

**CITY OF NAPERVILLE
PETITION FOR DEVELOPMENT APPROVAL**

DEVELOPMENT NAME (should be consistent with plat): Martinez Property

ADDRESS OF SUBJECT PROPERTY: 9 So. 065, 080-81 Route 59

PARCEL IDENTIFICATION NUMBER (P.I.N.) _____

1. PETITIONER: Christina Martinez

PETITIONER'S ADDRESS: 585 South Route 59

CITY: Naperville STATE: IL ZIP CODE: 60504

PHONE: 630-417-9162 EMAIL ADDRESS: hmartinez@bbcgnow.com

II. OWNER(S): Same as Above

OWNER'S ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE: _____ EMAIL ADDRESS: _____

III. PRIMARY CONTACT (review comments sent to this contact): Kevin M. Carrara

RELATIONSHIP TO PETITIONER: Attorney

PHONE: 630-668-8500 EMAIL ADDRESS: kcarrara@rathjewoodward.com

IV. OTHER STAFF

NAME: Herb Martinez

RELATIONSHIP TO PETITIONER: Husband

PHONE: 630-417-9162 EMAIL ADDRESS: hmartinez@bbcgnow.com

NAME: James Caneff

RELATIONSHIP TO PETITIONER: Engineer

PHONE: 630-355-3232 EMAIL ADDRESS: jcaneff@raoke.com

V. PROPOSED DEVELOPMENT

(check applicable and provide responses to corresponding exhibits on separate sheet)

- | | |
|--|---|
| <input type="checkbox"/> Amending or Granting a Conditional Use (Exhibit 1)* | <input type="checkbox"/> Landscape Variance (Exhibit 5) |
| <input type="checkbox"/> Amending or Granting a Planned Unit Development (Exhibit 2) | <input type="checkbox"/> Planned Unit Development Deviation (Exhibit 6) |
| <input checked="" type="checkbox"/> Annexation (Exhibit 3) | <input type="checkbox"/> Sign Variance (Exhibit 7) |
| <input checked="" type="checkbox"/> Plat of Easement/Vacation/Dedication | <input checked="" type="checkbox"/> Zoning Variance (Exhibit 8) |
| <input checked="" type="checkbox"/> Rezoning (Exhibit 4) | <input type="checkbox"/> Platted Setback Deviation (Exhibit 9) |
| <input checked="" type="checkbox"/> Subdivision Plat | <input type="checkbox"/> Subdivision Deviation/Waiver (Exhibit 9) |
| <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Other (Please Specify: _____) |

**When requesting approval of a Small Wind and/or a Solar Renewable Energy System complete Exhibit 10 instead of Exhibit 1.*

ACREAGE OF PROPERTY: _____

DESCRIPTION OF PROPOSAL/USE (use a separate sheet if necessary)

Upon annexation the Petitioner will demolish the three existing residential properties and construct the mixed use commercial use multi-tenant building depicted within the submitted materials.

VI. REQUIRED SCHOOL AND PARK DONATIONS (RESIDENTIAL DEVELOPMENT ONLY)

(per Section 7-3-5: Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of)

Required School Donation will be met by:


- ☐ Cash Donation ☐ Land Dedication

Required Park Donation will be met by:

- ☐ Cash Donation ☐ Land Dedication

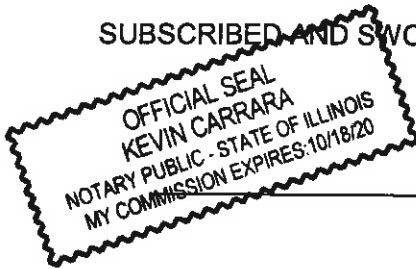
PETITIONER'S SIGNATURE

I, Christina Martinez (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)

8-21-17
(Date)


SUBSCRIBED AND SWORN TO before me this 21st day of August, 2017




(Notary Public and Seal)

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 2nd Owner or authorized agent)

8-21-17
(Date)

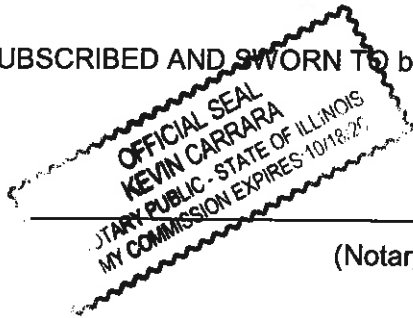
(Date)

Christina Martinez

1st Owner's Printed Name and Title

2nd Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 21st day of August, 2017




(Notary Public and Seal)

* Please include additional pages if there are more than two owners.

**CITY OF NAPERVILLE
DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Petitioner: Christina Martinez
Address: 585 South Route 59
Naperville, IL 60504
2. Nature of Benefit sought: Annexation and Rezoning
3. Nature of Petitioner (select one):
 - a. Natural Person
 - b. Corporation
 - c. Land Trust/Trustee
 - d. Trust/Trustee
 - e. Partnership
 - f. Joint Venture
4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, in the case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

VERIFICATION

I, Christina Martinez, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: 

Subscribed and Sworn to before me this 21st day of August, 20 17

Notary Public and seal

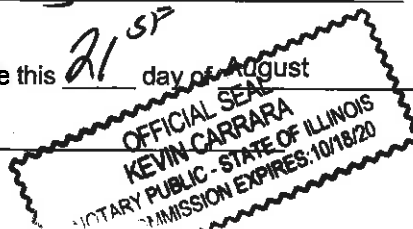


EXHIBIT 4: Section 6-3-7:1:

Standards for Granting a Map Amendment (Rezoning)

1. 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:

The annexation and rezoning of the Martinez Property will allow for discontinuance of the well and septic systems on the properties and connection to the City's water and sewer system. The anticipated future redevelopment of the Martinez Property will allow for the continued orderly development of diverse commercial mixed use along Route 59 which is in compliance with the spirit of the City's Southwest Community Area Plan.

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

Approval of the rezoning to allow for the Martinez redevelopment will follow similarly situated mixed use commercial developments abutting the Route 59 corridor both north and south of the Martinez Property and will continue to allow for the transitioning away from old outdated single family residences abutting Route 59.

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

While the current use is single family residence in unincorporated DuPage County those uses date back to a time when Route 59 was a two lane road surrounded by farm fields. The current trend of development along Route 59 is mixed use commercial developments which are more appropriate taking into consideration the characteristics of Route 59 traffic counts and surrounding uses.

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

The Martinez Property is currently located within an unincorporated area not serviced by any water or sewer providers so development of the property to its highest and best use has been extremely limited by the lack of infrastructure.

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

As discussed above, the character of properties directly abutting Route 59 has drastically changed over the years from a two lane rural single family environment to an intense 6 lane commercial shopping center district. The uses allowed along Route 59 will continue to serve as a transitional buffer to any remaining single family residence to the east of Route 59.

EXHIBIT 8: Section 6-3-6:2:

Standards for Granting a Zoning Variance

Variance from 6-9-6 Supplemental Standards for Drive-Through Stacking Lanes

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

The variance to allow a drive-through facility within forty feet of a residential area and eliminate a by-pass lane is in harmony with the intent and anticipated uses in the City's Southwest Community Area Plan for properties directly abutting Route 59. The trend of development along the Route 59 anticipates mixed use commercial developments along the intense principal arterial roadway and eventual phasing out of older single family residences. Further, the distance from a drive-through facility to the closest single family residence is approximately 40 feet with the property line fully landscaped.

2. 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:

Absent the variance Martinez Property could not be developed in harmony with the current and anticipated future mixed use commercial properties abutting Route 59 as the property directly abuts unincorporated residentially zoned property.

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

The character of properties directly abutting Route 59 has drastically changed over the years from a two lane rural single family environment to an intense 6 lane commercial shopping center district. The uses allowed along Route 59 will continue to serve as a transitional buffer to any remaining single family residence to the east of Route 59.

EXHIBIT 7: Section 6-3-6:2:

Standards for Granting a Zoning Variance

Variance from 6-9-6:2.3.1 Supplemental Standards for Drive-Through Stacking Lanes:

Stacking Lane Design

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

The variance to allow a drive-through stacking lane which may block access to restricted diagonal employee parking spaces along the rear of the building is in harmony with the intent of the City's Southwest Community Area Plan for properties directly abutting Route 59 because such a variation will allow for those uses anticipated in the Area Plan.

2. 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:

Because of the unique depth and configuration of the Martinez property which is different from the surrounding commercial shopping center uses the requirement of a drive-through stacking lane completely separated from restricted employee diagonal parking spaces along the rear of the building is impossible. The variation and current design of the stacking lane will not impede or block any public parking spaces thereby maintaining circulation, ingress or egress to the property.

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

The character of properties directly abutting Route 59 has drastically changed over the years from a two lane rural single family environment to an intense 6 lane commercial shopping center district. The variation allowing for the drive-through stacking lane to be co-located adjacent to the restricted employee diagonal parking along the rear of the building will not be a substantial detriment to adjacent properties as traffic circulation will be maintained without any impact upon adjacent properties.

EXHIBIT 7: Section 6-3-6:2:

Standards for Granting a Zoning Variance

Variance from 6-9-5:4 Schedule of Off-Street Loading Requirements:

Loading Class No.4—Retail and Wholesale Trade

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

The variance to eliminate one loading berth while maintaining adequate circulation through and around the property by having restricted employee diagonal parking along the rear of the building is in harmony with the intent and anticipated uses in the City's Southwest Community Area Plan for properties directly abutting Route 59 because such uses may not always require a loading berth.

2. 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:

The main use of the property will be the Petitioner's retail showroom which will not entail deliveries so the loading berth requirement is not necessary. Additionally, because of the unique depth and configuration of the Martinez property which is different from the surrounding commercial shopping center uses a separate loading berth is not practical. Further, should the future tenant for the remaining minimal space need deliveries the rear of the building will have restricted employee diagonal parking which can be utilized for deliveries without impeding circulation or blocking traffic patterns.

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

The character of properties directly abutting Route 59 has drastically changed over the years from a two lane rural single family environment to an intense 6 lane commercial shopping center district. The reduction of the one loading berth together with the restricted employee diagonal parking will not be a substantial detriment to adjacent properties as circulation, ingress or egress to the property will be maintained without any impact upon adjacent properties.