

PINS:
07-24-209-004
07-24-209-005
07-24-400-016

ADDRESSES:
10 MARTIN AVENUE
NAPERVILLE, IL 60540

AND

801 S. WASHINGTON STREET
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 #22-1-030

ORDINANCE NO. 23 - ____

**AN ORDINANCE GRANTING VARIANCES
FROM SECTION 6-7J-9 (YARD REQUIREMENTS), SECTION 6-2-14 (MAJOR
ARTERIAL SETBACK REQUIREMENTS), SECTION 6-9-2:4.3.1 (OFF-STREET
PARKING REQUIREMENTS), AND SECTION 6-16-5:2 (SIGNS ON COMMERCIAL
AND INSTITUTIONAL PROPERTY/PERMANENT SIGNS) OF THE NAPERVILLE
MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT
10 MARTIN AVENUE AND 801 S. WASHINGTON STREET
(NAPERVILLE MEDICAL OFFICE BUILDING)**

RECITALS

1. **WHEREAS**, 10 West Martin, LLC, 533 South Third Street, Suite 100, Minneapolis, MN 55415, is the owner ("**Owner**") of real property located at 10 Martin Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property A**"); and
2. **WHEREAS**, Edward Hospital, 4201 Winfield Road, Warrenville, IL 60555, is the owner ("**Owner 2**") of real property located at 801 S. Washington Street, Naperville,

Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property B**”); and

3. **WHEREAS**, Subject Property A is presently zoned OCI (Office/Commercial/Institutional District) in the City of Naperville and is improved with a medical office building; and
4. **WHEREAS**, Subject Property B is presently zoned HS (Health Services District) in the City of Naperville and is improved with a portion of the Edward Hospital campus; and
5. **WHEREAS**, Ryan Companies US, Inc., 533 South Third Street, Suite 100, Minneapolis, MN 55415 (“**Petitioner**”) proposes demolishing the existing building on Subject Property A and constructing a new, 96,430 square foot cardiovascular center that will complement the larger Edward Hospital campus; and
6. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with an ordinance rezoning Subject Property A from OCI (Office/Commercial/Institutional District) to HS (Health Services District) in the City of Naperville (hereinafter cumulatively referenced herein as the “**Naperville Medical Office Building Ordinances**”); and
7. **WHEREAS**, pursuant to Section 6-7J-5:5 (Health Services District/Required Conditions) of the Naperville Municipal Code, all parking facilities located on properties in the HS district shall be treated as common or shared parking facilities for all uses contained within each health services district; and
8. **WHEREAS**, the petitioner submitted a parking study, attached hereto as **Exhibit C** (“**Parking Study**”), that serves as an update to the *Edward Hospital Parking Supply/Demand Study Update* prepared by Walker Parking Consultants in August

2017, and finds that the proposed parking supply is expected to support peak conditions and parking demand spillover to the adjacent street network is not anticipated; and

9. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of variances to the following sections of the Naperville Municipal Code:

- a) Section 6-7J-9 (Yard Requirements) to reduce the corner side yard setback from 20 ft. to 13.5 ft. along Washington Street (*applicable to Subject Property A*);
- b) Section 6-2-14 (Major Arterial Setback Requirements) to reduce the major arterial building and parking setback from the right-of-way along Washington Street from 20 ft. to 13.5 ft. for the building (*applicable to Subject Property A*) and 8 ft. for the parking lot (*applicable to Subject Property A and Subject Property B*);
- c) Section 6-9-2:4.3.1 (Off-street Parking Requirements) to allow parking to encroach into the required yard along Martin Avenue (*applicable to Subject Property A*) and the required yard along Washington Street (*applicable to Subject Property A and Subject Property B*);
- d) Section 6-16-5:2.2.1 (Ground Signs) to allow the property to have a second monument sign along the north property line, where the frontage is less than 500 linear feet (*applicable to Subject Property A*);
- e) Section 6-16-5:2.2.1 (Ground Signs) to allow a new monument sign at the southwest corner of Washington Street and Martin Avenue to be oriented perpendicular to Washington Street (*applicable to Subject Property A*);
- f) Section 6-16-5:2.2.2 (Ground Signs/Area) to allow an increase monument sign area allowance of 45 sq. ft. to 102.7 sq. ft. for the monument sign to be located at the southwest corner of Martin Avenue and Washington Street (*applicable to Subject Property A*);
- g) Section 6-16-5:2.1.1 (Wall Signs) to increase the allowable signage area from 186 sq. ft. to 290 sq. ft. for a wall sign along Washington Street (*applicable to Subject Property A*).

10. **WHEREAS**, each of the requested variances meet the Standards for Granting a Variance as provided in **Exhibit D** attached hereto; and

11. **WHEREAS**, on December 21, 2022, the Planning and Zoning Commission conducted a public hearing to consider the variance requests and recommended approval of the Petitioner's requests; and

12. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided 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 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: Subject to approval, execution, and recordation of the Naperville Medical Office Building Ordinances, the following variances are hereby approved for Subject Property A, subject to the condition provided in Section 4 in this Ordinance:

- a) Section 6-7J-9 (Yard Requirements) to reduce the corner side yard setback from 20 ft. to 13.5 ft. along Washington Street, as illustrated on **Exhibit E** ("**Site Plan**");
- b) Section 6-2-14 (Major Arterial Setback Requirements) to reduce the major arterial building and parking setback from the right-of-way along Washington Street from 20 ft. to 13.5 ft. for the building and 8 ft. for the parking lot, as illustrated on **Exhibit E** ("**Site Plan**");
- c) Section 6-9-2:4.3.1 (Off-street Parking Requirements) to allow parking to encroach into the required yard along Martin Avenue and the required yard along Washington Street, as illustrated on **Exhibit E** ("**Site Plan**");
- d) Section 6-16-5:2.2.1 (Ground Signs) to allow the property to have a second monument sign along the north property line, where the frontage is less than 500 linear feet, as illustrated on **Exhibit F** ("**Sign Plan**");
- e) Section 6-16-5:2.2.1 (Ground Signs) to allow a new monument sign at the southwest corner of Washington Street and Martin Avenue to be oriented perpendicular to Washington Street, as illustrated on **Exhibit F** ("**Sign Plan**");
- f) Section 6-16-5:2.2.2 (Ground Signs/Area) to allow an increase monument sign area allowance of 45 sq. ft. to 102.7 sq. ft. for the monument sign to be located at the southwest corner of Martin Avenue and Washington Street, as illustrated on **Exhibit F** ("**Sign Plan**");
- g) Section 6-16-5:2.1.1 (Wall Signs) to increase the allowable signage area from 186 sq. ft. to 290 sq. ft. for a wall sign along Washington Street, as illustrated on **Exhibit F** ("**Sign Plan**").

SECTION 3: Subject to approval, execution, and recordation of the Naperville Medical Office Building Ordinances, the following variances are hereby approved for Subject Property B, subject to the condition provided in Section 4 in this Ordinance:

- a) Section 6-2-14 (Major Arterial Setback Requirements) to reduce the major arterial building and parking setback from the right-of-way along Washington Street from 20 ft. to 8 ft. for a parking lot, as illustrated on **Exhibit E** ("**Site Plan**");
- b) Section 6-9-2:4.3.1 (Off-street Parking Requirements) to allow parking to encroach into the required yard along Washington Street, as illustrated on **Exhibit E** ("**Site Plan**").

SECTION 4: The following condition is applicable to the variances approved in Section 2 and Section 3 in this Ordinance:

- a) An administrative plat of subdivision with cross access and shared parking depicted on the plat must be approved by staff and recorded with the Recorder's Office of DuPage County prior to the release of a certificate of occupancy for the subject property.

SECTION 5: The Site Plan, attached to this Ordinance as **Exhibit E**, is hereby approved as the controlling site plan for the Subject Property; however, modifications to the site plan may be administratively approved so long as they do not alter the concept or intent of the approved site plan or impact any of the variances approved herein.

SECTION 6: The Landscape Plan, attached to this Ordinance as **Exhibit G**, is hereby approved.

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

SECTION 8: 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 9: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 10: 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 11: If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 12: The City Clerk is authorized and directed to record this Ordinance, along with the Naperville Medical Office Building Ordinances, with the DuPage County Recorder.

SECTION 13: 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.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk