

PIN:
07-04-203-025

ADDRESS:
2304 FERRY ROAD
NAPERVILLE, IL 60563

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 #22-1-119

ORDINANCE NO. 23 - _____

**AN ORDINANCE REVOKING ORDINANCE 21-078
WHICH ESTABLISHED THE IRON GATE MOTOR CONDOS PHASE 2B PUD FOR
THE PROPERTY LOCATED AT 2304 FERRY ROAD**

RECITALS

1. **WHEREAS**, High Point Investments, Inc., 1585 Beverly Court, Suite 121, Aurora, IL 60502, is the owner (hereinafter "**Owner**" and "**Petitioner**") of real property located at 2304 Ferry Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") and known as the Iron Gate Motor Condos Phase 2B PUD (PUD).
2. **WHEREAS**, the Subject Property is zoned I (Industrial District) and is part of the Iron Gate Motor Condos PUD (PUD) which has been developed in phases over the years.

3. **WHEREAS**, on June 15, 2021 the City Council of the City of Naperville passed Ordinance No. 21-078, approving a major change to the Iron Gate Motor Condos PUD, a final PUD plat for Iron Gate Motor Condos Phase 2A, Building 3, and Phase 2B of the Iron Gate Motor Condos PUD to permit 51 townhomes to be constructed on the property through a PUD land use deviation.
4. **WHEREAS**, pursuant to Section 6-4-8 (Effective Period of Planned Unit Development) of the Naperville Municipal Code, Owner has petitioned the City of Naperville for revocation of the Iron Gate Motor Condos Phase 2B PUD (PUD) approved by Ordinance No. 21-078 for the Subject Property.
5. **WHEREAS**, the Owner indicates that development of a residential product in the PUD is no longer feasible due to changes in economic conditions and material costs. Additionally, the Owner confirms that the Iron Gate Motor Condos' Board of Directors is unwilling to allow the approved residential project to be a part of the Iron Gate community.
6. **WHEREAS**, in response to these changes in circumstance, Owner proposes revoking the Iron Gate Phase 2B PUD approved by City Council in June of 2021 through Ordinance No. 21-078, to allow for the subject property to be developed in accordance with the underlying I (Industrial) zoning district.
7. **WHEREAS**, Section 6-4-8 (Effective Period of Planned Unit Development) of the Naperville Municipal Code provides that should City Council approve a request for revocation of a planned unit development, the parcel of land shall conform to the permitted uses and other regulations of the underlying zoning district in which it is located.

8. **WHEREAS**, the Owner has requested that the City approve this ordinance (“**Ordinance**”) along an ordinance approving a minor change to the Iron Gate Motor Condos Phase 2A PUD approved by Ordinance 15-145, and a Final PUD Plat for Iron Gate Motor Condos Phase 2A; and, a preliminary/final plat of subdivision of Highpoint 2B (hereinafter cumulatively referenced herein as the “**Highpoint 2B Ordinances**”).
9. **WHEREAS**, the City Council has determined the Owner’s request should be granted 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: Ordinance 21-078 and the Planned Unit Development designation for Iron Gate Motor Condos Phase 2B, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby revoked.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: 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 5: The City Clerk is authorized and directed to record this Ordinance, along with the Highpoint 2B Ordinances, 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 _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk