

CITY OF NAPERVILLE PETITION FOR DEVELOPMENT APPROVAL

DEVELOPMENT NAME (should be consistent with plat): Court Place Townhomes

ADDRESS OF SUBJECT PROPERTY: 17 Court Place, Naperville, Illinois 60540

PARCEL IDENTIFICATION NUMBER (P.I.N.) 08-18-313-006

I. PETITIONER: B3 Properties LLC, Series One, an Illinois limited liability company

PETITIONER'S ADDRESS: 543 S. Washington

CITY: Naperville STATE: IL ZIP CODE: 60540

PHONE: 331-457-5451 EMAIL ADDRESS: bbbuilders@sbcglobal.net

II. OWNER(S): B3 Properties LLC, Series One, an Illinois limited liability company

OWNER'S ADDRESS: 543 S. Washington

CITY: Naperville STATE: IL ZIP CODE: 60540

PHONE: 331-457-5451 EMAIL ADDRESS: bbbuilders@sbcglobal.net

III. PRIMARY CONTACT (review comments sent to this contact): Vince Rosanova

RELATIONSHIP TO PETITIONER: Attorney

PHONE: 630-355-4460 EMAIL ADDRESS: vince@rw-attorneys.com

IV. OTHER STAFF

NAME: Jim Caneff, Roake & Associates, Inc.

RELATIONSHIP TO PETITIONER: Civil Engineer

PHONE: 630-355-4490 ext. 203 EMAIL ADDRESS: jcaneff@roake.com NAME:

RELATIONSHIP TO PETITIONER: Tory Hannan, Torch Architecture - Architect

PHONE: 630-420-1900 EMAIL ADDRESS: tory@torcharchitecture.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 type="checkbox"/> Annexation (Exhibit 3) | <input type="checkbox"/> Sign Variance (Exhibit 7) |
| <input type="checkbox"/> Plat of Easement/Vacation/Dedication | <input checked="" type="checkbox"/> Zoning Variance (Exhibit 8) |
| <input 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: Approximately 11,400 square feet or .26 acres

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

Development of the Subject Property as three townhomes.

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:

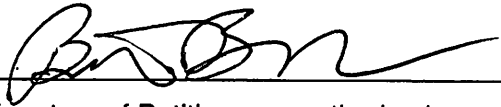
- Cash Donation
- Land Dedication

Required Park Donation will be met by:

- Cash Donation
- Land Dedication

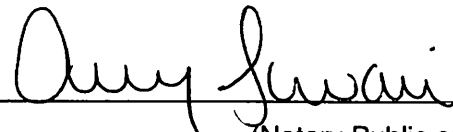
PETITIONER'S SIGNATURE

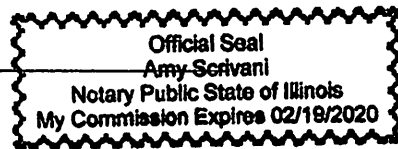
I, Bill Beckwith - Member of B3 Properties LLC (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.


(Signature of Petitioner or authorized agent)

2-14-17
(Date)


SUBSCRIBED AND SWORN TO before me this 14 day of February, 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)

2-14-17
(Date)

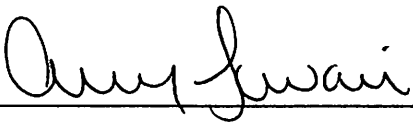
(Signature of 2nd Owner or authorized agent)

(Date)

Bill Beckwith - Member of B3 Properties LLC
1st Owner's Printed Name and Title

2nd Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 14 day of February, 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: B3 Properties LLC, Series One, an Illinois limited liability company
Address: 543 S. Washington
Naperville, Illinois 60540

2. Nature of Benefit sought: Subdivision and Variance

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:
Limited liability company

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. Bill Beckwith
 - b. _____
 - c. _____
 - d. _____

6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:
Bill Beckwith - Member of B3 Properties LLC
543 S. Washington, Naperville, Illinois 60540

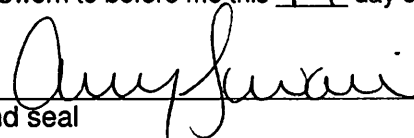
IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

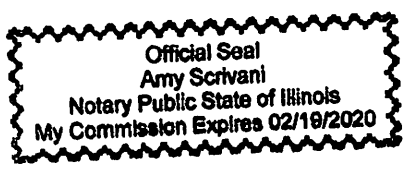
VERIFICATION

I, Bill Beckwith, 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 14 day of February, 2017.


Notary Public and seal



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

**REVISED PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN
COMMISSION FOR ENTITLEMENTS RELATING TO 17 COURT PLACE,
NAPERVILLE, ILLINOIS**

THE UNDERSIGNED Petitioner, B3 Properties, LLC, Series One, an Illinois limited liability company (hereinafter “the Petitioner”) respectfully petitions the City of Naperville to: 1) consolidate three (3) parcels of land consisting of approximately 11,400 square feet into one (1) legal lot of record; 2) approve a variance to Section 6-7I-5 of the City’s TU Transitional Use District to permit a three (3) unit townhome building to be located on 11,400 square feet in lieu of 12,000 square feet; 3) approve a parking lot setback variance from the Municipal Code to permit a private driveway to be located four (4) feet off the property line instead of five (5) feet; 4) approve a variance from Section 6-2-10:2 to permit a patio to be located in the required front yard setback; and 5) approval of such other variances, departures or deviations as may be necessary to utilize the property legally described in **Exhibit A** (hereinafter the “Subject Property”), as depicted on the plans and documents submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

In support of this Petition, the Petitioner represents to the City of Naperville as follows:

1. The Petitioner is the Owner of the Subject Property located at 17 Court Place, Naperville, Illinois 60540.
2. The Subject Property is comprised of three (3) lots consisting of a total of approximately 11,400 square feet.
3. The Subject Property is occupied by a two-story residentially styled structure which

has been used for both residential and professional office uses in the past.

4. The existing zoning and land uses surrounding the Subject Property are as follows:
 - a. North: R-2 – Saints Peter and Paul Parking Lot
 - b. East: CU – North Central College Buildings
 - c. South: CU – TU – Office Building
 - d. West: R2 – Central Park

5. The Subject Property is zoned TU “Transitional Use” and is located in DuPage County.

6. The requested area variances meet the City’s Code standards.

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

The requested variance to allow for a three (3) unit townhome on 11,400 square feet in lieu of 12,000 square feet is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. The proposed construction of a three (3) unit townhome is consistent with the City’s vision for the Subject Property as evidenced by the Naperville Downtown 2030 Plan which designates the Subject Property as Transitional Use. The directive of the Transitional Use areas within the 2030 Plan is to “provide low-intensity office, service and residential uses that are designed in a manner compatible with the adjacent neighborhood”. The Petitioner requests the entitlements necessary so that he will be allowed to remove the existing structure and construct a three (3) unit townhome building on the Subject Property which is complementary to the surrounding land uses. The requested variance will provide a significant improvement.

- b. *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*

The Subject Property consists of approximately 11,400 square feet. The City’s TU zoning district requires 4,000 square feet per dwelling unit. Consequently, to construct a three (3) dwelling unit townhome, 12,000 square feet of lot area is required. Density limitations ensure that public

facilities, be it utilities, schools, parks, or roadway infrastructure, are not overwhelmed by the number of people output from a development. In this instance, the proposed use of the Subject Property as a three (3) dwelling unit townhome is a substantially less intense use than other uses within the surrounding area and what is appropriate for a downtown area.

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

The existing structure which is currently located on the Subject Property is generally run down and out of character for the neighborhood. The Petitioner’s request will provide for the improvement of the area with three upscale townhomes complementary to the surrounding uses.

7. The requested variance to permit a driveway to be located four (4) feet from the property line instead of five (5) feet from the property line meets the standards as follows:

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

The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. The Code prohibits parking lots to be located within five (5) feet of any property line. Presently, the Code does not distinguish between a parking lot and a driveway. As a result, the Petitioner requires a variance to have its driveway located four (4) feet from the northern property line. The purpose of the parking lot setback requirement is to protect adjacent properties from encroachment of incompatible parking lots. In this case, Petitioner is proposing to locate a driveway four feet (4’) from the property line. Because the adjacent property consists of a surface parking lot, there is no threat of incompatible use.

- b. 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*

Strict enforcement of the five (5) foot parking lot setback requirement would result in practical difficulties due to the special and unusual conditions of the Subject Property. Petitioner desires to maximize vehicle movement such that the driveway can accommodate two-way traffic. In order to provide such vehicle movement the driveway will need to be situated four (4) feet from the property line to allow for proper two way movements. For this reason strict compliance with the five (5) foot setback would have an appreciable adverse effect upon the Subject Property by limiting the full use and enjoyment of the Subject Property.

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

The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. Because the adjacent property is a parking lot, approval of Petitioner's variance request will have no effect on the adjacent property nor the essential character of the neighborhood. Also, the one foot (1') variance would be virtually undetectable. Instead approval of the variance will permit the Petitioner to utilize the driveway in the manner consistent with the adjacent property and enable vehicles to pass one another. In addition, it will enable the Petitioner to utilize the Subject Property to highest and best use and permit the construction of an upscale three unit townhome consistent with Naperville Downtown 2030 Plan and TU zoning district.

8. The requested variance from Section 6-2-10:2 to permit a patio to be located in required front yard meets the standards for a variance as follows:

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

The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. The purpose of the setback requirement is twofold. First, the

requirement ensures adequate provision is established for light, air, and open spaces. Second, it is intended to ensure aesthetically pleasing outdoor spaces are developed. In this case, both goals are fulfilled. Situating the patio in the front yard enhances aesthetics and provides a charming amenity to the future residents of the townhome. The rear yard is not well suited for outdoor seating and is more appropriate for parking and access; with the patio situated in the front yard, residents will have an excellent view to central park which is a more efficient use of space. Additionally, Petitioner's lot depth is approximately one hundred and fourteen (114) feet. Because of the smaller lot depth there is not sufficient space to situate the patio out of front yard setback and provide parking and access in the rear yard. Additionally, a patio has virtually no impact to light, air and open spaces. Instead, locating the patio in the front yard improves the Subject Property by providing an aesthetically pleasing amenity for future residents of the townhome and utilizes the Subject Property to its highest and best use.

- b. *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*

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. In this circumstance, the lot depth is a special and unusual condition. Most lots have much greater lot depth than the Subject Property. The lot depth is approximately one hundred and fourteen (114) feet. With such a small lot depth, it is impossible to accommodate a patio in the front yard while simultaneously providing parking and access in the rear of the Subject Property. Strict enforcement of this Title would eliminate an aesthetically pleasing and desirous amenity many residents find attractive.

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

The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. Instead, situating the patio in the front yard setback will improve the character of the neighborhood by providing a charming amenity for the future residents of the newly constructed townhome. Moreover, Central Park is located directly across the street, the front yard provides an ideal location for future residents to enjoy an outdoor patio living space. Removal of the patio from the front yard will have a substantial negative effect on the proposed development because it will diminish aesthetics and eliminate the patio entirely from the proposed development plans.

[THIS SPACE INTENTIONALLY LEFT BLANK]

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: 1) approve a Plat of Re-Subdivision consolidating the three (3) existing lots into one (1) legal lot of record; 2) grant an area variance allowing for construction of a three (3) dwelling unit townhome; 3) approve a parking lot setback variance to permit a driveway to be located within four (4) feet of the property line; 4) approve a variance from Section 6-2-10:2 to permit a patio to be located in the required front yard; and (5) approval of such other variances, departures or deviations as may necessary to development the Subject Property as described herein.

RESPECTFULLY SUBMITTED

this 28 day March, 2017.

PETITIONER: B3 PROPERTIES LLC, SERIES ONE:



Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1:

LOT 3 AND 4 (EXCEPT THE EAST 80 FEET OF EACH OF SAID LOTS 3 AND 4) IN BLOCK 4 IN SLEIGHT'S ADDITION TO THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED JANUARY 20, 1845 AS DOCUMENT 1525, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

A STRIP OF LAND 44 FEET IN WIDTH FROM EAST TO WEST AND 100 FEET IN LENGTH FROM NORTH TO SOUTH, LYING BETWEEN THE PUBLIC SQUARE AND THE WEST ENDORSEMENT OF LOTS 3 AND 4 IN BLOCK 4 IN SLEIGHT'S ADDITION TO THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN AND IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 20, 1845, AS DOCUMENT 1525, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS COMMONLY KNOWN AS: 17 COURT PLACE, NAPERVILLE, IL 60540
P.I.N.: 08-18-313-006