

PIN:

07-04-203-024 [formerly known as
07-04-203-022] [part of]

ADDRESSES:

Vacant property located on the south side
of Ferry Road and west of Illinois Route 59
and part of the Iron Gate Motor Condos
Development located at 2228 Ferry Road,
Naperville, IL 60563

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 #20-1-065

ORDINANCE NO. 21 -

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE IRON GATE MOTOR
CONDOS PUD, A FINAL PUD PLAT FOR IRON GATE MOTOR CONDOS PHASE 2A,
BUILDING 3, AND PHASE 2B, AND VARIOUS DEVIATIONS**

RECITALS

1. **WHEREAS**, High Point Investments, Inc., 2228 Ferry Road, #101, Naperville, Illinois, 60563 (hereinafter "**Owner**" or "**Petitioner**"), has petitioned the City of Naperville for approval of: a major change to the Iron Gate Motor Condos PUD; a deviation to allow residential dwelling units and live/work units as incidental and complementary uses to existing uses in the PUD; and, a deviation to allow less than 50% of the building materials to be comprised of masonry, for real property located at 2228 Ferry Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and

2. **WHEREAS**, the Subject Property is currently zoned I (Industrial) district, with a conditional use for the Iron Gate Motor Condos PUD; and
3. **WHEREAS**, the existing Phases 1 and 2A (Buildings 1A and 1B) of the Iron Gate Motor Condos PUD include uses such as car condominiums that cater to collectors of custom cars, custom/antique car servicing and repairs/add-ons, and potential eating and drinking establishments; and
4. **WHEREAS**, the Iron Gate Motor Condos PUD, Phase 2A, Building 3, and Phase 2B entitlements requested are as follows:
 1. Approval of a major change to the Iron Gate Motor Condos PUD to establish controlling plans for Phase 2A, Building 3 and Phase 2B per Section 6-4-6 of the Naperville Municipal Code.
 2. Approval of a land use deviation to allow single-family attached residential units and live/work units in an industrially zoned PUD per Section 6-4-3:12.2 of the Naperville Municipal Code.
 3. Approval of a deviation to Section 5-2C-3 of the Municipal Code to allow less than 50% of the building materials on single-family attached dwelling units to be comprised of masonry.
5. **WHEREAS**, the Petitioner also has petitioned the City for approval of a variance to Section 5-7-1 of the Naperville Municipal Code to allow a 4 to 1 detention basin sideslope and 1.0 foot freeboard as set forth in a separate ordinance to be considered by the City ("**Stormwater Variance Ordinance**"); and
6. **WHEREAS**, this Ordinance and the Stormwater Variance Ordinance shall collectively be referenced herein as the "**Iron Gate Motor Condos Phase 2A, Building 3 and Phase 2B Ordinances**"; and
7. **WHEREAS**, the Petitioner proposes commercial building plans for Phase 2A, Building 3 and, six (6) multi-unit buildings with a combined total of fifty-one (51) single-family attached dwelling units in Phase 2B. Fourteen (14) units are planned to offer a live-

work housing product (Wilmette series) adjacent to Ferry Road, while the remaining thirty-seven (37) units (Kenilworth and Glencoe series) will consist of townhomes with large ground floor garages; and

8. **WHEREAS**, Phase 2A, Building 3 is planned to mirror Phase 2A, Building 2, and will include an architectural feature (passageway) to connect Buildings 2 and 3 at the second story; and
9. **WHEREAS**, the Petitioner has provided a Parking Utilization Survey as provided in **Exhibit C** attached hereto, demonstrating that the proposed increase of forty-eight (48) parking spaces (for an overall parking ratio of 3.93 spaces per 1,000 square feet) is more than sufficient for the compatible commercial uses in Phase 2A as depicted on **Exhibit D** (“**PUD Exhibit Plat**”) attached hereto; and
10. **WHEREAS**, Pursuant to Section 6-4-3:12.2 of the Naperville Municipal Code, a land use deviation in a PUD may be allowed by the City if specific criteria have been met, including: the presence of unique and unusual circumstances in the PUD; the proposed use will not have an adverse impact on other users in the PUD; and, the proposed use will be incidental to the principal use of the PUD; and
11. **WHEREAS**, Petitioner has requested a land use deviation to allow single-family attached residential units and live-work units (“**Live-Work Units**”) in an industrially zoned PUD per Section 6-4-3:12.2 of the Naperville Municipal Code subject to the following conditions “**Conditions**”:

11.1 Live-Work Units shall include units which have:

- (i) non-residential uses on the first floor which are restricted to the uses set forth on **Exhibit E** attached hereto, and only residential uses on all other floors; or which have
- (ii) residential uses on all floors.

For those Live-Work Units referenced in sub-romanette (i) above: (a) there must be common ownership of the Live-Work Unit; and (b) the tenant or an employee of the tenant of the non-residential use must reside in the Live-Work Unit. Evidence of compliance with these requirements shall be provided in writing to the City Zoning Administrator's satisfaction within seven (7) calendar days of a request therefor.

12. **WHEREAS**, it has been determined that the Live-Work Units and single-family attached dwelling units in Phase 2B (as depicted on **Exhibit D** "PUD Exhibit Plat" as the Wilmette series) will be supportive of, and complementary to, the existing uses in Phases 1 and 2A of the PUD, and that the requirements of Section 6-4-3:12.2 of the Naperville Municipal Code have been met; and
13. **WHEREAS**, Section 5-2C-3 (Exterior Wall Construction) of the Naperville Municipal Code states that a minimum of 50% of the exterior wall construction for all single-family attached dwellings shall be constructed of masonry products; and
14. **WHEREAS**, the Petitioner's proposed use of fiber cement siding as an exterior building material is durable in nature and incorporates elements from the existing Iron Gate Motor Condos buildings, including: material composition; color palette; large garage doors; and, consistent architectural massing and layout; and
15. **WHEREAS**, the requested major change to the Iron Gate Motor Condos PUD meets the standards for amending a PUD as provided in **Exhibit F** attached hereto; and
16. **WHEREAS**, the requested land use and masonry deviations proposed in Phase 2B of the Iron Gate Motor Condos PUD meet the standards for approving a PUD deviation as provided in **Exhibit G** attached hereto; and
17. **WHEREAS**, on May 5, 2021, the Planning and Zoning Commission conducted a public hearing to consider PZC 20-1-065 and recommended approval of the Petitioner's requests; and

18. **WHEREAS**, this Ordinance is contingent upon approval and execution of an agreement between the Naperville Park District and the Owner/Petitioner pertaining to the land-cash donation to be made to the Naperville Park District (“**Park District Land-Cash Agreement**”) which Agreement shall be attached as Exhibit C of the Owner’s Acceptance and Acknowledgment Agreement referenced herein; and

19. **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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Approval of a major change to the Iron Gate Motor Condos PUD to establish controlling plans for Phase 2A, Building 3, and Phase 2B per Section 6-4-6 of the Naperville Municipal Code, as well as the Major Change and Final Planned Unit Development Plat for Iron Gate Motor Condos Phase 2A, Building 3 and Phase 2B, attached to this Ordinance as **Exhibit H**, is hereby granted.

SECTION 3: A land use deviation to allow single-family attached residential units and live/work units in an industrially zoned PUD per Section 6-4-3:12.2 of the Naperville Municipal Code, is hereby granted, subject to the Conditions set forth in Recital 11 hereof.

SECTION 4: A deviation to Section 5-2C-3 of the Municipal Code to allow less than 50% of the building materials on single-family attached dwelling units to be

comprised of masonry, as depicted on the Building Elevations attached to this Ordinance as **Exhibit I**, and outlined below is hereby approved.

<u>Product Type</u>	<u>% masonry</u>
Wilmette (live-work)	9.5 – 10%
Kenilworth (mid-size residences)	8.3%
Glencoe (large residences)	7.5%

SECTION 5: The Landscape Plan, attached to this Ordinance as **Exhibit J**, is hereby approved.

SECTION 6: Subject to the terms and conditions set forth and referenced herein, including but not limited to approval and execution of the Park District Land-Cash Agreement referenced in Recital 18 above, and effective upon recordation of the Iron Gate Motor Condos Phase 2A, Building 3, and Phase 2B Ordinances, the Owner's Acknowledgement and Acceptance for Phase 2B, attached to Ordinance as **Exhibit K**, is hereby approved. The City Council hereby delegates its authority to approve the Park District Land-Cash Agreement to the Naperville City Attorney.

SECTION 7: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 8: Upon confirmation from the City Attorney that the terms and conditions set forth and referenced in the Iron Gate Motor Condos Phase 2A, Building 3 and Phase 2B Ordinances have been fulfilled, the City Clerk is authorized and directed to record with the DuPage County Recorder: (i) the Iron Gate Motor Condos Phase 2A, Building 3 and Phase 2B Ordinances, including but not limited to this Ordinance, together with their exhibits; and then to record (ii) the fully executed Owner's Acknowledgement

and Acceptance Agreement for Iron Gate Motor Condos Phase 2A, Building 3 and Phase 2B, together with Exhibits A through C.

SECTION 9: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 10: The Iron Gate Motor Condos Phase 2A, Building 3, and Phase 2B Ordinances shall be automatically null and void and of no further force or effect if they are not recorded with the Office of the DuPage County Recorder within one (1) year of their approval.

SECTION 11: This Ordinance shall be in full force and effect upon its recordation with the Office of the DuPage County Recorder.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

