

PINS:

08-08-106-041
08-08-106-042
08-08-202-065
08-08-202-066
08-08-202-067
08-08-202-068
08-08-202-069
08-08-400-003
08-08-400-008
08-08-400-009
08-08-400-010
08-08-202-032

PROPERTY ADDRESSES:

5S371 NAPERVILLE ROAD
5S351 TUTHILL ROAD
25W372 BURLINGTON AVE
25W354 BURLINGTON AVE
25W424 BURLINGTON AVE
25W344 PLANK RD
5S445 TUTHILL RD
5S321 TUTHILL RD
NAPERVILLE, IL 60563

PREPARED BY:

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

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #24-1-128/DEV-0035-2025

ORDINANCE NO. 25 - ____

**AN ORDINANCE REZONING CERTAIN PROPERTY
LOCATED AT THE INTERSECTIONS OF NAPER BOULEVARD, PLANK ROAD,
TUTHILL ROAD, BURLINGTON AVENUE, AND NAPERVILLE-WHEATON ROAD
(AKA THE RESIDENCES AT NAPER AND PLANK) TO R3A (MEDIUM DENSITY
MULTIPLE-FAMILY RESIDENCE DISTRICT)**

RECITALS

1. **WHEREAS**, ROC/Plank Road, LLC, an Illinois limited liability company, 5514 Lincoln Ave., Suite 200, Lisle, Illinois 60532, Brian Jelinek, Independent

Administrator of the Estate of Donald G. Jelinek, and Eric Jelinek, Independent Administrator of the Estate of Donald G. Jelinek, 1811 Mountain View, Prescott, Arizona 86301 are the owners (“**Owner**”) of a portion of the real property legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).

2. **WHEREAS**, Gen-Land LLC, a Texas limited liability company and wholly owned subsidiary of Lincoln Property Company Commercial LLC, a Texas Corporation limited liability company, 120 N. LaSalle Street, Suite 2900, Chicago, Illinois 60602 (“**Petitioner**”), with authorization of the Owner, has petitioned the City of Naperville (“**City**”) for a map amendment to rezone the Subject Property to the R3A (Medium Density Multiple Family Residence District).
3. **WHEREAS**, the Subject Property is currently zoned R-3 in unincorporated DuPage County and is largely vacant.
4. **WHEREAS**, the Petitioner has petitioned the City of Naperville for annexation of the Subject Property to the City of Naperville and zoning the Subject Property to R3A (Medium Density Multiple-Family Residence District) upon annexation.
5. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for granting a map amendment as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.
6. **WHEREAS**, on May 21, 2025, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner’s request.
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s request should be granted as provided herein.

8. **WHEREAS**, Petitioner has requested that the City approve this ordinance (**"Ordinance"**) along with ordinances approving annexation into the City of Naperville, an annexation agreement, a conditional use for a planned unit development, a density deviation, a height deviation, a preliminary planned unit development plat, a preliminary plat of subdivision, and deviations from the City's Design Manual for Public Improvements (hereinafter cumulatively referenced herein as the **"Residences at Naper and Plank Ordinances"**).
9. **WHEREAS**, Petitioner has requested that the City delay recordation of the Residences at Naper and Plank Ordinances with the DuPage County Recorder for a period of time not to exceed one hundred eighty three (183) calendar days after their passage (the **"Recording Timeframe"**) in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner.
10. **WHEREAS**, subject to approval of the Residences at Naper and Plank Ordinances, the City has agreed to the Recording Timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Residences at Naper and Plank Ordinances shall not be recorded and shall be deemed to be automatically void with no further action being taken by the City or Petitioner and that in no event shall the City be liable or responsible in any manner therefor.

11. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to grant the rezoning of the Subject Property 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: If recordation of the Residences at Naper and Plank Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe.

SECTION 3: Subject to approval, execution, and recordation of the Residences at Naper and Plank Ordinances as provided herein, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R3A (Medium Density Multiple-Family Residence District) in the City of Naperville.

SECTION 4: Subject to approval, execution, and recordation of the Residences at Naper and Plank Ordinances as provided herein, the Zoning Map of the City of Naperville will be amended in accordance with this Ordinance.

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: 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 this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

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. 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 DuPage County Recorder.

SECTION 8: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk