

PIN: 08-29-104-014

ADDRESS:  
25W462 75<sup>TH</sup> STREET  
NAPERVILLE, IL 60565

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540  
630/420-4170

RETURN TO:  
CITY OF NAPERVILLE  
COMMUNITY SERVICES OFFICE/  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #23-1-007

ORDINANCE NO. 23 - \_\_\_\_\_

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR  
MULTI-FAMILY RESIDENTIAL AND VARIANCES TO SECTION 6-7F-8 (HEIGHT  
LIMITATIONS/BULK REGULATIONS) AND SECTION 6-7F-5 (AREA  
REQUIREMENTS) FOR FOREST MEADOWS**

1. **WHEREAS**, Greene Valley 75, LLC, an Illinois limited liability company, 8S330 College Road, Naperville, Illinois, 60540 (referenced herein as "**Owner/Petitioner**") has petitioned the City of Naperville ("**City**") for annexation of an approximately 1.53 acre parcel of real property located at 25W462 75<sup>th</sup> Street in unincorporated DuPage County, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") for a multi-family residential development to be known as Forest Meadows ("**Forest Meadows**").
2. **WHEREAS**, Owner/Petitioner has requested the City approve this Ordinance seeking a conditional use for multi-family residential on the Subject Property and variances to increase permissible building height and residential density for the Subject Property as described herein ("**Ordinance**"), along with ordinances

approving an annexation agreement for the Subject Property, annexation of the Subject Property, and rezoning of the Subject Property to OCI (Office, Commercial and Institutional District) following annexation (hereinafter together referenced as the “**Forest Meadows Ordinances**”).

3. **WHEREAS**, Owner/Petitioner requests approval of a conditional use to permit multi-family residential in the OCI zoning district pursuant to Section 6-7F-3 (OCI District: Conditional Uses) of the Naperville Municipal Code.
4. **WHEREAS**, the requested conditional use meets the standards for conditional uses as set forth on **Exhibit C**.
5. **WHEREAS**, Owner/Petitioner requests approval of two variances including: (a) Section 6-7F-8:1 (Height Limitations/Bulk Regulations) to allow the proposed building to measure up to 47 feet in height when measured from the datum point instead of 43 feet, as illustrated on **Exhibit D** (“**Building Elevations**”); and, (b) Section 6-7F-5:2 (Area Requirements) to decrease the minimum lot area from 2,600 square feet per dwelling unit (resulting in approximately 16.75 dwelling units per acre) to approximately 1,758 square feet per dwelling unit (or approximately 24.8 dwelling units per acre), to accommodate 38 units on the 1.53-acre property, as illustrated on **Exhibit E** (“**Site Plan**”); and
6. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit F** attached hereto.
7. **WHEREAS**, on April 19, 2023 the Planning and Zoning Commission conducted a public hearing to consider Owner/Petitioner’s requests and recommended approval thereof.

8. **WHEREAS**, the City Council of the City of Naperville has determined that, subject to the provisions and conditions set forth and referenced herein, Owner/Petitioner's request for a conditional use for multi-family residential and variances to increase permissible building height and residential density for the Subject Property 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:** Subject to approval, execution, and recordation of the Forest Meadows Ordinances, a conditional use for multi-family residential on the Subject Property is hereby approved.

**SECTION 3:** Subject to approval, execution, and recordation of the Forest Meadows Ordinances, a variance to Section 6-7F-8:1 (Height Limitations/Bulk Regulations) of the Naperville Municipal Code to allow the proposed building to measure up to 47 feet in height when measured from the datum point instead of 43 feet, as illustrated on **Exhibit D** ("**Building Elevations**"), is hereby approved.

**SECTION 4:** Subject to approval, execution, and recordation of the Forest Meadows Ordinances, a variance to Section 6-7F-5:2 (Area Requirements) to decrease the minimum lot area from 2,600 square feet per dwelling unit (approximately 16.75 dwelling units per acre) to approximately 1,758 square feet per dwelling unit (approximately 24.8

dwelling units per acre), to accommodate 38 units on the 1.53-acre property, as illustrated on **Exhibit E** (“**Site Plan**”), is hereby approved.

**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 Building Elevations attached hereto as **Exhibit D** are hereby approved.

**SECTION 7:** The Landscape Plan attached hereto as **Exhibit G** is hereby approved.

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

**SECTION 9:** Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record the Forest Meadows Ordinances, together with their exhibits, with the DuPage County Recorder.

**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 DuPage County Recorder.

**SECTION 11:** This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

**SECTION 12:** 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 \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk