

PIN:
01-11-429-134 to 01-11-429-143
01-11-429-145 to 01-11-429-152

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 #17-1-038

ORDINANCE NO. 17 - ____

**AN ORDINANCE REVOKING ORDINANCES 09-110, 09-111, 10-061, 10-062, AND 10-063 RELATED TO
PHASE 1 PLANNED UNIT DEVELOPMENT FOR
THE TURNING POINTE CAMPUS**

WHEREAS, K. Hovnanian T&C Homes at Illinois ("Petitioner"), has petitioned the City of Naperville for revocation of the Turning Pointe Campus Planned Unit Development ("PUD") for the approximately 5.4 acre property located west of Plainfield-Naperville Road, north of Saratoga Road, south of Hamlet Road, and legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property");

WHEREAS, in 2005, the City Council passed several ordinances related to the development of the Subject Property for the Tramore Subdivision; and

WHEREAS, only one duplex unit has been constructed on the Subject Property to date; and

WHEREAS, on September 15, 2009, the City Council of the City of Naperville passed Ordinance 09-110 which approved a preliminary plat of planned unit development for Turning Pointe Campus; and

WHEREAS, on September 15, 2009, the City Council of the City of Naperville passed Ordinance 09-111 which approved a conditional use for a planned unit development and a preliminary plat of planned unit development for Turning Pointe Campus Phase 1 with deviations from the R2 lot area requirement for a primary school and from the front setback requirement to allow parking within 5' of the front property line in order to construct a school and residential care homes for individuals with autism; and

WHEREAS, on June 1, 2010, the City Council of the City of Naperville passed Ordinance 10-061 which approved a vacation of the Tramore Court right-of-way for Turning Pointe Campus Subdivision; and

WHEREAS, on June 1, 2010, the City Council of the City of Naperville passed Ordinance 10-062 which approved a Final Plat of Subdivision for Turning Pointe Campus Subdivision in order to consolidate 17 lots into one lot of record; and

WHEREAS, on June 1, 2010, the City Council of the City of Naperville passed Ordinance 10-063 which approved a Final Plat of Planned Unit Development for Turning Pointe Campus Phase 1; and

WHEREAS, Turning Pointe Autism Foundation will no longer construct the school and residential care homes for individuals with autism on the Subject Property and instead will sell the property to the Petitioner; and

WHEREAS, to date, Ordinances 09-110, 09-111, 10-061, 10-062, and 10-063 related to the Turning Pointe Campus Subdivision have not been recorded; and

WHEREAS, the Petitioner requests revocation of the PUD at the Subject Property in order to construct 15 farmhouse style duplexes; and

WHEREAS, upon revocation, the ordinances approved for the Subject Property in 2005 related to the Tramore Subdivision will remain in full force and effect; and

WHEREAS, the City Council of the City of Naperville has determined that the existing Planned Unit Development at the Subject Property does not meet either the intent of a PUD nor the standards for the granting of a PUD and subsequently finds that the existing PUD at the Subject Property does not further any of the stated purposes or goals of a PUD per the Municipal Code; and

WHEREAS, the City Council has determined that the Petitioner'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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Ordinances 09-110, 09-111, 10-061, 10-062, and 10-063 for Turning Pointe Autism Foundation for the Subject Property legally described on **Exhibit A** and depicted on **Exhibit B** are hereby revoked in their entirety.

SECTION 3: The Planned Unit Development designation for Turning Pointe Campus Phase 1 Planned Unit Development, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property") is hereby revoked.

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: The City Clerk is authorized and directed to record this Ordinance and its exhibits with the Will 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