

PINs:
07-24-400-001

ADDRESS:
310 MARTIN AVENUE

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 #17-1-019

ORDINANCE NO. 17 - _____

AN ORDINANCE GRANTING VARIANCES FROM SECTION 6-7F-5 (OCI: AREA REQUIREMENTS), SECTION 6-9-3 (SCHEDULE OF OFF STREET PARKING REQUIREMENTS), SECTION 6-7F-8 (OCI: HEIGHT LIMITATIONS/BULK REGULATIONS), SECTION 6-7F-7 (OCI: YARD REQUIREMENTS), AND SECTION 6-9-2:4 (YARD REQUIREMENTS FOR OFF STREET PARKING FACILITIES) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 310 MARTIN AVENUE

WHEREAS, Naperville Elderly Homes Inc. ("Petitioner") has requested approval of variances from Section 6-7F-5 (OCI: Area Requirements), Section 6-9-3 (Schedule of Off Street Parking Requirements), Section 6-7F-8 (OCI: Height Limitations/Bulk Regulations), Section 6-7F-7 (OCI: Yard Requirements), and Section 6-9-2:4 (Yard Requirements for Off Street Parking Facilities) of the Naperville Municipal Code in order to maintain 121 existing low-income senior apartments and construct 68 new low-income senior apartments on the property commonly known as 310 Martin Avenue, Naperville IL, which is legally described in **Exhibit A**, and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Subject Property is currently zoned OCI (Office Commercial and Institutional District), and improved with 121 low-income senior apartments; and

WHEREAS, the Petitioner proposes to maintain the 121 existing senior apartments on Lot 1 of the Naperville Elderly Homes Subdivision, and to construct 68 new senior apartments on Lot 2 of the Naperville Elderly Homes Subdivision on the Subject Property; and

WHEREAS, the Petitioner requests a variance to reduce the minimum lot area per dwelling unit to 767 square feet to permit a total of 189 senior apartments on Lots 1 and 2 of the Naperville Elderly Homes Subdivision, in lieu of the minimum of 2,600 square feet required per dwelling unit; and

WHEREAS, the Petitioner requests a variance to reduce the number of required parking spaces per dwelling unit from 2.25 to 0.53 per dwelling unit, and provide 101 parking spaces for 189 senior apartments on the Subject Property; and

WHEREAS, the Petitioner requests a variance to increase the maximum permitted building height for residential buildings in the OCI district from 43' to approximately 52' to permit construction of a 68-unit, 5-story senior apartment building on Lot 2 of the Naperville Elderly Subdivision; and

WHEREAS, the Petitioner requests a variance to reduce the minimum 10' required side yard setback to permit the building to be located 0' from the interior side property line between Lot 1 and Lot 2 of the Naperville Elderly Homes Subdivision, such that portions of the existing building on Lot 1 will be located 0' from the interior side property line, and portions of the new building on Lot 2 will be located 0' from the interior side property line; and

WHEREAS, the Petitioner also requests a variance to reduce the minimum 5' required setback for parking facilities to permit an emergency access drive to be located as

close as 1'-9" from the west property line and as close as 2'-2" from the south property line of Lot 2 of the Naperville Elderly Homes Subdivision; and

WHEREAS, on May 3, 2017 the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-019, and recommended approval of the Petitioner's requests; and

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

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's requests should be granted as provided herein.

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 6-7F-5 (OCI: Area Requirements) of the Naperville Municipal Code is hereby granted to allow 189 senior apartments to be located on the Subject Property with a total lot area of approximately 144,987 square feet, as depicted on the Site Plan attached hereto as **Exhibit D.**

SECTION 3: A variance to Section 6-9-3 (Schedule of Off Street Parking Facilities) of the Naperville Municipal Code is hereby granted to allow a parking ratio of 0.53 parking spaces per dwelling unit, and provide 101 parking spaces for 189 senior apartments on the Subject Property.

SECTION 4: A variance to Section 6-7F-8 (OCI: Height Limitations/Bulk Regulations) of the Naperville Municipal Code is hereby granted to allow a building height

of approximately 52' for the new building on Lot 2, as depicted on the Building Elevations attached hereto as **Exhibit E**.

SECTION 5: A variance to Section 6-7F-7 (OCI: Yard Requirements) of the Naperville Municipal Code is hereby granted to allow a 0' setback from the interior side property line between Lot 1 and Lot 2 of the Naperville Elderly Homes Subdivision for portions of the existing and new buildings, as depicted on the Site Plan attached hereto as **Exhibit D**.

SECTION 6: A variance to Section 6-9-2:4 (Yard Requirements for Off Street Parking Facilities) of the Naperville Municipal Code is hereby granted to allow the emergency access drive to be located 1'-9" from the west property line and to be located 2'-2" from the south property line, as depicted on the Site Plan attached hereto as **Exhibit D**.

SECTION 7: Any variance other than those approved by this Ordinance shall require approval of a separate variance.

SECTION 8: The variances approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within five (5) years from the effective date of this Ordinance.

SECTION 9: These variances 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 10: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk