

PIN: 08-17-303-025

**ADDRESS:**

1296 E. CHICAGO AVE.  
NAPERVILLE, IL 60540

**PREPARED BY:**

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

**RETURN TO:**

CITY OF NAPERVILLE  
COMMUNITY SERVICES OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #22-1-095

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

**AN ORDINANCE REZONING THE PROPERTY  
LOCATED AT 1296 E. CHICAGO AVE. TO  
OCI (OFFICE, COMMERCIAL, AND INSTITUTIONAL DISTRICT)**

**RECITALS**

1. **WHEREAS**, Old Second National Bank, 333 W. Wacker Drive, Suite 1010, Chicago, IL 60606, is the owner ("**Owner**") of real property located at 1296 E. Chicago Avenue, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, with the authorization of the Owner, the Hari Group, Inc., 1208 Samuel Court, Naperville, IL 60540 ("**Petitioner**"), has petitioned the City of Naperville for approval of rezoning of the Subject Property pursuant to Section 6-3-7 (Rezoning); and
3. **WHEREAS**, the Subject Property is presently zoned B1 (Neighborhood Convenience Shopping Center District) and is improved with a single-story bank building with a drive through and a surface parking lot; and

4. **WHEREAS**, the Petitioner proposes to renovate the existing building for use as an eating establishment and has requested that the Subject Property be rezoned from B1 to OCI (Office, Commercial and Institutional District); and
5. **WHEREAS**, the proposed rezoning to OCI is consistent with the designation of the Subject Property as a “Neighborhood Center” in the City’s Land Use Master Plan; and
6. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”), along with an ordinance revoking Ordinance 76-137 which imposed certain use limitations, an ordinance approving a conditional use for an eating establishment in the OCI zoning district, and associated variances for the Subject Property; and
7. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
8. **WHEREAS**, on May 17, 2023 the Planning and Zoning Commission conducted a public hearing to consider Petitioner’s rezoning request and recommended its approval; and
9. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s request for rezoning of the Subject Property should be granted as provided herein subject to City Council approval of an Ordinance Revoking Ordinance 76-137 and City Council approval of an ordinance Approving a Conditional Use for an Eating Establishment in the OCI Zoning District and Granting Setback and

Drive-Through Stacking Variances for the Subject Property (together referenced herein as the “**Related Development Ordinances**”).

**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 City Council approval of the Related Development Ordinances for the Subject Property, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to OCI (Office, Commercial and Institutional) in the City of Naperville.

**SECTION 3:** The Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

**SECTION 4:** The rezoning approval set forth herein is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time, to the terms and conditions set forth in the Related Development Ordinances, and to all other applicable ordinances and laws, as amended from time to time.

**SECTION 5:** 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. 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 7:** 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.

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Scott A. Wehrli  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk