

RESOLUTION NO. 19 - \_\_\_\_

**A RESOLUTION IN SUPPORT OF AN ALTERNATIVE PLAN  
BY NAPERVILLE APARTMENTS, LLC TO DEMOLISH THE EXISTING STRUCTURE  
AND CONSTRUCT A NEW 112-UNIT MICRO-APARTMENT COMMUNITY  
AT THE PROPERTY LOCATED AT 1350 E. OGDEN AVENUE**

**WHEREAS**, the property located at 1350 E. Ogden Avenue, Naperville, Illinois (hereinafter “**Subject Property**”), legally described on **Exhibit A**, is currently improved with a 123-room motel building and is zoned B3 (General Commercial District); and

**WHEREAS**, Naperville Apartments, LLC (hereinafter “**Petitioner**”) is the contract purchaser of the Subject Property and has petitioned the City of Naperville for approval of the rezoning of the Subject Property from B3 to OCI (Office, Commercial, and Institutional) and for a conditional use and associated variances to permit a 112-unit micro-apartment community at the Subject Property; and

**WHEREAS**, the site plan, building elevations, and landscape plans submitted with the petition assume the re-use and conversion of the existing motel structure at the Subject Property for a 112-unit micro-apartment community building;

**WHEREAS**, on December 3, 2019, the City Council concurred with the Petitioner’s requests and passed Ordinances 19-XX (Rezoning the Subject Property to OCI) and Ordinance 19-XX (Approving a Conditional Use for Multi-Family and Associated Variances) to permit a 112-unit micro-apartment community at the Subject Property (hereinafter the “**2019 Ordinances**”); and

**WHEREAS**, as an alternative to the re-use and conversion of the existing structure, the Petitioner is currently investigating the feasibility of demolishing the existing

structure and constructing a new 112-unit micro-apartment community building on the Subject Property; and

**WHEREAS**, the Petitioner has indicated that a new structure would result in a building that would offer increased accessibility; enhanced common space amenities to its future residents; possibly increase the average unit size; and significantly improve the building's aesthetic value in compliance with the objectives provided in the City's *Ogden Avenue Enhancement Initiative*; and

**WHEREAS**, per Section 6-3-8 (Conditional Uses) of the Naperville Municipal Code, a conditional use shall be constructed/established in accordance with the approved plans attached to the ordinance which granted the use. Changes to the conditional use shall either be a major change, a minor change, or an administrative adjustment; and

**WHEREAS**, prior to its purchase of the Subject Property, the Petitioner is seeking to obtain City Council support of an option to demolish the existing structure and construct a new 112-unit micro-apartment community on the Subject Property, should this option prove to be financially feasible, and subject to a future amendment of the approved conditional use as provided in Section 6-3-8:5 (Changes to Approved Conditional Uses); and

**WHEREAS**, the City Council has determined that it fully supports an option to demolish the existing structure and construct a new 112-unit micro-apartment community on the Subject Property, should this option prove to be financially feasible, and subject to a future amendment of the approved conditional use as provided in Section 6-3-8:5 (Changes to Approved Conditional Uses).

**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:** Should the Petitioner determine that it is financially feasible, City Council fully supports the Petitioner's option to demolish the existing structure on the Subject Property in order to construct a new 112-unit micro-apartment structure, subject to review and approval of an amended site plan, building elevations, and landscape plan (hereinafter "**Amended Plans**") as stipulated in Section 6-3-8:5 (Changes to Approved Conditional Uses) as provided in the Naperville Municipal Code.

**SECTION 3:** Per Section 6-3-8:5 (Changes to Approved Conditional Uses), the Amended Plans shall be subject to City Council review and approval of a Minor Change to the Conditional Use approved through Ordinance 19-XX provided that the amended plans submitted for the Subject Property:

1. Comply with the maximum 1.5 FAR as required in the OCI district;
2. Comply with the maximum 43' height restriction provided in the OCI district;
3. Provide at least 1.00 parking spaces per dwelling unit plus 6 guest parking spaces as stipulated in Ordinance 19-XX;
4. Provide a maximum of 112 residential units at the Subject Property;
5. Maintain the general intent and concept of the parking location, access plan, building and parking setback areas, and landscaping plans approved through Ordinance 19-XX.
6. Result in no new variances from Title 6 requirements or any increase to variances of Title 6 requirements previously granted.
7. Comply with Section 5-2C-3 (Exterior Wall Construction) of the Naperville Municipal Code.
8. Are in substantial conformity with the intent of the plans approved by 2019 Ordinances approved by the City Council.

**SECTION 4:** Per Section 6-3-8:5 (Changes to Approved Conditional Uses), if the Amended Plans do not comply with any of the stipulations provided in Section 3, a Major Change to the Conditional Use, subject to review and approval by the Planning and Zoning Commission and City Council, shall be required.

**SECTION 5:** Per Section 6-3-8:5 (Changes to Approved Conditional Uses), the Amended Plans shall qualify for review and approval of an Administrative Change to the Conditional Use approved through Ordinance 19-XX provided that the amended plans submitted for the Subject Property:

1. Result in less than a twenty percent (20%) increase in total gross floor area of the Subject Property as approved through Ordinance 19-XX;
2. Result in less than a twenty percent (20%) increase in the height of the structure on the Subject Property as approved through Ordinance 19-XX; and
3. Not result in any alteration of approved conditions stipulated through Ordinance 19-XX.

**SECTION 6:** If any section, paragraph, or provision of this Resolution 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 Resolution or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

**SECTION 7:** This Resolution shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk