

CITY OF NAPERVILLE PETITION FOR DEVELOPMENT APPROVAL

DEVELOPMENT NAME (should be consistent with plat): Naperville Elderly Homes

ADDRESS OF SUBJECT PROPERTY: 310 Martin Avenue, Naperville, Illinois 60540.

PARCEL IDENTIFICATION NUMBER (P.I.N.) 07-24-400-001-0000

I. PETITIONER: Naperville Elderly Homes Inc.

PETITIONER'S ADDRESS: 310 Martin Avenue

CITY: Naperville STATE: IL ZIP CODE: 60540

PHONE: 630-357-0909 EMAIL ADDRESS: dave.weeks@axa-advisors.com

II. OWNER(S): Naperville Elderly Homes Inc.

OWNER'S ADDRESS: 310 Martin Avenue

CITY: Naperville STATE: IL ZIP CODE: 60540

PHONE: 630-357-0909 EMAIL ADDRESS: dave.weeks@axa-advisors.com

III. PRIMARY CONTACT (review comments sent to this contact): Russell G. Whitaker III

RELATIONSHIP TO PETITIONER: Attorney

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

IV. OTHER STAFF

NAME: Heidi Wang

RELATIONSHIP TO PETITIONER: Architect

PHONE: 312-642-5587 EMAIL ADDRESS: heidew@wjwarchitecture.com NAME:

RELATIONSHIP TO PETITIONER: Bryon J. Wyns - Engineer

PHONE: 630-739-720 EMAIL ADDRESS: bwyns@wightco.com

V. PROPOSED DEVELOPMENT

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

- Amending or Granting a Conditional Use (Exhibit 1)* Landscape Variance (Exhibit 5)
- Amending or Granting a Planned Unit Development (Exhibit 2) Planned Unit Development Deviation (Exhibit 6)
- Annexation (Exhibit 3) Sign Variance (Exhibit 7)
- Plat of Easement/Vacation/Dedication Zoning Variance (Exhibit 8)
- Rezoning (Exhibit 4) Platted Setback Deviation (Exhibit 9)
- Subdivision Plat Subdivision Deviation/Waiver (Exhibit 9)
- Temporary Use Other (Please Specify: Parking Variance)

**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 3.328 Acres

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

Use of the Subject Property as two age-restricted multi-family dwellings for low income seniors.

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:

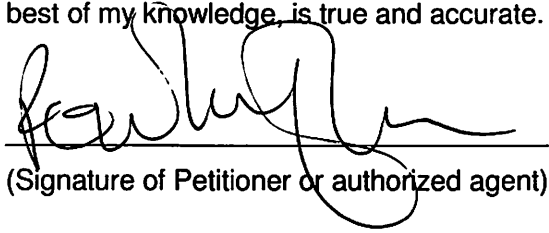
- Cash Donation
- Land Dedication

Required Park Donation will be met by:

- Cash Donation
- Land Dedication

PETITIONER'S SIGNATURE

I, Naperville Elderly Homes Inc. (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.

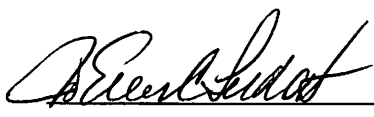


(Signature of Petitioner or authorized agent)

2-16-17

(Date)

SUBSCRIBED AND SWORN TO before me this 16th 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).

[Handwritten Signature]
(Signature of 1st Owner or authorized agent)

2-16-17
(Date)

(Signature of 2nd Owner or authorized agent)

(Date)

Russell B. Whitaker, III, ATTORNEY FOR ESTATE
1st Owner's Printed Name and Title

2nd Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 16th day of February, 2017

[Handwritten Signature]
(Notary Public and Seal)



* Please include additional pages if there are more than two owners.

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

**AMENDED PETITION TO THE NAPERVILLE
CITY COUNCIL AND PLANNING AND ZONING COMMISSION
FOR DEVELOPMENT APPROVAL**

THE UNDERSIGNED Petitioner, Naperville Elderly Homes, Inc., an Illinois not-for-profit corporation (hereinafter the “Petitioner”), respectfully petitions the City of Naperville to: (1) approve a preliminary plat of subdivision with the intent to divide the Subject Property into two (2) legal lots of record; (2) approve a conditional use for multi-family dwellings in the OCI Zoning District; (3) approve a parking variance from Section 6-9-3 to reduce the required number of off-street parking spaces; (4) approve a variance from Section 6-7F-5 to permit a reduction in the required lot area for multi-family dwellings; (5) approve a variance to permit an increase in the allowable building height under Section 6-7F-8; (6) approve a variance from Section 6-7F-7 to permit a reduction in the interior side yard setbacks; (7) approve a variance from Section 6-9-2:4.3 to permit a fire access lane to be located approximately two (2) feet from the property line; (8) approve a deviation from Section 7-3-5 waiving School and Park Impact Fees; (9) approve a waiver from building regulation Section 5-2C-3 to reduce the minimum fifty percent (50%) masonry requirement for multi-family dwellings; and (10) approve such other variances, departures or deviations as may deemed necessary to develop the property legally described on **Exhibit “A”** (hereinafter the “Subject Property”) as depicted on the plans submitted herewith, pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

BACKGROUND INFORMATION

1. The Petitioner and owner of the Subject Property is Naperville Elderly Homes, Inc., an Illinois not-for-profit corporation having an office at 310 Martin Ave., Naperville, Illinois 60540 (“Petitioner”).

2. Naperville Elderly Homes, Inc. was formed as a not-for-profit corporation in 1967 with a goal towards providing housing to low income seniors in Naperville.

3. Petitioner brings decades of experience managing low income senior housing; in fact, over the past forty (40) years Petitioner has owned and operated Martin Avenue Apartments which offers housing opportunities for seniors on a limited income.

4. Petitioner currently operates the Martin Avenue Apartments which is a one hundred and twenty one (121) unit multi-family dwelling.

5. Martin Avenue Apartments consists of both one (1) bedroom and studio apartments with following unit mix:

| | |
|-------------------|-----------------|
| i. One Bedroom: | Forty (40) |
| ii. Studio: | Eighty-One (81) |
| iii. Total Units: | One Hundred 121 |

6. Petitioner finds the Subject Property to be well suited for the proposed development in light of its desirable location with easy access to shopping, doctors, dentists, Edward Hospital, parks and recreational facilities.

7. The Subject Property is currently zoned OCI “Office, Commercial, and Institutional” in Naperville, and is currently improved with an apartment building.

8. The existing zoning designations and land uses surrounding the Subject Property are as follows:

- a. North: E1 – William Friedrich Memorial Park
- b. East: OCI “Office Commercial and Institutional” – Manor Care Health Services

- c. South: HS “Health Services” – Edward- Elmhurst Health & Fitness
- d. West: E1 – Naperville Park District

9. Currently the Subject Property consists of one (1) legal lot of record.

10. Petitioner intends to subdivide the one (1) legal lot record into two (2) legal lots of record as depicted on the subdivision plat attached as **Exhibit “B”**. “Lot 1” will consist of the existing Martin Avenue Apartments. A new multi-family structure is proposed for “Lot 2”.

11. The proposed subdivision is necessary to separate ownership of the existing and the proposed structure. Separate ownership is required for the Illinois Housing Development Authority (“IHDA”) issuance of tax credits which Petitioner intends to utilize to finance the proposed development.

12. The proposed development, as depicted on the plans submitted herewith as **Exhibit “C”**, will consist of a five (5) story, sixty-eight (68) unit apartment building. All units within the apartment building will consist of one (1) bedroom units.

13. The proposed apartment building will provide housing opportunity for low-income seniors, will be age-restricted and include common facilities specifically targeted to the needs and desires of the senior population.

14. The proposed development provides a unique opportunity to expand services in the most efficient manner by maximizing utility of the Subject Property.

**A CONDITIONAL USE TO UTILIZE “LOT 1” AND
“LOT 2” FOR MULTI-FAMILY DWELLINGS**

15. Petitioner seeks a conditional use for multi-family dwellings on “Lot 1” and “Lot 2” respectively. “Lot 1” will be utilized, as it has for approximately forty (40) years, for multi-family dwellings. “Lot 2” will be developed with a new structure for multi-family dwellings that will be integrated into the existing community.

16. The proposed conditional use for multi-family dwellings meets the requirements

for a conditional use under the Naperville Municipal Code and is appropriate based upon the following factors:

- a. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare; and*

The proposed conditional use will not be detrimental to or endanger the public health, safety, and general welfare. The City previously approved a conditional use for a “nursing home” on the Subject Property. The “nursing home” designation does not appropriately characterize the historic use of the Subject Property. Petitioner now seeks to appropriately characterize the use of the Subject Property consistent with the Code and its historic use as multi-family dwellings. Petitioner has operated Martin Avenue Apartments for approximately forty (40) years. Martin Avenue Apartments is a well-established multi-family community for low-income seniors who desire to continue living independently.

Petitioner now proposes to expand on this historic use by constructing a second building on the Subject Property. Petitioner’s proposed apartment building would be situated on the proposed “Lot 2”. Important to note, Petitioner’s proposed use will be similar in nature to the existing multi-family use of the Subject Property. To that end, the newly constructed apartment building will serve the same purpose of providing low-income housing for senior citizens who desire to continue living independently. Petitioner intends to operate the expanded facility consistent with federal regulations that permit age restriction for the benefit of residents, age fifty-five (55) or over. Consequently, the new building will not be detrimental to the neighborhood but will improve upon the already existing use in place and will fulfill a growing need in Naperville by providing low-income housing for seniors.

- b. 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; and*

The conditional use will not be injurious to the use and enjoyment of property in the immediate area for the purposes already permitted, nor will it diminish and impair property values within the neighborhood. The proposed conditional use for multi-family dwellings is consistent with the historic use of the Subject Property. Therefore any concern about diminution in property values is absent.

The proposed sixty-eight (68) unit, age-restricted low-income senior apartment building will not change the character of the operation or the impact on the community. Given the age-restriction and low-income nature of the use, external impact on the community is minimal. Instead, the proposed development will improve upon the existing condition of the Subject Property by providing additional needed housing opportunities for low-income seniors in the City of Naperville.

Adjacent to the Subject Property is a fitness center, a medical center; and park space owned and operated by Naperville Park District. All of the aforementioned nearby properties have historically co-existed with the Martin Avenue Apartments. Historic reinvestment in those properties shows no negative impact on property values or concern that property values will diminish as result of the continued operation of Martin Avenue Apartments. The addition of a new sixty-eight (68) unit, age-restricted low-income senior apartment building will not impair property values, particularly given the nature of the surrounding uses.

- c. 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*

The conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. The conditional use will not change the existing operation of the Subject Property's use for multi-family dwellings. The Subject Property operated as age-restricted low-income senior apartments for approximately forty (40) years. The

proposed conditional use for “Lot 1” will merely memorialize that use and permit continued operation. The proposed conditional use for “Lot 2” will allow the expansion of the historic use of the Subject Property. All the surrounding properties are developed for long term beneficial use in the community. Given the established nature of the surrounding properties and the long term intended use of these properties, the proposed use of the Subject Property will not impede the normal and orderly improvement of these properties.

d. The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

Establishment of the conditional use is not in conflict with the adopted comprehensive master plan. Under the East Sector Plan, the Subject Property’s current and future land use designation is “Other Institutional.” The appropriate zoning district for this future land use designation is OCI “Office, Commercial, Institutional” which is what the Subject Property is currently designated. Multi-family dwellings are a conditional use in the OCI District and the city previously approved the construction of the existing multi-family dwellings. Martin Avenue Apartments will continue to operate as it has for approximately forty (40) years. The addition of sixty-eight (68) new units of age-restricted low-income senior apartments will only expand the existing and historic use of the Subject Property. Based upon the foregoing, the establishment of the conditional use will not be in conflict with the adopted comprehensive master plan.

A VARIANCE TO REDUCE THE REQUIRED OFF STREET PARKING

17. Petitioner seeks a variance to reduce the required amount of off-street parking required to serve the property.

18. The proposed variance from Section 6-9-3 to reduce the required amount of off-street parking meets the requirements for a variance and is appropriate based upon the following factors:

- 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 parking requirements are intended to ensure that a particular use provides sufficient on-site parking to meet the specific and unique parking demands of each specific use. Currently, the site has a total of eighty-five (85) standard parking spaces and eight (8) accessible parking spaces for a total of ninety-three (93) parking spaces. In keeping with the purpose and intent of the development (to provide additional low-income senior housing), Petitioner proposes to re-stripe the existing parking to increase the accessible parking spaces by seven (7) parking spaces and increase standard parking by one (1) space; therefore, Petitioner's total site parking will be one hundred and one (101) parking spaces (fifteen (15) accessible and eighty-six (86) standard).

Petitioner performed an analysis of the current parking needs of Martin Avenue Apartments over a period of four (4) days which included Super Bowl Sunday. Based upon this analysis one can reasonably infer the parking needs of the proposed development because it will function identical to Martin Avenue Apartments. Petitioner's analysis demonstrates that on average the parking demand is fifty-four (54) parking spaces. This average parking demand correlates to a parking ratio of 0.44 spaces/unit (fifty-four (54) divided by one hundred and twenty one (121) units). Petitioner's analysis further evidences a peak parking demand of sixty-four (64) parking spaces. The peak parking demand correlates to a parking ratio of 0.52 parking spaces/unit (sixty-four (64) divided by one hundred and twenty one (121) units). Petitioner's development plan presently show a parking ratio of 0.53 spaces/unit. Petitioner respectfully seeks a variance to establish a minimum requirement of 0.53 spaces/unit. With an average parking demand ratio of 0.44 spaces/unit, Petitioner's proposed ratio of 0.53 spaces/unit provides sufficient parking spaces

to meet the average demand. Additionally, Petitioner's proposed ratio of 0.53 spaces/unit provides enough parking to meet the current peak demand of 0.52 spaces/unit. Additionally, a significant amount of on-street parking is proximate to the development. The on-street parking can provide overflow parking spaces in the unlikely event additional parking needed.

The Code contemplates that "other unique characteristics of the development which warrant a reduced level of guest parking" may be considered. Here, the new sixty-eight (68) unit apartment building will consist only of one (1) bedroom units. One (1) bedroom units are typically leased to a single resident, thereby reducing vehicle demand. Moreover, a survey of the residents shows a low incidence of vehicle ownership- which is reflected in evening and early morning parking counts. The proposed variance does not undermine the intent and purpose of the Title or the Comprehensive Plan because: (1) all units will be one (1) bedroom; (2) sufficient parking spaces are being provided to meet the average and peak parking demand; (3) access to sufficient on-street parking is readily available; and (4) the majority of the occupants will not own a car. In sum, sufficient parking will be provided to meet the specific parking demands anticipated to be generated by the development.

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. Petitioner proposes to develop the Subject Property as age-restricted low-income senior apartments. The City's generally applicable parking requirements do not account for the unique nature of age-restricted senior housing, low income housing or the 1-bedroom studio/1-bedroom type arrangement proposed here. The parking analysis conducted by

Petitioner and as outlined above, evidences the actual parking requirement associated with the proposed use. Absent the proposed variance, Petitioner could not meet Code requirements for the existing use of the Property much less develop additional units to meet well-established housing demand in the City of Naperville.

Important to note, many properties within the same zoning district do not have the same amount of on-street parking spaces available to them. The on-street parking is not necessary to meet regular demand or peak demand but is readily available to provide additional parking should the need arise.

Residents will find a large amount of amenities within walking distance of the Subject Property. A fitness center, park, medical center and hospital are all adjacent to the Subject Property. Other amenities such as grocery and general merchandise are also within close proximity. Additionally, the Subject Property is served by Pace bus service, with a stop located immediately proximate to the Subject Property. With such a broad array of amenity in close proximity to the Subject Property, the need to own a vehicle is decreased and with that, the need for additional parking spaces.

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. As exhibited by Petitioner's parking analysis, the existing Martin Avenue Apartments has an average parking demand of 0.44 spaces/unit and a peak demand of 0.52 spaces/unit. The proposed parking supply of 0.53 spaces/unit will accommodate both the average and peak demand of the proposed development. In the event additional parking is needed, on-street parking is also available to provide additional overflow parking. Accordingly, the proposed variance will not alter the character or diminish

property values because parking can be appropriately accommodated.

**A VARIANCE TO REDUCE THE REQUIRED AMOUNT OF
LOT AREA FOR MULTI-FAMILY DWELLINGS**

19. Petitioner seeks a variance to reduce the required amount of lot area for multi-family dwellings on “Lot 1” and “Lot 2”.

20. The proposed variance from section 6-7F-5 to reduce the required lot area for multi-family dwellings is appropriate based upon the following factors:

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

The proposed variance is in harmony with the general purpose of this Title and the adopted comprehensive master plan. Petitioner has operated Martin Avenue Apartments for approximately forty (40) years. Today Martin Avenue Apartments is situated on a 3.32 acre lot. In its current configuration, Martin Avenue Apartments does not meet the lot area requirement. Today, Martin Avenue Apartments has a lot area of 1,192 square feet/dwelling unit. The Code requires 2,600 square feet/dwelling unit.

Upon subdivision of the Subject Property, Martin Avenue Apartments will be situated on the newly created “Lot 1”, a 2.41 acre lot. The proposed multi-family dwellings will be situated on the newly created “Lot 2”, a 0.91 acre lot. The respective lot area per dwelling unit is proposed at 868 square feet for “Lot 1” and 587 square feet for “Lot 2”.

The lot area requirement is a measurement of density, or rather how many dwelling units are permitted on a per-acre basis. Density limitations ensure that public facilities, be it utilities, schools, parks, or roadway infrastructure, are not overwhelmed by the number of people produced from a development. Age-restricted communities have a substantially different impact on community facilities than would a standard market-rate residential project. This has been widely

recognized by the City, the Park District, and the School District in the negotiation of impact fees applicable to a development. Age-restricted developments always have fewer residents per dwelling unit which correlates directly to a reduction in demand on public services. Moreover, seniors typically utilize public services, such as roads, during non-peak hours thereby further minimizing any impact reducing impact of their already reduced demand. Here, given the profile of studio and 1-bedroom apartment units and the low-income nature of the development, a study of the existing Martin Avenue Apartments shows even greater reductions than a typical age-restricted community in the number of residents per dwelling unit and other incidences of demand such as vehicle ownership.

Accordingly, given the unique profile of the existing/proposed development, the variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.

- 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. The Petitioner seeks to construct sixty-eight (68) dwelling units targeted toward a narrowly tailored market of persons who are over the age of fifty-five (55) meeting certain poverty thresholds established by the federal government. The Affordable Housing Planning and Appeal Act (“AHPAA”), in particular Section 310 ILCS 67/25, mandates municipalities approve an affordable housing plan providing at minimum ten (10) percent of their year-round housing units as affordable. It is well known that Naperville currently does not have a plan to meet the ten (10) percent State requirement. Petitioner’s proposed unit count assists the

City of Naperville in reaching the ten (10) percent statutory mandate. Strict enforcement of this Title would: i) place new restrictions on the historic operation of the existing Martin Avenue Apartments; and ii) absolutely prohibit the addition of any new dwelling units in furtherance of the City's affordable housing needs. The proposed variance is appropriate in light of both the State standards for affordable housing and the City's goals to provide diverse housing stock to serve its low-income population.

Moreover, the location of the Subject Property is in and of itself a unique condition. The Subject Property is located in a largely commercial/institutional corridor with an abundance of open space. No other nearby residents would perceive the proposed development as creating a negative impact given its unique location in the community. The Subject Property is uniquely positioned to absorb the impact of the proposed use.

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

If granted, the proposed variance will not alter the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. The introduction of a sixty-eight (68) unit multi-family dwelling, consisting solely of low-income seniors, will cause no change in the essential character of the neighborhood. Today, the activity associated with the hospital, medical office building and parks, define the neighborhood. The relatively minor addition of sixty-eight (68) age-restricted low-income senior apartments will not alter the character of this area. Instead, the proposed apartment building will provide a substantial improvement to the current condition, will increase the number of affordable housing units within the City of Naperville and enable Petitioner to utilize the acreage of the newly created lots to its highest and best use.

A VARIANCE TO PERMIT AN INCREASE IN ALLOWABLE BUILDING HEIGHT

21. Petitioner seeks a variance to increase the allowable building height under Section

6-7F-8:1.

22. The proposed variance from Section 6-7F-8:1 to increase the allowable building height is appropriate based upon the following factors:

- 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. Code requires that the maximum height for all residential buildings in the OCI Zoning District be forty-three (43) feet. The building height restriction is reflective of the intent of the OCI District to act as a transitional space between lower density residential uses and more intensive commercial uses. Here, despite the OCI zoning that is well-established, there is no adjacent low-intensity residential use that would be impacted as a result of an increase in the building height. Petitioner's proposed building will be constructed at fifty-five (55) feet, exceeding the maximum height permitted in the OCI Zoning District. However, the proposed apartment building will be situated in the rear of the Property located behind the existing three (3) story Martin Avenue Apartments. The existing Martin Avenue Apartments will provide a buffer for the new apartment building and provides a natural transition toward the taller building, similar to the strategy that has been applied on the adjacent hospital property.

Although the buildings will be under separate ownership, Petitioner's intent is for the buildings to function as one unified campus eliminating any light or air encroachment created by the new apartment building. The existing resident garden will remain, providing ample open space for residents. Additionally, because the character of the neighborhood consists largely of multi-story structures such as Edwards Hospital (directly adjacent to the proposed apartment building) there will be no impact on the character of the neighbor. The fact that the neighborhood consists of taller multi-story buildings, the existing building providing a buffer from the right-of-way, open

space amenity remaining largely unchanged, and the overall functionality of the campus, the requested variance is in harmony with purpose and intent of this Title.

- 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. A reduction in building height will undermine Petitioner's intended vision for Subject Property and Petitioner's ability to utilize the Subject Property to its highest and best use. Admittedly, reducing building height has the effect of reducing the unit count which directly correlates to Petitioner's ability to obtain IHDA tax credits in order to finance the proposed construction of the new apartment building. Reducing dwelling unit count negatively affects Petitioner's proposal to IHDA thereby reducing Petitioner's chances of favorably obtaining tax credits under the program and its goal of providing affordable housing units in Naperville. Without the IHDA tax credits the proposed development is no longer viable. Therefore, strict enforcement of this Title causes the proposed development to no longer be viable.

- 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 adjacent property. As previously mentioned, virtually all buildings adjacent to the proposed apartment building are multi-story and in some cases substantially greater in height than that proposed by Petitioner. At fifty-five (55) feet Petitioner's proposed apartment building is consistent with the already established character of the neighborhood. Additionally, there is no impact to the character of the neighborhood given the new apartment building will be located behind the existing Martin Avenue Apartments, providing an appropriate transition toward

the Martin Avenue right-of-way where the public will generally perceive the building.

In conclusion, the addition of the proposed building will not alter the essential character of the neighborhood but instead will improve the neighborhood by providing additional low-income senior housing in Naperville.

A VARIANCE TO REDUCE THE INTERIOR SIDE YARD SETBACKS

23. Petitioner seeks a variance to reduce the interior side yard setback in the OCI district.

24. The proposed variance from section 6-7F-7 to reduce the interior side yard setback is appropriate based upon the following factors:

- 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 OCI zoning district requires an interior side yard setback of ten (10) feet. Petitioner proposes to reduce the eastern interior side yard setback from ten (10) feet to zero (0) for "Lot 2". In addition, Petitioner proposes to reduce the western side yard setback from ten (10) feet to zero (0) for "Lot 1". Setback requirements may serve a variety of purposes. From a practical perspective, setbacks ensure proper separation between structures and create sufficient space to accommodate required utility installations. Here, the proposed variance is in harmony with the purpose and intent of the zoning ordinance because it will not hinder utility installation nor does it create any separation concerns between structures. The intent behind the proposed development is to have entire development function as unified campus. As such, the existing Martin Avenue Apartments will share a common access point with the proposed apartment building allowing residents to pass from one building to the other. The preliminary engineering plans submitted herewith depict the proposed layout of all utilities necessary to service both the

existing Martin Avenue Apartments and proposed apartment building. All of the utilities are reasonably accommodated within utility easements that will be incorporated into the documentation as part of the final plat process.

The variance will be unnoticeable to the naked eye and will provide substantial improvement to the existing Martin Avenue Apartment campus. Ultimately, the combined use of “Lot 1” and “Lot 2” will be governed by a private declaration that will establish the rights and obligations between the connected buildings.

- 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 Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are generally not found on other properties in the same zoning district. Given the proposed use there is a substantial need to eliminate barriers that discourage social interaction and use of the shared common facilities. Here, the new sixty-eight (68) unit multi-family dwellings will have a small common area but enjoy efficiency of shared use of existing common area and facilities with Martin Avenue Apartments. Without the setback variance there would be barriers to the entry and shared facilities.

- 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 adjacent property. The variance will be internal to the existing Martin Avenue Apartments and the proposed new multi-family dwellings. All exterior setbacks will be met. The Subject Property will look and function as though it is a single property despite the fact that the buildings will be owned by different entities. Approval of the variance will permit the Subject Property to be owned by different entities fulfilling the legal formalities required to

obtain the federal tax credits necessary to fund the proposed development.

A VARIANCE TO PERMIT A FIRE ACCESS LANE APPROXIMATELY TWO FEET FROM THE PROPERTY LINE

25. Petitioner seeks a variance from Section 6-9-2:4.3 to permit a fire access lane to be located approximately two (2) feet from the property line.

26. The proposed variance from section 6-9-2:4.3 to permit a fire access lane to be located approximately two (2) feet from the property line is appropriate based upon the following factors:

- 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 facilities to be located within five (5) feet of any property line. Presently, the Code does not distinguish between a parking facility and a fire access lane. To that end, the Code considers a fire access lane to be a parking facility. Consequently, the fire access lane may not be located within five (5) feet of the property line. The purpose of the five (5) foot parking facility property line requirement is to protect adjacent property owners from harmful encroachment by incompatible uses. In this case, any harmful encroachment by an incompatible use is absent because the adjacent uses are consistent and in harmony with Petitioner's proposed use. Petitioner's request could be restated as permitting a fire access lane to be located approximately two (2) feet from the property line instead of five (5) feet. Important to note, the fire access lane will be gated and will be utilized only in emergency situations. Therefore, it will not cause a detriment to the adjacent property owners.

- 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 facility property line requirement would result in practical difficulties due to the special and unusual conditions of the Subject Property. Petitioner desires to maximize open space while also providing sufficient fire lane access and proper turning movements for fire trucks. In order to provide such vehicle movement, the fire access lane will need to be situated approximately two (2) feet from the property line instead of five (5) feet. The small three (3) foot difference, will have virtually no effect on the adjacent property and will be unnoticeable by the naked eye. Without the foregoing requested relief Petitioner will not be able to provide additional open space and the new apartment building would have to be positioned further north impacting the joint entry way and Petitioner's intent of creating a unified campus feel. For these reasons 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 fitness facility and park district property, approval of Petitioner's variance request will have no appreciable effect on the adjacent property nor the essential character of the neighborhood. Instead approval of the variance will permit the Petitioner to create a unified campus, provide additional open space, and allow emergency fire trucks to safely navigate the campus. In addition, it will allow Petitioner to utilize the Subject Property to its highest and best use and permit the construction of a new sixty-eight (68) unit apartment building consistent with OCI zoning district and Naperville's goals of providing additional affordable senior housing.

A DEVIATION FROM THE SUBDIVISION REGULATIONS

27. Petitioner seeks a deviation from Section 7-3-5 to waive the required land dedication or fees in lieu of.

28. The proposed deviation from Section 7-3-5 to waive the required land dedication or fees in lieu of dedication is appropriate based upon the following factors:

- a. *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*

Strict adherence to the provisions of this Title will cause unnecessary hardship due to the conditions which are unique to the site and not caused by the owner or petitioner. The proposed development will be funded from tax credits through the IHDA. Strict adherence to the provisions of this Title will potentially thwart the development in its entirety because the overall cost of development is a critical factor considered when IHDA awards tax credits. Petitioner seeks the deviation in order to obtain a competitive advantage from other similarly situated projects in order to bring a much needed low-income senior housing opportunity to Naperville.

- b. *The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this Title.*

The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this Title. The purpose and intent of the required land dedication or fees in lieu of dedication is to provide additional land (or funds) to off-set the increased demand placed upon schools and parks caused by the new residents produced by the proposed development. Because the proposed development is for age-restricted low-income seniors no children will be produced by the development. Therefore, any impact on schools is absent. Similarly, seniors tend utilize park facilities in a much less intense manner than a typical resident. Therefore, increased impact upon park facilities is substantially reduced when compared to the typical resident. In sum, the requested deviation to waive the required land dedication or fees in lieu of is not contrary to

purpose and intent of the provisions of this Title.

A VARIANCE FROM THE BUILDING REGULATIONS TO REDUCE THE REQUIRED AMOUNT OF MASONRY EXTERIOR WALL CONSTRUCTION

29. Petitioner seeks a variance from the building regulations to reduce the minimum fifty (50) percent masonry requirement to be used in the exterior construction.

30. The proposed variance from Section 5-2C-3 to reduce the required amount of masonry product to be used in exterior construction is appropriate based upon the following factors:

- 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 general purpose and intent of this Title and the adopted comprehensive master plan. The purpose of the masonry requirements is to ensure aesthetic quality of the development and use of high quality building materials. The proposed multi-family dwellings are designed to complement the existing building without being an exact replica. The primary architectural components of the existing building include the use of strong horizontal lines, ribbon windows, and a limited palette of building materials. The proposed multi-family dwellings will play off these elements with the use of strong horizontal banding, windows that are similar in size and style to the original windows, and a warm palette of colors. The building will be clad with one hundred (100) percent fiber cement siding. Use of the fiber cement siding allows for a high level of detailing and variety while still providing a durable and low-maintenance cladding. Application of the lap siding versus the panel siding serves to emphasize the horizontal line and the use of different texture and color will provide visual interest and enliven the courtyard area. The connection to the existing Martin Avenue Apartments is designed as a glazed sunroom structure. Its form mirrors the shape of the existing stairwell it wraps around. All of the above will

ensure the aesthetic quality and high quality building materials.

- 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 the special and unusual conditions which are not generally found on other properties in the same zoning district. Petitioner's proposed development will be financed with federal tax credits issued through Illinois Housing Development Authority. IHDA evaluates the prospective development based upon value and cost of construction. Strict enforcement of the masonry requirement would increase the cost of construction potentially causing IHDA to deny Petitioner's request for tax credits. Approval of the proposed variance will position the proposed development in a more favorable and competitive light with the IHDA when compared to other developments.

- 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. The proposed fiber cement siding is a high quality material with long term (twenty-five (25) year) guaranty. Use of the product is pervasive in high-end tear downs under construction throughout Naperville. While the existing Martin Avenue Apartments is largely brick, the proposed new multi-family dwellings will be largely hidden from sight by the three (3) story Martin Avenue Apartments fronting on Martin Avenue. The colors and architecture will complement each other providing a degree of continuity between the buildings while still distinguishing one another.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary and appropriate action to (1) approve a

preliminary plat of subdivision with the intent to divide the Subject Property into two (2) legal lots of record; (2) approve a conditional use for multi-family dwellings in the OCI Zoning District; (3) approve a parking variance from Section 6-9-3 to reduce the required number of off-street parking spaces; (4) approve a variance from Section 6-7F-5 to permit a reduction in the required lot area for multi-family dwellings; (5) approve a variance to permit an increase in the allowable building height under Section 6-7F-8; (6) approve a variance from Section 6-7F-7 to permit a reduction in the interior side yard setbacks; (7) approve a variance from Section 6-9-2:4.3 to permit a fire access lane to be located approximately two (2) feet from the property line; (8) approve a deviation from Section 7-3-5 waiving School and Park Impact Fees; (9) approve a waiver from building regulation Section 5-2C-3 to reduce the minimum fifty percent (50%) masonry requirement for multi-family dwellings; and (10) approve such other variances, departures or deviations as may be deemed necessary to develop the property according to the plans submitted herewith.

RESPECTFULLY SUBMITTED this 28 day of March, 2017

PETITIONER:

Naperville Elderly Homes, Inc.,
an Illinois not-for-profit corporation



Rosanova & Whitaker, Ltd.
Attorney for the Petitioner

EXHIBIT "A"
LEGAL DESCRIPTION

ALL OF BLOCK 2 TOGETHER WITH VACATED LINDA COURT IN SAID BLOCK 2 (SAID LINDA COURT HAVING BEEN VACATED BY ORDINANCE PASSED BY THE CITY OF NAPERVILLE, A COPY OF WHICH WAS RECORDED JUNE 17, 1969 AS DOCUMENT R69-26558) IN BROM SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 14, 1961 AS DOCUMENT R61-18064, IN DUPAGE COUNTY, ILLINOIS.

PIN NO. 07-24-400-001-0000

COMMONLY KNOWN AS: 310 W Martin Avenue, Naperville, IL 60540

EXHIBIT "B"
SUBDIVISION PLAT

EXHIBIT "C"
SITE AND ENGINEERING PLANS

C1.00

Project Number
D-5643-02
Drawn By
DE
Sheet

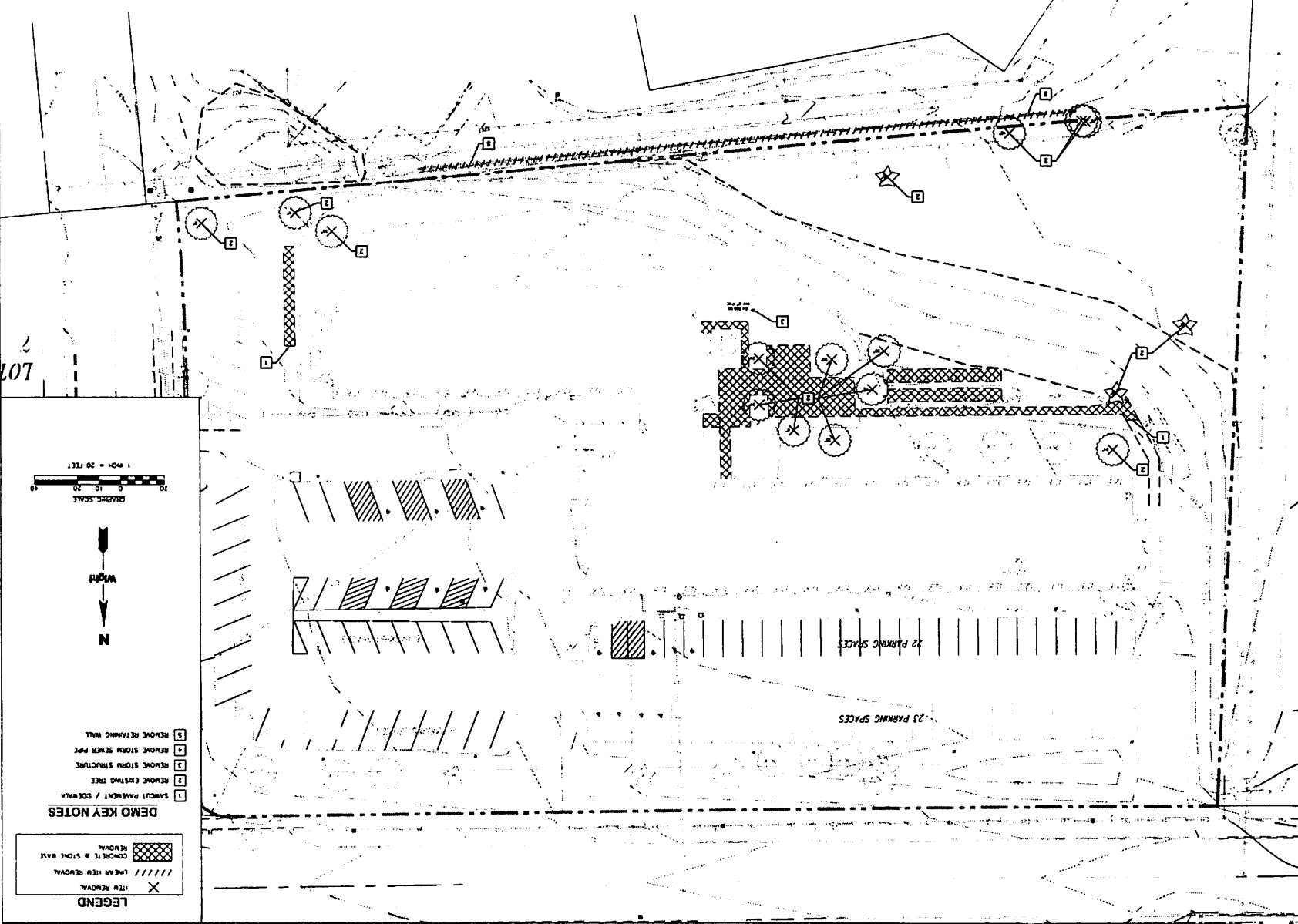
PRELIMINARY ENGINEERING-
EXISTING CONDITIONS
AND DEMOLITION PLAN

316 W MARTIN AVENUE
NAPERVILLE, IL 60540

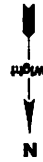
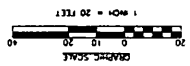
ADDITION
HOMES - BUILDING
NAPERVILLE ELDERLY

DATE 3-24-2017
DRAWN BY
3-24-2017

NOT FOR CONSTRUCTION



LOT



- DEMO KEY NOTES**
- 1 SANICUT PAVEMENT / SIDEWALK
 - 2 REMOVE EXISTING TREE
 - 3 REMOVE STORM STRUCTURE
 - 4 REMOVE STORM SEWER PIPE
 - 5 REMOVE RETAINING WALL

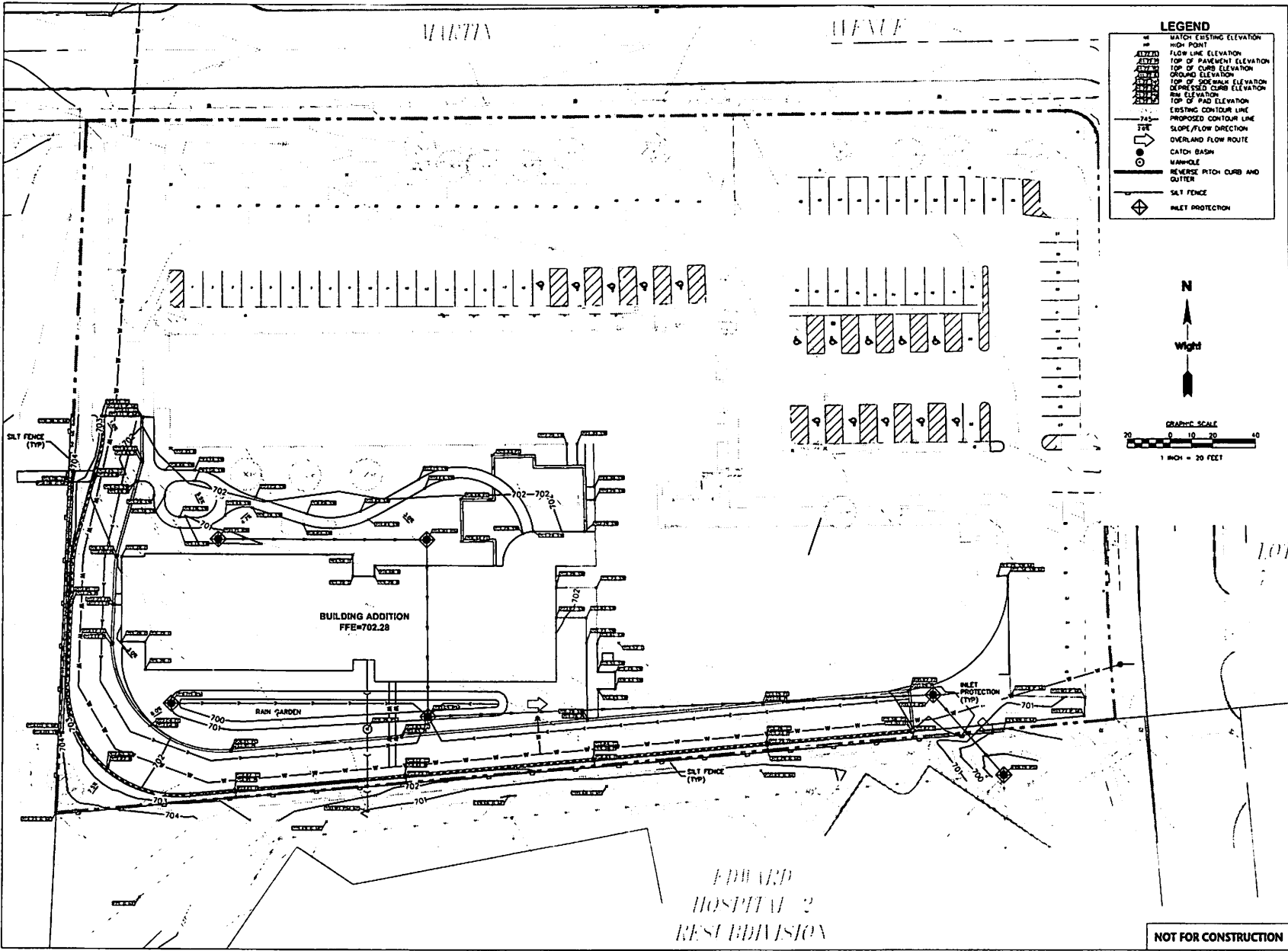
LEGEND

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| X | ITEM REMOVAL |
| //// | LAND AREA REMOVAL |
| XXXX | CONCRETE & STONE MASS REMOVAL |

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F 630.999.2775

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DWG: C:\dwg\2017 All rights reserved. No part of these documents may be reproduced, stored, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written consent of Wright & Company.

S:\Damen\Naperville Elderly Homes\5647-02_Napv Elderly Homes\01\DWG\CD\01-5647-02_C3.00_GRADING AND EROSION CONTROL PLAN.dwg sheets, Mar 24, 2017 1:07:33 pm
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Wight

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 wightco.com
 2500 North Heritage Road
 Downers Grove, IL 60515
 P 630.949.7000
 F 630.949.7979

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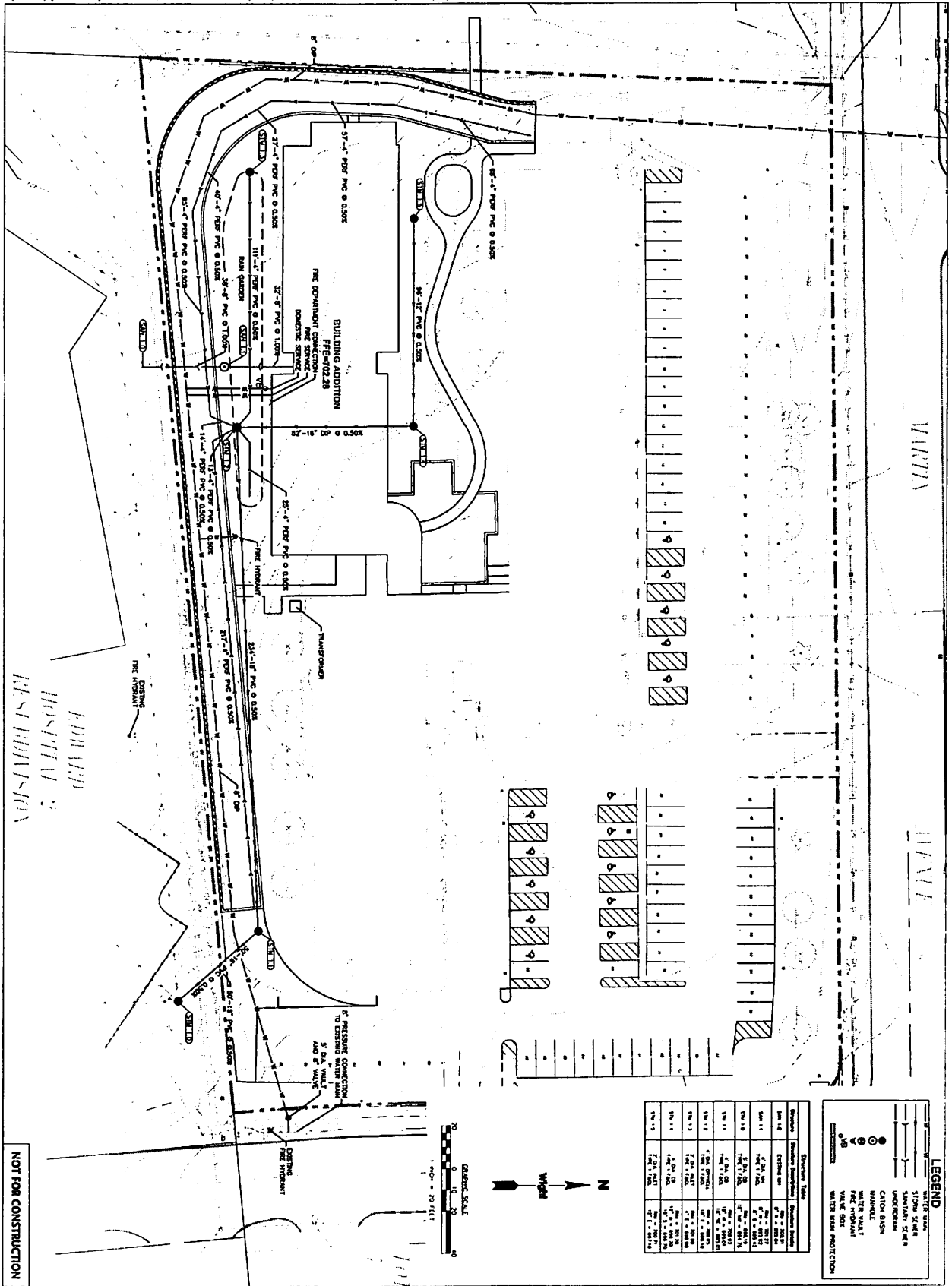
NAPERVILLE ELDERLY HOMES - BUILDING ADDITION

316 W MARTIN AVENUE
 NAPERVILLE, IL 60540

PRELIMINARY ENGINEERING-GRADING AND EROSION CONTROL PLAN

Project Number
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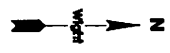
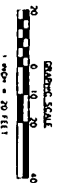
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 P 630.260.5000
 F 630.260.5000
 E info@wight.com

DATE 3-24-2017
REV DESCRIPTION
1 316 W MARTIN AVENUE
NAPERVILLE ELDERLY HOMES - BUILDING ADDITION
UTILITY PLAN
PRELIMINARY ENGINEERING-
UTILITY PLAN
316 W MARTIN AVENUE
NAPERVILLE, IL 60560
PROJECT NUMBER 0-5647-02
DATE 3-24-2017
SCALE AS SHOWN

C4.00