDF File	8 - 9
Disclosure of Beneficiaries (Exhibit D)	PDF File	10 - 11
Legal Description**	MS Word File	N/A
Site Plan (e.g., Plat Survey) depicting all existing structures, patios, decks, and proposed structures, additions, signs, and/or fences and the setbacks from lot lines to such improvements ( <i>drawn to scale</i> ).	PDF File	N/A
\$500 application fee	Check payable to the City of Naperville	N/A

<sup>\*</sup>Submittals must comply with the formatting and filename specifications detailed in the Naperville PDF Submittal Requirements and Naperville Required Submittal List.

#### **OVERVIEW OF ZONING VARIANCE PROCESS**

- 1. Prior to submittal of a Petition for Zoning Variance, please email a brief description of your project to the TED Planning Department at <a href="mailto:planning@naperville.il.us">planning@naperville.il.us</a> to determine whether or not a concept meeting is required. A project manager will be assigned to you at this time.
- 2. Following your concept meeting (if required), prepare a complete Petition for Zoning Variance including all items noted in the Required E-plan Review Submittals table above. All submittals shall comply with the formatting and filename specifications detailed in the Naperville <a href="PDF Submittal">PDF Submittal</a> Requirements and Naperville Required Submittal List.
- 3. Contact your Project Manager to obtain access to Naperville's e-Review Submittal Portal. See the Naperville E-Review Submittal Instructions for additional details.

<sup>\*\*</sup>It is the petitioner's sole responsibility to verify that the correct legal description including address and PIN(s) is being submitted. Failure to do so may result in additional resubmittals, additional fees, meeting rescheduling, project delays, etc.



- Electronically submit the complete Petition for Zoning Variance including all items (except for fee)
  noted in the Required E-plan Review Submittals table above. Submittals will not be accepted and/or
  processed until all of the submittal requirements are met.
- Drop off a check in the amount of \$500 to the Development Services Counter on the 1<sup>st</sup> floor of the Municipal Center, 400 S Eagle Street, or mail it to your Project Manager's attention at City of Naperville, 400 S Eagle Street, Naperville IL 60540.
- 6. Once the completed Petition for Development Approval is accepted, it will be forwarded to City departments (e.g. planning, utilities, engineering, etc.) for review and comment.
- 7. At the conclusion of the review cycle, if all fees have been paid, the Project Manager will transmit the City's technical review comments to the Primary Contact identified on the Zoning Variance Form (see page 6). Comments may necessitate revisions to plans prior to scheduling the project for a Planning and Zoning Commission (PZC) and/or City Council meeting.
- 8. Once department review of the Petition is completed, the project will be scheduled for a public hearing before the Planning and Zoning Commission (PZC). The Petitioner will be notified of the hearing date approximately three weeks in advance. City staff will complete newspaper notification requirements; the Petitioner is required to complete mailed notice and posting of a sign on the property (see <u>Public Hearing Information Packet for additional information</u>).
- 9. Following a public hearing and recommendation by the PZC, the case will be scheduled for City Council consideration. The Petitioner will be notified of the City Council date approximately four weeks in advance of the meeting. A summary of the meeting format for the PZC and City Council is provided on the next page of this packet.
- 10. Zoning variances are subject to City Council approval. Permits associated with the variance will only be granted upon City Council approval of the variance request.

### **EFFECTIVE PERIOD OF APPLICATION**

Please note that Applications for Engineering Approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the Applicant after the two-year period has expired.



#### SUMMARY OF PUBLIC MEETING FORMAT

A summary of the meeting format for the Planning and Zoning Commission (PZC) and City Council is provided below. The following is intended to provide a general overview of the format for each meeting; and the role of the Petitioner, City staff, the general public, the PZC, and the City Council. For additional information, please contact your assigned project manager.

## PLANNING AND ZONING COMMISSION (PZC)

The Planning and Zoning Commission meeting begins at 7 p.m. (first and third Wednesday's of each month). Prior to the start of the meeting, City staff will be available to provide assistance and answer any questions or concerns. The following is a summary of the meeting format:

- City Staff Presentation At the start of the public hearing City staff will provide a brief overview of the requested variance.
- Petitioner Testimony Following City staff's presentation, the Petitioner, attorney
  representing the petitioner, and/or consultant(s) will have an opportunity to speak. The extent
  of the Petitioner's presentations varies by case. The Petitioner may provide a presentation,
  outline key points, or state that they are available for questions only.
- Public Testimony The public will have an opportunity to provide comments on the case. The PZC Chairman will ask if any member of the audience is present to speak on the case.
- PZC Questions/Comments Following public testimony (if any), the PZC members will discuss the variance request and may address questions to City staff and/or the Petitioner.
- PZC Recommendation The PZC will provide a recommendation at the conclusion of their discussion. The recommendation will be forwarded to City Council for final determination. City staff will confirm a City Council meeting date with the Petitioner following the PZC meeting.

#### CITY COUNCIL

The City Council meeting begins at 7 p.m. (first and third Tuesday of each month). The Petitioner should arrive prior to 7 p.m. to register with the City Clerk's Office in order to 1) speak on the case; or 2) respond to questions only (i.e., no presentation).

The Petitioner or attorneys representing petitioner(s) may speak on an agenda item first and will be allotted up to 10 minutes. Other speakers who have signed up for the agenda item will be allotted up to three minutes to speak.

For additional information about the Naperville City Council, visit the City's website at <a href="https://www.naperville.il.us/government/meet-your-city-council">www.naperville.il.us/government/meet-your-city-council</a>.

# **ZONING VARIANCE FORM**



ADDRESS OF SUBJECT PROPERTY: 2132 CITY GATE LN					
PARCEL IDENTIFICATION NUMBER (PIN): 07-03-103-025					
I. PETITIONER: MQMF CityGate Owner LLC, a Delaware limited liability company					
PETITIONER'S ADDRESS: c/o Joe Segobiano, 1110 Jorie Boulevard, Ste. 300					
CITY: Oak Brook STATE: Illinois ZIP CODE: 60523					
PHONE: (630) 572-6661EMAIL ADDRESS:jsegobiano@lpsi.com					
II. OWNER(S): MQMF CityGate Owner LLC					
OWNER'S ADDRESS:1110 Jorie Blvd, Ste. 300					
CITY: Oak Brook STATE: IL ZIP CODE: 60523					
PHONE: (630) 572-6661 EMAIL ADDRESS: jsegobiano@lpsi.com					
III. PRIMARY CONTACT (review comments sent to this contact): Eric Prechtel					
RELATIONSHIP TO PETITIONER: Attorney for Petitioner					
PHONE: 630-355-4600 x 106 EMAIL ADDRESS: eric@rw-attorneys.com					
IV. OTHER STAFF					
NAME:					
RELATIONSHIP TO PETITIONER:					
PHONE:EMAIL ADDRESS:					
NAME:					
RELATIONSHIP TO PETITIONER:					
PHONE:EMAIL ADDRESS:					

# **ZONING VARIANCE FORM**



v. SUBJECT PROPERTY INFORMATION
ZONING OF PROPERTY: OCI PUD
AREA OF PROPERTY (Acres or sq ft):+/- 5 Acres
DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code attached additional pages if needed):
SEE PETITION Section 6-16-4:2 SIGNS ON RESIDENTIAL PROPERTY
vi. PETITIONER'S SIGNATURE
I,Eric M. Prechtel, attorney for Petitioner(Petitioner's Printed Name and Title), being duly
sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.
(Signature of Petitioner or authorized agent)  7 7 7072 (Date)
SUBSCRIBED AND SWORN TO before me this 20 day of July , 2022
(Notary Public and Seal)  TAMMY R DAY OFFICIAL SEAL Notary Public, State of Illineis My Commission Expires October 01, 2024

# **ZONING VARIANCE FORM**



# **VII. OWNER'S AUTHORIZATION LETTER**

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).

Signature of 1st Owner or authorized agent)	(Signature of 2 <sup>nd</sup> Owner or authorized agent)
7/13/2022 (Date)	(Olgitatule 012 Owner 01 autilionized agent)  7   13   222   (Date)
Joe Seชอธ์เชาวo ✓ชื่ 1st Owner's Printed Name and Title	Konsond S. Withous 14, SUP 2nd Owner's Printed Name and Title
SUBSCRIBED AND SWORN TO before me	this 13 day of July , 20 00
(NOTAR	OFFICIAL SEAL YESENIA MARTINEZ Y PUBLIC, STATE OF ILLINOIS MISSION EXPIRES: 1/28/2026

# PETITION FOR ZONING VARIANCE



## REQUIRED VARIANCE STANDARDS

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

## EXHIBIT 1: Section 6-3-6:2: Standards for Granting a Zoning Variance and/or Sign Variance

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

Explanation: The Zoning Code seeks to improve and protect the public health, safety, comfort, convenience, and general welfare of the people by establishing a uniform set of rules applicable to each zoning district. A variance is a request to deviate from the standard rules. In this response, you should provide an explanation as to how the overall intent of the zoning code (see <u>Purpose and Intent</u> of the Zoning Code) and the comprehensive master plan (see <u>City's website</u>) will still be maintained if the specific variance you are requesting is granted.

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

Explanation: Explain how your property is different from others that are zoned and used in a similar manner (i.e., other residential lots) and how these differences make it difficult to comply with the standard code requirements. For example, the location of a mature tree on your property may make it difficult to build an addition onto your home in a location that complies with required setbacks. As a result, you may be seeking a variance to locate a portion of the addition within the required setback in order to preserve the tree. In this case, the tree presents a special condition and unusual hardship for your property that makes compliance with the code difficult. Per the code, hardships should not be self-imposed (i.e., "I would simply like a bigger addition than permitted") and should not be financially based (i.e., "It will be too costly to build in compliance with the Code").

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

Explanation: Provide details as to how the requested variance, if granted, will not significantly impact the surrounding properties and neighborhood. Questions to ask yourself when preparing this response may include: Will the variance result in an improvement that is out of character or inconsistent with surrounding properties? Will abutting properties be impacted by the variance I am requesting? If so, what considerations/alterations/conditions have been made to protect the adjacent properties from the proposed improvement? Are other properties in the immediate area improved in a similar manner?

# PETITION FOR ZONING VARIANCE



## REQUIRED PUD DEVIATION STANDARDS

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

# EXHIBIT 2: Section 6-4-3:12.1: Standards for Approving a PUD Deviation

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and

Explanation: The purpose of a Planned Unit Development (PUD) is to provide an alternate under which land can be developed with innovation, imagination, and creative architectural design. The objective of a PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise standards zoning regulations. With all PUD's, the underlying zoning district still remains in place and many of the associated zoning regulations continue to apply to the development and redevelopment of land and properties within the PUD. In this response, you should provide details as to why and/or how the deviation will still maintain the overall intention of the underlying zoning district.

2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and

Explanation: Explain how the request to vary from the approved PUD, if approved, will not significantly impact the delivery of public services. Your response should demonstrate that the deviation will not interfere with the City's ability to provide services; such as traffic control and management, water and sanitary services, maintenance of public space and facilities, etc.

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.

Explanation: Explain how the deviation from the PUD requirements will still maintain the integrity of the planned development's superior design, amenities, or environmental benefits; or further the City's character by the inclusion of attainable housing (if applicable to the requested deviation). Questions to ask yourself when preparing this response may include: will the deviation result in an improvement that is out of character or inconsistent with the remainder of the development? If so, what considerations/alterations/ conditions have been made to protect the PUD from the proposed improvement? Are there similar improvements within the immediate area improved in a similar manner?

# CITY OF NAPERVILLE DISCLOSURE OF BENEFICIARIES

In compliance with Title 1 (Administrative), Chapter 12 (Disclosure of Beneficiaries) of the Naperville Municipal Code ("Code"), as amended, the following disclosures are required when any person or entity applies for permits, licenses, approvals, or benefits from the City of Naperville unless they are exempt under 1-12-5:2 of the Code. Failure to provide full and complete disclosure will render any permits, licenses, approvals or benefits voidable by the City.

1.	Petitioner: MQMF CityGate Owner LLC, a Delaware limited liability company				
Address: 1110 Jorie Blvd., Oak Brook, IL 60523					
2.	Nature of Be	nefit sought: Sign Var	iance		
3.	Nature of Pe	titioner (select one):			
	a.	Individual	e.	Partnership	
	b.	Corporation	f.	Joint Venture	
	C.	Land Trust/Trustee	g.	Limited Liability Corporation (LLC)	
	d.	Trust/Trustee	h.	Sole Proprietorship	
4.	If Petitioner is of Petitioner:		scribed i	in Section 3, briefly state the nature and characteristics	

- 5. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 11 (or on a separate sheet):
  - Limited Liability Corporation (LLC): The name and address of all members and managing members, as applicable. If the LLC was formed in a State other than Illinois, confirm that it is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
  - Corporation: The name and address of all corporate officers; the name and address of
    every person who owns five percent (5%) or more of any class of stock in the corporation;
    the State of incorporation; the address of the corporation's principal place of business. If
    the State of incorporation is other than Illinois, confirm that the corporation is registered
    with the Illinois Secretary of State's Office to transact business in the State of Illinois.
  - Trust or Land Trust: The name, address and interest of all persons, firms, corporations
    or other entities who are the beneficiaries of such trust.
  - Partnerships: The type of partnership; the name and address of all general and limited
    partners, identifying those persons who are limited partners and those who are general
    partners; the address of the partnership's principal office; and, in the case of a limited
    partnership, the county where the certificate of limited partnership is filed and the filing
    number.
  - **Joint Ventures**: The name and address of every member of the joint venture and the nature of the legal vehicle used to create the joint venture.
  - Sole Proprietorship: The name and address of the sole proprietor and any assumed name.
  - Other Entities: The name and address of every person having a proprietary interest, an
    interest in profits and losses or the right to control any entity or venture not listed above.

	Lincoln Property Company (99%), a Texas Corporation				
	Calamos Property Holdings LLC (1%), a Delaware limited liability company				
6.	Name, address and capacity of person making this disclosure on behalf of the Petitioner:				
Joe Segobiano, 1110 Jorie Boulevard, Suite 300, Oak Brook, IL 60523					
	Vice President, Lincoln Property Company				
I,	iCATION  oe see to biano  (print name), being first duly sworn under oath, depose and state  am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make sclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the				
statem	nents contained therein are true in both substance and fact.				
Signat	ure: Dolos				
Subsc	ribed and Sworn to before me this 13 day of 14 ly, 20 02.				
46	eme Mason				
Ngtary	OFFICIAL SEAL YESENIA MARTINEZ NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES: 1/28/2026				