

# DEVELOPMENT PETITION FORM

DEVELOPMENT NAME (should be consistent with plat): Charleston Row III

ADDRESS OF SUBJECT PROPERTY: 445 Aurora Avenue, Naperville, Illinois

PARCEL IDENTIFICATION NUMBER (P.I.N.) 07-24-200-007

**I. PETITIONER:** Charleston Investments, LLC, an Illinois limited liability company

PETITIONER'S ADDRESS: 993 E. Ogden Avenue

CITY: Naperville STATE: IL ZIP CODE: 60563

PHONE: 630-414-1480 EMAIL ADDRESS: erikvansomeren@gmail.com

**II. OWNER(S):** Thomas J. Eganhouse, as Trustee of the Thomas J. Eganhouse Trust dated September 24, 1999 as to an undivided 50% interest and Betty A. Eganhouse, as Trustee of the Betty A. Eganhouse Trust dated October 14, 1999, as to an undivided 50% interest.

OWNER'S ADDRESS: 525 Shady Wood Way

CITY: Madison STATE: WI ZIP CODE: 53714

PHONE: \_\_\_\_\_ EMAIL ADDRESS: seganhouse@gmail.com

**III. PRIMARY CONTACT** (review comments sent to this contact): Vincent M. Rosanova, Rosanova & Whitaker, Ltd.

RELATIONSHIP TO PETITIONER: Attorney

PHONE: 630-355-4600 EMAIL ADDRESS: vince@rw-attorneys.com

## IV. OTHER STAFF

NAME: Jim Caneff - Civil Environmental Consultants

RELATIONSHIP TO PETITIONER: Civil Engineer

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

NAME: Derrick Architecture - Chris Derrick

RELATIONSHIP TO PETITIONER: Architect

PHONE: 847-606-6460 EMAIL ADDRESS: CED@derrickarchitecture.com

### OTHER STAFF:

Name: Greg Sagen, Signature Design Group, Landscape Architect

Phone: 630-305-3980

Email: greg@sgntrgroup.com

**V. PROPOSED DEVELOPMENT**

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

<p><b>PZC&amp;CC Processes</b></p>	<p><input type="checkbox"/> Annexation (Exhibit 3)  <input type="checkbox"/> Rezoning (Exhibit 4)  <input checked="" type="checkbox"/> Conditional Use (Exhibit 1)  <input type="checkbox"/> Major Change to Conditional Use (Exhibit 1)  <input type="checkbox"/> Planned Unit Development (PUD) (Exhibit 2)  <input type="checkbox"/> Major Change to PUD (Exhibit 2)  <input type="checkbox"/> Preliminary PUD Plat (Exhibit 2)  <input type="checkbox"/> Preliminary/Final PUD Plat  <input type="checkbox"/> PUD Deviation (Exhibit 6)  <input checked="" type="checkbox"/> Zoning Variance (Exhibit 7)  <input type="checkbox"/> Sign Variance (Exhibit 7)  <input type="checkbox"/> Subdivision Variance to Section 7-4-4</p>
<p><b>CC Only Process</b></p>	<p><input type="checkbox"/> Minor Change to Conditional Use (Exhibit 1)  <input type="checkbox"/> Minor Change to PUD (Exhibit 2)  <input type="checkbox"/> Deviation to Platted Setback (Exhibit 8)  <input type="checkbox"/> Amendment to an Existing Annexation Agreement  <input type="checkbox"/> Preliminary Subdivision Plat (creating new buildable lots)  <input type="checkbox"/> Final Subdivision Plat (creating new buildable lots)  <input type="checkbox"/> Preliminary/Final Subdivision Plat (creating new buildable lots)  <input type="checkbox"/> Final PUD Plat (Exhibit 2)  <input type="checkbox"/> Subdivision Deviation (Exhibit 8)  <input type="checkbox"/> Plat of Right-of-Way Vacation</p>
<p><b>Administrative Review</b> <b>Administrative Review</b></p>	<p><input checked="" type="checkbox"/> Administrative Subdivision Plat (no new buildable lots are being created)  <input type="checkbox"/> Administrative Adjustment to Conditional Use  <input type="checkbox"/> Administrative Adjustment to PUD  <input type="checkbox"/> Plat of Easement Dedication/Vacation  <input type="checkbox"/> Landscape Variance (Exhibit 5)</p>
<p><b>Other</b></p>	<p><input type="checkbox"/> Please specify:</p>

ACREAGE OF PROPERTY:  +/- 0.50 acres

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

Petitioner is seeking a conditional use to permit townhomes in the OCI District and certain variances and deviations from the City of Naperville Municipal Code as further described and detailed in the land use petition for development relief attached hereto.

**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:**

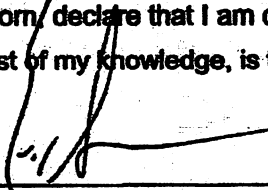
- Cash Donation (paid prior to plat recordation)
- Cash Donation (paid per permit basis prior to issuance of each building permit)
- Land Dedication

**Required Park Donation will be met by:**

- Cash Donation (paid prior to plat recordation)
- Cash Donation (paid per permit basis prior to issuance of each building permit)
- Land Dedication

**VII. PETITIONER'S SIGNATURE**

I, Erik Van Someren, Manager (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.



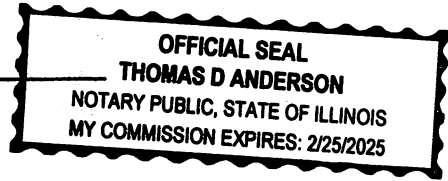
\_\_\_\_\_  
(Signature of Petitioner or authorized agent)

4/4/2022

\_\_\_\_\_  
(Date)

SUBSCRIBED AND SWORN TO before me this 4 day of APRIL, 2022

Thomas D Anderson  
(Notary Public and Seal)



**CITY OF NAPERVILLE**  
**PETITIONER/APPLICANT - 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: Charleston Investments, LLC, an Illinois limited liability company  
Address: 933 E. Ogden Avenue, Naperville, IL 60563  

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2. Nature of Benefit sought: Special Use and Associated deviations/variations a necessary to permit a townhome development
3. Nature of Petitioner (select one):
  - a. Individual
  - b. Corporation
  - c. Land Trust/Trustee
  - d. Trust/Trustee
  - e. Partnership
  - f. Joint Venture
  - g. Limited Liability Corporation (LLC)
  - h. Sole Proprietorship
  
4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:  

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5. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 9 (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.

Adam Van Someren, 407 E. Gartner Road, Naperville IL 60540

Erik Van Someren, 720 Wellner Road, Naperville IL 60540

6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:


Erik Van Someren, 933 E. Ogden Ave., Naperville, IL, Manager

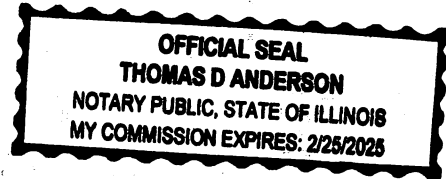
VERIFICATION

I, Erik Van Someren (print name), 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 4 day of APRIL, 20 22.

  
Notary Public and seal



**VIII. OWNER'S AUTHORIZATION LETTER<sup>1</sup>**

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).



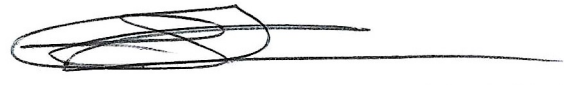
(Signature of 1<sup>st</sup> Owner or authorized agent)

\_\_\_\_\_  
(Signature of 2<sup>nd</sup> Owner or authorized agent)

3-18-22

(Date)


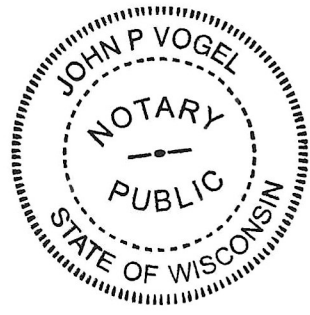
\_\_\_\_\_  
(Date)



1<sup>st</sup> Owner's Printed Name and Title

\_\_\_\_\_  
2<sup>nd</sup> Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 18 day of March, 2022

  
(Notary Public and Seal)

<sup>1</sup> Please include additional pages if there are more than two owners.

**CITY OF NAPERVILLE**  
**PROPERTY OWNER - DISCLOSURE OF BENEFICIARIES**

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1. Owner: Thomas J. Eganhouse, as Trustee of the Thomas J. Eganhouse Trust dated September 24, 1999 as to an undivided 50% interest and Betty A. Eganhouse, as Trustee of the Betty A. Eganhouse Trust dated October 14, 1999, as to an undivided 50% interest.

Address: 1999, as to an undivided 50% interest.  
525 Shady Wood Way, Madison, WI 53714

2. Nature of Benefit sought: \_\_\_\_\_

3. Nature of Owner (select one):

- |   |  |
|---|--|
| a. Individual                                     | e. Partnership                         |
| b. Corporation                                    | f. Joint Venture                       |
| c. Land Trust/Trustee                             | g. Limited Liability Corporation (LLC) |
| <input checked="" type="radio"/> d. Trust/Trustee | h. Sole Proprietorship                 |

4. If Owner is an entity other than described in Section 3, briefly state the nature and characteristics of Owner:

\_\_\_\_\_

5. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 9 (or on a separate sheet):

- a. **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.
- b. **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.
- c. **Trust or Land Trust:** The name, address and interest of all persons, firms, corporations or other entities who are the beneficiaries of such trust.
- d. **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.
- e. **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.
- f. **Sole Proprietorship:** The name and address of the sole proprietor and any assumed name.
- g. **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.

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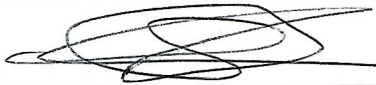
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6. Name, address and capacity of person making this disclosure on behalf of the Owner:

\_\_\_\_\_  
\_\_\_\_\_

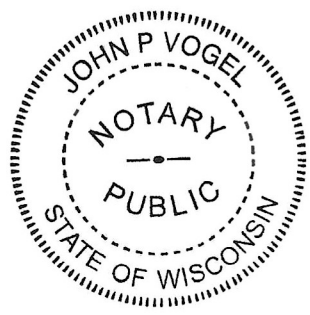
VERIFICATION

I, Scott Emhouse (print name), being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Owner, 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 18<sup>th</sup> day of March, 2022.

  
Notary Public and seal





## REQUIRED FEES

*The City of Naperville will not release review comments for your submittal until all fees are paid.  
If applicable, refer to the Concept Meeting Checklist for a summary of the required fee submittals or contact a project manager.*

FEE	AMOUNT
<b>Base Process Fee*</b>	
A) PZC-CC (annexation)	\$4,000.00
B) PZC-CC (non-annexation)	\$3,000.00
C) CC only	\$2,000.00
D) Administrative	\$500.00
*Resubmittal fee of 25% of the Base Fee Applies to the 4 <sup>th</sup> resubmittal and each subsequent submittal thereafter.	
<b>Engineering Review Fee</b>	
A) Preliminary Engineering	\$25.00 per page
B) Final Engineering	\$150.00 per page
<b>Agreements</b> (e.g., annexation, owner's acknowledgement, encroachment, easements, declarations, surety, at-risk)	
A) Basic	\$250.00 per agreement
B) Standard	\$500.00 per agreement
C) Complex	\$1,000.00 per agreement
<b>Technical Study and Report Review Fee</b>	\$400 (includes all resubmittals)
<b>Field Change</b>	\$300 (includes all resubmittals)
<b>Record Drawings</b>	\$300 (includes all resubmittals)
<b>Temporary Use Requiring Only Council Approval</b>	\$500.00
<b>Variance Only</b>	\$500.00
<b>Publication of Legal Notice</b>	Direct Invoice of Cost

## REQUIRED RESPONSE TO STANDARDS EXHIBITS

Provide responses to corresponding exhibits on separate sheet (see Page 5 *Proposed Development* for required exhibit submittals). Except as otherwise described, responses to the applicable exhibits are required per the Naperville Municipal Code.

The Naperville Municipal Code requires a petitioner who is seeking approval of various entitlements to respond to a set of standards that demonstrate both the need and appropriateness of the request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration as required, along with a report prepared by staff, when reviewing your request. It is important to provide thorough responses to each of the standards listed below.

*To assist in better understanding the intent of each standard, see Exhibit 7 for helpful information to consider when preparing your responses.*

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### EXHIBIT 1: Section 6-3-8:2: Standards for Granting or Amending a Conditional Use

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare;
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district; and
4. The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

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### EXHIBIT 2: Section 6-4-7:1: Standards for Granting or Amending a Planned Unit Development

1. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.
2. The planned unit development meets the requirements and standards of the planned unit development regulations.
3. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.
4. Open space, outdoor common area, and recreational facilities are provided.
5. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.
6. The planned unit development is compatible with the adjacent properties and nearby land uses.
7. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.

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**EXHIBIT 3:** Section 7-1-8 of the Illinois Municipal Code (65 ILCS 5/7-1-8)

1. This Petition for Development Approval shall include a petition for annexation signed by all property owner(s) of record for all land included with the annexation request.
2. Are there residents (i.e., property owners or tenants) on the subject property?
  - a. Yes, there are residents (i.e., property owners or tenants) on the subject property.
    - Complete the written petition signed by all property owner(s) of record as described above.
    - The written petition shall also include signatures from at least 51% of the electors (i.e., persons registered to vote) residing on the subject property.
  - b. No, there are no residents (i.e., property owners or tenants) on the subject property.
    - Complete the written petition signed by the property owner(s) of record as described above.
    - The petition shall state that no electors (i.e., persons registered to vote) reside on the subject property.

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**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; and
2. The trend of development in the area of the subject property is consistent with the requested amendment; and
3. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and
4. The subject property has not been utilized under the existing zoning classification for a substantial period of time; and
5. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

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**EXHIBIT 5:** Section 5-10-7: Standards for Granting a Landscape Variance

1. Strict enforcement of this chapter would result in practical difficulties or impose exceptional hardships; and
2. The principal reason for the variance is other than an increased income or revenue from the property; and
3. The variance, if granted, will not alter the essential character of the neighborhood, will not be a substantial detriment to adjacent property, and will not increase congestion or traffic hazards in the public streets, or otherwise impair the public health, safety, comfort, and general welfare.

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**EXHIBIT 6: 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
2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and
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.

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**EXHIBIT 7: Section 6-3-6:2: Standards for Granting a Zoning 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 Purpose and Intent of the Zoning Code) and the comprehensive master plan (see City's website) will still be maintained if the specific variance you are requesting is granted.

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; 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?

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**EXHIBIT 8: Section 7-1-8-.2.3: Standards for Granting a Subdivision Deviation**

1. 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
2. The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title.

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**EXHIBIT 9: Section 6-15-6:3: Standards for Granting a Conditional Use for Renewable Energy Systems**

1. The City Council shall determine that the Petition has met all of the general requirements of this Chapter, except those for which a variance has been specifically granted or sought; and
  2. The proposed energy system shall further the intent of this Chapter and provide renewable energy to the property on which it is proposed; and
  3. The proposed renewable energy system is located in such a manner as to minimize intrusions on adjacent residential uses through siting on the lot, selection of appropriate equipment, and other applicable means; and
  4. The proposed renewable energy system complies with the service rules and policies of City of Naperville's Department of Public Utilities - Electric as may be amended from time to time; and
  5. The establishment of the proposed renewable energy system will not prevent the normal and orderly use, development or improvement of the adjacent property for uses permitted in the district.
-

## **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 Planning and Zoning Commission, and the City Council. For additional information, please contact a project manager at (630) 420-6100 x9.

### **PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission meeting begins at 7 p.m. 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 Petitioners' 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 Planning and Zoning Commission 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. 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 [www.naperville.il.us/council.aspx](http://www.naperville.il.us/council.aspx).