

PIN:  
07-23-110-020

ADDRESS:  
1508 AURORA AVENUE  
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 #22-1-053

**ORDINANCE NO. 22 -**

**AN ORDINANCE APPROVING A PRELIMINARY/FINAL PLAT OF SUBDIVISION  
AND A PLATTED SETBACK DEVIATION  
FOR NAPERVILLE OGDEN AURORA SUBDIVISION**

**RECITALS**

1. **WHEREAS**, CAHST Naperville, LLC, 130 E. Randolph Street, Suite 2100, Chicago, IL 60601 (“**Petitioner**” and “**Property Owner**”) owns certain property located at 1508 Aurora Avenue, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Petitioner has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision for Naperville Ogden Aurora Subdivision in order to subdivide one (1) lot into three (3) lots in order to create two (2) new commercial outlots that will accommodate one (1) office/retail building and a coffee shop; and
3. **WHEREAS**, the Subject Property is currently zoned B1 (Neighborhood Convenience Shopping Center District) in the City of Naperville and the proposed lots comply with the underlying B1 zoning district requirements; and

4. **WHEREAS**, the Subject Property was originally platted as Lot 1 of the Frank's Nursery & Crafts Subdivision in 1984, and in 2012 the Subject Property was replatted as Lot 1 of the Standard Market of Naperville Subdivision; and
5. **WHEREAS**, the Subject Property is subject to the following covenant, easements, and sign agreement to which the City of Naperville is a party: (1) A Stormwater Detention Facility Covenant Dated September 8, 2011 and recorded with the DuPage County Recorder as Document No. R2012-073215 on June 8, 2012; (2) Standard Market Stormwater Detention Facility Easements Dated March 17, 2014 and recorded with the DuPage County Recorder as Document No. R2014-025203 on March 28, 2014; and (3) A Sign Encroachment License Agreement Dated September 18, 2013 and recorded with the DuPage County Recorder as Document No. R2013-145578 on October 18, 2013 (hereinafter cumulatively referenced herein as the "**Standard Market Covenants and Agreements**"); and
6. **WHEREAS**, the Property Owner has agreed to record a fully executed version of the "Compliance Covenant to the City of Naperville" (the "**Compliance Covenant**") attached hereto and made part hereof as **Exhibit C** against the Subject Property which generally provides that the Standard Market Covenants and Agreements shall continue to be enforceable by the City against the entirety of the Subject Property and requires the owners of each lot of the Naperville Ogden Aurora Subdivision to be jointly and severally liable therefor with the exception of the Sign Encroachment License Agreement which shall be binding upon only the owner and successors and assigns of Lot 3 of the Naperville Ogden Aurora Subdivision; and

7. **WHEREAS**, the Compliance Covenant shall be recorded against the Subject Property with the DuPage County Recorder prior to recordation of this Ordinance approving the Preliminary/Final Plat of Subdivision for Naperville Ogden Aurora Subdivision and platted setback deviation; and
8. **WHEREAS**, per recorded Document No. R1984-101331 with DuPage County, there is a twenty-foot parking and signage setback applicable to 1508 Aurora Avenue; and
9. **WHEREAS**, in conjunction with the requested approval of a preliminary/final plat of subdivision, the Petitioner has petitioned the City of Naperville for approval of a platted setback deviation to allow signage to be located within the twenty-foot parking and signage setback established for 1508 Aurora Avenue in accordance with Doc. 84-101331, as generally depicted on **Exhibit D** ("**Site Plan**"); and
10. **WHEREAS**, the requested platted setback deviation meets the Standards for Granting a Subdivision Deviation as provided in **Exhibit E** attached hereto; and
11. **WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for Naperville Ogden Aurora Subdivision and platted setback deviation to allow signage to be located within the twenty-foot parking and signage setback established for 1508 Aurora Avenue in accordance with Doc. 84-101331, should be approved 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 herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** Subject to recordation of the Compliance Covenant as provided herein, the Preliminary/Final Plat of Subdivision for Naperville Ogden Aurora Subdivision, attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 3:** A platted setback deviation to allow signage to be located within the twenty-foot parking and signage setback established for 1508 Aurora Avenue in accordance with Doc. 84-101331, as generally depicted on **Exhibit D**, is hereby approved.

**SECTION 4:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 5:** Upon confirmation from the City Attorney that the Compliance Covenant described in Recitals 7 through 9 hereof has been recorded against the Subject Property with the DuPage County Recorder, the City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 6:** 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 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk