

PIN:
07-01-16-400-004

ADDRESS:
24254 111th STREET
NAPERVILLE, IL 60564

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 #22-1-023

ORDINANCE NO. 22 - _____

**AN ORDINANCE APPROVING A
CONDITIONAL USE IN THE OCI (OFFICE, COMMERCIAL AND INSTITUTIONAL)
ZONING DISTRICT TO ALLOW A MULTI-FAMILY RESIDENTIAL DEVELOPMENT,
A CONDITIONAL USE FOR A PLANNED UNIT DEVELOPMENT, AND A
PRELIMINARY PLANNED UNIT DEVELOPMENT PLAT FOR THE BELVEDERE**

RECITALS

1. **WHEREAS**, BC Belvedere, LLC, an Illinois limited liability company, 336 Bon Air Center #351, Greenbrae, CA 94904, is the owner ("**Owner**") of real property located at 24254 111th Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Owner is proposing the development of a 212-unit, multi-family residential development on the Subject Property anticipated to be known as The Belvedere; and
3. **WHEREAS**, the Owner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving the following: an annexation

agreement; annexation of the Subject Property; rezoning of the Subject Property to OCI in the City of Naperville; and, a preliminary plat of subdivision (hereinafter cumulatively referenced herein as the “**The Belvedere Ordinances**”); and

4. **WHEREAS**, subject to approval of The Belvedere Ordinances, the Owner seeks approval of a conditional use in the OCI zoning district to allow for a 212-unit, multi-family residential development in accordance with Section 6-7F-3 of the Naperville Municipal Code and for approval of a conditional use to establish a planned unit development and a preliminary PUD plat for The Belvedere; and
5. **WHEREAS**, on June 15, 2022, the Planning and Zoning Commission conducted a public hearing concerning PZC 22-1-023 to consider the Petitioner’s requests for the Subject Property, and recommended approval of Petitioner’s requests (approved 7-0); and
6. **WHEREAS**, the City Council finds that subject to the terms and conditions set forth and referenced herein, the requested conditional use to allow for a multi-family residential development in accordance with Section 6-7f-3 of the Naperville Municipal Code meets the Standards for Conditional Uses as provided in **Exhibit C** attached hereto; and
7. **WHEREAS**, the City Council finds that subject to the terms and conditions set forth and referenced herein, the requested conditional use to establish a planned unit development and a preliminary planned unit development (PUD) plat for the Subject Property meets the Standards for Granting a PUD as provided in **Exhibit D** attached hereto; and

8. **WHEREAS**, the provisions of this Ordinance shall be binding upon the Owner and its successors, assigns, and transferees; and
9. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, and subject to approval of The Belvedere Ordinances, the City Council of the City of Naperville has determined that a conditional use for multi-family residential in the OCI (Office, Commercial and Institutional) zoning district, and a conditional use to establish a planned unit development, and a preliminary PUD plat for the Subject Property 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Each of the approvals contained in this Ordinance is subject to and conditioned upon approval of a final planned unit development plat for the Subject Property and strict compliance with the terms and conditions set forth and referenced herein. All terms and conditions set forth and referenced herein shall be binding upon the Owner and Owner's successors, transferees, and assigns.

SECTION 3: Subject to approval, execution, and recordation of The Belvedere Ordinances, a conditional use for multi-family residential on the Subject Property is hereby approved.

SECTION 4: Subject to approval, execution, and recordation of The Belvedere Ordinances, a conditional use to establish The Belvedere Planned Unit Development and

the Preliminary Planned Unit Development Plat for The Belvedere, attached to this Ordinance as **Exhibit E**, is hereby approved for the Subject Property, subject to substantial compliance with the following plans:

- Building Elevations for The Belvedere, as **Exhibit F**,
- Preliminary Landscape Plan for The Belvedere, as **Exhibit G**,
- Open Space Exhibit for The Belvedere, as **Exhibit H**.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 6: The Owner shall submit a properly executed Annexation Agreement to the City. The Mayor is then authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for the Subject Property on behalf of the City. Upon confirmation that all required fees have been paid, and properly executed documents have been submitted, the City Clerk is then authorized and directed to record The Belvedere Ordinances, including their Exhibits, with the Will County Recorder in the following order: (1) Annexation Agreement; (2) Annexation; (3) Rezoning; (4) Preliminary Plat of Subdivision; and, (5) Conditional Use and Preliminary PUD.

SECTION 7: 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 8: This Ordinance shall take effect upon its recordation with the Will County Recorder.

SECTION 9: If this Ordinance is not recorded within one (1) year of the City Council approval of this Ordinance, this Ordinance shall be automatically null and void and all rights and obligations hereunder shall then terminate.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk