

PINs: 08-18-417-026
08-18-417-029
08-18-417-032
08-18-417-033

ADDRESS:
920-930 E. CHICAGO AVE.
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #18-1-094

ORDINANCE NO. 18 - _____

AN ORDINANCE GRANTING VARIANCES TO INCREASE THE MAXIMUM BUILDING HEIGHT AND NUMBER OF STORIES FOR TOWNHOMES PURSUANT TO SECTION 6-6C-8:1 OF TITLE 6 (ZONING) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY AT 920-930 E. CHICAGO AVENUE (CHICAGO COMMONS)

WHEREAS, Robert O. Carr ("Petitioner"), has petitioned the City of Naperville for approval of variances to increase the maximum building height and number of stories for townhomes on real property located at 920-930 E. Chicago Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Chicago Title Land Trust Company as Trustee under Trust Agreement dated June 30, 1977 known as Trust Number 2773 is the owner of the Subject Property; and

WHEREAS, the Subject Property is currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is improved with two single-family residences; and

WHEREAS, the Petitioner is proposing to demolish the existing single-family residences and construct a 9 unit townhome project in the form of 2 duplex buildings and a 5 unit single-family attached building on the Subject Property; and

WHEREAS, pursuant to Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations), the maximum height for duplexes shall be 35' and 2.5 stories and the maximum height for single-family attached buildings shall be 40' and 3 stories; and

WHEREAS, the Petitioner requests a variance from Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations) to permit the duplex buildings to be constructed at height of 40' and 3.5 stories; and

WHEREAS, the Petitioner also requests a variance from Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations) to permit the single-family attached building to be constructed at 3.5 stories; and

WHEREAS, the proposed single-family attached structures will be constructed at a height of 40', meeting the Code requirement stipulated in Section 6-6C-8:1; and

WHEREAS, the increased height of the townhomes is proposed in order to provide attic/storage space and accommodate a rooftop deck; and

WHEREAS, the requested variances will have minimal impact on surrounding residential property as the Subject Property is adjacent to park property and an institutional property; and

WHEREAS, on December 5, 2018, the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-094, and recommended approval of the Petitioner's requests; and

WHEREAS, the requested variances meet the standards for granting a variance as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that the variances should be granted to the extent set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations) to permit the duplex buildings to exceed the maximum permitted building height from the required 35' to 40' on the Subject Property, as depicted on the Chicago Commons Elevations attached as **Exhibit D**, is hereby granted.

SECTION 3: A variance to Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations) to permit the duplex buildings to exceed the maximum number of allowable stories from the required 2½ stories to 3½ stories on the Subject Property, as depicted on the Chicago Commons Elevations attached as **Exhibit D**, is hereby granted.

SECTION 4: A variance to Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations) to permit the single-family attached building to exceed the maximum number

of allowable stories from the required 3 stories to 3½ stories on the Subject Property, as depicted on the Chicago Commons Elevations attached as **Exhibit D**, is hereby granted.

SECTION 5: The variance approved by this Ordinance shall expire unless within 2 years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

SECTION 6: The variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 7: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk