

PIN:
08-18-207-003

ADDRESS:
26W161 OLD PLANK 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 #16-1-174

ORDINANCE NO. 17 - ____

**AN ORDINANCE GRANTING VARIANCES FROM
6-6D-7 (R3A: YARD REQUIREMENTS) AND 6-6D-8 (R3A: HEIGHT
LIMITATIONS/BULK REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY AT 26W161 OLD PLANK ROAD**

WHEREAS, Pulte Home Company, LLC. ("Petitioner"), has petitioned the City of Naperville for approval of variances to allow an encroachment in the required rear yard setback and to exceed the maximum permitted building height for the property located at 26W161 Old Plank Road, Naperville ("Subject Property"), which is legally described in **Exhibit A**, and depicted on **Exhibit B**; and

WHEREAS, the Subject Property is currently zoned R3A (Medium Density Multiple-Family Residence District) and is improved with a single-story metal building, a two story concrete building, and associated asphalt and gravel parking areas; and

WHEREAS, the Petitioner is proposing to demolish the existing structures and construct 35 single-family attached residences on eight lots and one outlet; and

WHEREAS, the Petitioner is requesting approval of a variance to 6-6D-7 (R3A: Yard Requirements) to allow an encroachment in the required rear yard setback for building 2 at the Subject Property from the required 25' to 12.7'; and

WHEREAS, the encroachment resulting from the proposed single-family attached residences will have minimal impact on the neighborhood streetscape and will not be a substantial detriment to the adjacent properties; and

WHEREAS, the Petitioner is also requesting approval of a variance to 6-6D-8 (R3A: Height Limitations/Bulk Regulations) to exceed the maximum permitted building height for the side and rear elevations of buildings 2, 6, 7, and 8 at the Subject Property from the required 35' to 38'; and

WHEREAS, the requested height variance is a result of the topography on the Subject Property and will not be a substantial detriment to the adjacent properties; and

WHEREAS, on March 15, 2017, the Planning and Zoning Commission conducted a public hearing concerning PZC 16-1-174, and recommended approval of the Petitioner's requests; and

WHEREAS, the requested variances meet the Standards for Granting a Variance as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that the variance should be granted to the extent set forth in this Ordinance.

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.

SECTION 2: A variance to 6-6D-7 (R3A: Yard Requirements) to allow an encroachment in the required rear yard setback from 25' to 12.7' for building 2 located at the Subject Property located at 26W161 Old Plank Road is hereby granted.

SECTION 3: A variance to 6-6D-8 (R3A: Height Limitations/Bulk Regulations) to exceed the maximum permitted building height from the required 35' to 38' for the side and rear elevations of buildings 2, 6, 7, and 8 located at the Subject Property located at 26W161 Old Plank Road is hereby granted.

SECTION 4: The variances 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 5: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk