

PIN: 07-27-103-008

ADDRESS:  
2939 AUDREY AVENUE  
NAPERVILLE, IL 60540

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540  
630/420-4170

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

PZC Case #22-1-112

## ORDINANCE NO. 23 -

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR A CONVALESCENT HOME IN THE OCI ZONING DISTRICT AND GRANTING VARIANCES TO SECTION 6-7F-8:1 (HEIGHT LIMITATIONS/BULK REGULATIONS), SECTION 6-9-2:4.3.1 (YARD REQUIREMENTS FOR OFF-STREET PARKING FACILITIES), SECTION 6-16-3:7 (PROHIBITED SIGNS), AND SECTION 5-10-3:5.2.4.1 (LANDSCAPING AND SCREENING) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 2939 AUDREY AVENUE (AUDREY SENIOR LIVING)**

### RECITALS

1. **WHEREAS**, Chicago Title Land Trust Company, as Successor Trustee to North Star Trust Company, as Trustee under a certain trust agreement dated May 26, 2011 and known as Trust Number 11-12331, 10 S. LaSalle St., Suite 2750, Chicago, IL 60603, is the owner ("**Owner**") of real property located at 2939 Audrey Avenue, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**");  
and
2. **WHEREAS**, with the authorization of the Owner, Ryan Companies US, Inc., a Minnesota corporation, 700 Oakmont Lane, Suite 100, Westmont, IL 60559

("Petitioner"), has petitioned the City of Naperville for approval of a preliminary/final plat of subdivision to subdivide one lot into two lots ("Lot 1" and "Lot 2") and a conditional use for a convalescent home on Lot 1 of the Subject Property and approval of multiple variances to develop Lot 1 of the subject property with a convalescent home, including variances to:

(a) Section 6-7F-8:1 (Height Limitations/Bulk Regulations) to increase permissible building height for Lot 1 from 43 feet to 54 feet 3 inches as depicted on **Exhibit C** ("**Building Elevations**");

(b) Section 6-9-2:4.3.1 (Yard Requirements for Off-Street Parking Facilities) to allow parking areas to be located in the front yard of Lot 1 of the Subject Property as depicted on **Exhibit D** ("**Site Plan**");

(c) Section 6-16-3:7 (Prohibited Signs) to allow off-premises signage on Lot 2 of the Subject Property as depicted on **Exhibit E** ("**Sign Rendering**");

(d) Section 5-10-3:5.2.4.1 (Landscaping and Screening) to eliminate the 6-foot landscaping boundary requirement on Lot 1 of the Subject Property; and

3. **WHEREAS**, the Petitioner's conditional use request for a convalescent home and associated variances as outlined in Recital 2 are further detailed in Petitioner's Response to Standards attached hereto as **Exhibit F**, and shall collectively be referred to as the Audrey Senior Living Entitlements ("**Audrey Senior Living Entitlements**")

4. **WHEREAS**, the Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving a preliminary/final plat of subdivision for the Audrey Senior Living Subdivision, and an ordinance rezoning Lot 1 of the Audrey

Senior Living Subdivision from B-2 (Community Shopping Center District) to OCI (Office, Commercial and Institutional District); and

5. **WHEREAS**, on February 15, 2023, the City's Planning and Zoning Commission conducted a public hearing regarding the Petitioner's requests and recommended approval of the Petitioner's requests; and
6. **WHEREAS**, notwithstanding the foregoing, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the Audrey Senior Living Entitlements meet the standards for approval as provided in **Exhibit F** attached hereto and should be approved for the Subject Property 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:** A conditional use for a convalescent home on Lot 1 of the Audrey Senior Living Subdivision pursuant to Section 6-7f-3:1 of the Naperville Municipal Code is hereby approved.

**SECTION 3:** A variance to Section 6-7F-8:1 (Height Limitations/Bulk Regulations) to increase permissible building height for Lot 1 from 43 feet to 54 feet 3 inches when viewed from the Audrey Avenue frontage, or 57 feet when viewed from the east, is hereby approved.

**SECTION 4:** A variance to Section 6-9-2:4.3.1 (Yard Requirements for Off-street Parking Facilities) to allow parking in the front yard of Lot 1 as depicted on **Exhibit D** (“**Site Plan**”), is hereby approved.

**SECTION 5:** A variance to Section 6-16-3:7 (Prohibited Signs) to allow off-premises signage on Lot 2 of the Subject Property as depicted on **Exhibit E** (“**Sign Rendering**”), is hereby approved.

**SECTION 6:** A variance to Section 5-10-3:5.2.4.1 (Landscaping and Screening) to eliminate the 6 ft. landscaping boundary requirement as depicted on **Exhibit G** (“**Landscape Plan**”), is hereby approved.

**SECTION 7:** The Building Elevations, attached to this Ordinance as **Exhibit C**, are hereby approved.

**SECTION 8:** The Site Plan, attached to this Ordinance as **Exhibit D**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 9:** The Landscape Plan, attached to this Ordinance as **Exhibit G**, is hereby approved.

**SECTION 10:** The variances approved by this Ordinance shall expire unless within two (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 11:** The variances approved by this Ordinance 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 12:** 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

**SECTION 13:** The City Clerk is authorized and directed to record this Ordinance, along with The Audrey Senior Living Ordinances, with the DuPage County Recorder.

**SECTION 14:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Scott A. Wehrli  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk