

PINs:

08-18-131-014

08-18-131-015

08-18-131-016

08-18-131-017

ADDRESSES:

252 AND 262 4TH AVENUE

329 AND 333 NORTH LOOMIS STREET

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 #20-1-075

ORDINANCE NO. 21- __

**AN ORDINANCE APPROVING A CONDITIONAL USE IN THE R2 (SINGLE-FAMILY AND LOW-DENSITY MULTIPLE-FAMILY RESIDENCE) DISTRICT TO ALLOW A TOWNHOME DEVELOPMENT AND VARIANCES TO SECTION 6-6C-8:1, SECTION 6-6C-5:2, AND SECTION 6-6C-7 OF THE NAPERVILLE MUNICIPAL CODE
FOR 4TH AVENUE & LOOMIS STREET**

RECITALS

1. **WHEREAS**, Bridge Street Properties LLC ("Petitioner"), as authorized by the Property Owners, has petitioned the City of Naperville for approval of a preliminary plat of subdivision, conditional use in the R2 zoning district, and related variances to allow the development of nine (9) single-family attached townhome dwelling units and four (4) duplex dwelling units at 252 4th Avenue, 262 4th Avenue, 329 N. Loomis Street, and 333 N. Loomis Street (cumulatively referenced herein as the "Subject Property"),

referred to as the “4th Avenue and Loomis Street” development, and legally described on **Exhibit A** and depicted on **Exhibit B**; and

2. **WHEREAS**, Josephine M. Kokocinski Trust, 252 4th Avenue, Naperville, IL 60540, owns real property located at 252 4th Avenue, Naperville, IL 60540 (PIN 08-18-131-014); and
3. **WHEREAS**, BSP Station LLC, 618 W. Jefferson Avenue, Naperville, Illinois 60540, owns real properties located at 262 4th Avenue and 333 N. Loomis Street, Naperville, IL 60540 (PIN 08-18-131-015 and 08-18-131-016); and
4. **WHEREAS**, 5280 Properties, LLC- Series 329 Loomis, 215 Spring Avenue, Naperville, Illinois 60540, owns real property located at 329 N. Loomis Street, Naperville, IL 60540 (PIN 08-18-131-017); and
5. **WHEREAS**, the Subject Property is located at the southwest corner of 4th Avenue and North Loomis Street, is zoned R2 (Single-family and Low Density Multiple-Family Residence District) and is currently improved with four (4) single-family detached dwelling units; and
6. **WHEREAS**, the proposed 4th Avenue and Loomis Street development will consolidate the four existing lots into one buildable lot and all existing structures will be demolished; and
7. **WHEREAS**, the proposed 4th Avenue and Loomis Street development will be comprised of nine (9) single-family attached townhome dwelling units and four (4) duplex dwelling units on the Subject Property; and
8. **WHEREAS**, the proposed townhome units in the 4th Avenue and Loomis Street development require approval of a conditional use in the R2 District in accordance with Section 6-6C-3:5 of the Naperville Municipal Code; and

9. **WHEREAS**, the 4th Avenue and Loomis Street development requires variances to the following sections of the Naperville Municipal Code: (i) Section 6-6C-8:1 (Height Limitations/Bulk Regulations) to allow the development to exceed the permitted maximum height of three (3) stories and forty feet (40') by having a height of three and a half (3½) stories and forty-two feet one inch (42'1"); (ii) Section 6-6C-5:2 (Area Requirements) to allow for a decrease in the required minimum lot area from 4,000 square feet per dwelling unit to 2,299 square feet per dwelling unit to permit a total of 13 dwelling units; (iii) Section 6-6C-7 (Yard Requirements) to reduce the required front yard setback along the north property line from 25 feet to 15 feet; and, (iv) Section 6-6C-7 (Yard Requirements) to reduce the required rear yard setback along the south property line from 25 feet to six (6) feet; and
10. **WHEREAS**, on October 21, 2020, the Planning and Zoning Commission conducted a public hearing to consider PZC 20-1-095 and recommended approval of Petitioner's requests; and
11. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's requested conditional use to allow for townhomes on the Subject Property in accordance with Section 6-6C-3:5 of the Naperville Municipal Code meets the Standards for Conditional Uses as provided in **Exhibit C** attached hereto and should be granted subject to the conditions set forth herein; and
12. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's requested variances meet the Standards for Variances as provided in **Exhibit C** attached hereto and should be granted subject to the conditions set forth herein; and

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 herein as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

SECTION 2: A conditional use to allow nine (9) single-family attached townhome dwelling units on the Subject Property, as depicted on **Exhibit D**, is hereby approved subject to the condition that the Petitioner include a restriction in the homeowner's association bylaws that prohibits use of the enclosed garage spaces within the 4th Avenue and Loomis Street development from for storage purposes. Said restriction, which will also be stipulated in the Owner's Acknowledgement and Acceptance agreement attached to the Final Subdivision Plat for the Subject Properties, is intended to ensure that adequate parking is available for residents and guests of the 4th Avenue and Loomis Street development.

SECTION 3: Variances to the Naperville Municipal Code are hereby approved and granted to Petitioner:

- i. Section 6-6C-8:1 (Height Limitations/Bulk Regulations) to allow the development to exceed the maximum permitted height of three (3) stories and forty feet (40') by having a height of three and a half (3½) stories and forty-two feet one inch (42'1");
- ii. Section 6-6C-5:2 (Area Requirements) to allow for a decrease in the required minimum lot area from 4,000 square feet per dwelling unit to 2,299 square feet per dwelling unit to permit a maximum of 13 dwelling units on the Subject Property;
- iii. Section 6-6C-7 (Yard Requirements) to reduce the required rear yard setback along the south property line from 25 feet to six (6) feet; and,

iv. Section 6-6C-7 (Yard Requirements) to reduce the required front yard setback along the north property line from 25 feet to 15 feet.

SECTION 4: The Conditional Use and variances granted herein shall expire unless within two (2) years from the effective date of this Ordinance a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started.

SECTION 5: The Building Elevations for 4th Avenue & Loomis Street, attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 6: The Landscape Plan for 4th Avenue & Loomis Street, attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 7: This Ordinance is subject to the condition that the owner's acceptance and acknowledgement agreement will be processed in accordance with the Final Plat and shall stipulate that storage in garages shall be prohibited so that the required parking is provided.

SECTION 8: The Variances and Conditional Use granted to the Petitioner herein are subject to revocation by the City for failure of the Petitioner to comply with the conditions set forth herein or 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 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 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 from and after its passage and approval.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk