

PINs: SEE EXHIBIT A

**ADDRESS:
NWC OF 119TH ST & BOOK RD
NAPERVILLE, IL 60585**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

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

PZC Case #22-1-056

ORDINANCE NO. 23 - _____

**AN ORDINANCE APPROVING A PRELIMINARY PLANNED UNIT
DEVELOPMENT PLAT WITH CERTAIN DEVIATIONS FOR
NAPERVILLE POLO CLUB**

RECITALS

1. **WHEREAS**, Pulte Home Company, LLC, 1900 East Golf Road, Suite 300, Schaumburg, Illinois, 60173 ("**Petitioner**") has petitioned the City of Naperville ("**City**") for annexation of an approximately one-hundred and ten (110) acre parcel of real property located at the northwest corner of 119th Street and Book Road in unincorporated Will County, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") for a development comprised of 261 single family detached dwelling units and 136 single family attached dwelling units known as the Naperville Polo Club ("**Naperville Polo Club**").

2. **WHEREAS**, the current owners of the Subject Property are listed on **Exhibit C** (“**Owners**”).
3. **WHEREAS**, pursuant to Section 6-4-4:2 (PUDs: PUD Plat Procedures) of the Naperville Municipal Code, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) approving a preliminary planned unit development plat with certain deviations (“**Preliminary Planned Unit Development Plat**”) in order to develop the Subject Property as described herein.
4. **WHEREAS**, Petitioner plans to construct four series of dwelling units on different segments of the Subject Property, one of them being known as The Springs series which will be comprised of 136 single family detached dwelling units.
5. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-6:1 (R2 District: Lot Width Requirements) to reduce the minimum lot width from 50’ to 41’ for the Springs Series Lots.
6. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-5:1 (R2 District: Area Requirements) to reduce the minimum lot size from 6,000 square feet to 4,510 square feet for lots within The Springs Series.
7. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required 25’ front yard setback to 20’ for the for lots within The Springs Series.
8. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required interior yard setback from the required 16’ total for 2 sides with each side yard a minimum of 6’ to 11’ total for 2 sides with each side yard a minimum of 5’ for the lots within The Springs Series.

9. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required corner side yard setback from 15' to 10' for the for lots within The Springs Series.
10. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required rear yard setback from 25' to 20' for lots within The Springs Series.
11. **WHEREAS**, Petitioner requests a deviation to Section 6-2-3:5.3 (Yard Requirements: Permitted Obstructions) to permit the eaves on the dwelling units within The Springs Series to encroach 12" into the 5' side yard easements.
12. **WHEREAS**, Petitioner plans to install four (4) monument signs for the Subject Property ("**Monument Signs**") as depicted on **Exhibit D** (preliminary landscape plan).
13. **WHEREAS**, Petitioner requests a deviation to Section 6-16-4:2.1.2 of the Naperville Municipal Code (Signs on Residential Property: Permanent Signs) to increase the maximum permitted monument sign size for all four Monument Signs from 32 square feet to 40 square feet.
14. **WHEREAS**, Petitioner requests a deviation to Section 6-16-4:2.1.3 of the Naperville Municipal Code (Signs on Residential Property: Permanent Signs) to increase the maximum permitted height of the two Monument Signs adjacent to Book Road from six feet (6') to eight feet, four inches (8'4").
15. **WHEREAS**, on September 21, 2022 the Planning and Zoning Commission conducted a public hearing to consider PZC 22-1-056 and recommended approval

of Petitioner's request for approval of the Preliminary Planned Unit Development Plat for Naperville Polo Club and the deviations set forth above.

16. **WHEREAS**, the requested Preliminary Planned Unit Development Plat and requested deviations meet the standards for granting such plat and the standards for granting planned unit development deviations as set forth on **Exhibit E**.

17. **WHEREAS**, in addition to this Ordinance, Petitioner also seeks approval of ordinances annexing the Subject Property, approving an annexation agreement for the Subject Property, rezoning the Subject Property, a preliminary plat of subdivision for the Subject Property, a conditional use to permit single-family attached units for a portion of the Subject Property, a variance to the exterior wall construction requirements for a portion of the Subject Property, a temporary use for marketing signs, and a temporary use for soccer/recreational fields and associated parking lot located on the Subject Property (hereinafter together referenced as the "**Naperville Polo Club Ordinances**").

18. **WHEREAS**, Petitioner is under contract to purchase the Subject Property from the Owners in two stages.

19. **WHEREAS**, Petitioner has requested that the City delay recordation of the Naperville Polo Club Ordinances with the Will County Recorder for a period of time not to exceed nine (9) months after their passage (hereinafter the "**Recording Timeframe**") in order to allow Petitioner to obtain title to a portion of the Subject Property.

20. **WHEREAS**, subject to approval of the Naperville Polo Club Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County

Recorder as set forth herein. If all of the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe, the City, Petitioner, and Owners agree that the Naperville Polo Club Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded, and shall be deemed to be automatically null and void and of no force or effect with no further action being taken by the City, Owners, or the Petitioner.

21. **WHEREAS**, the City Council of the City of Naperville has determined that, subject to the provisions and conditions set forth and referenced herein, the Preliminary Plat of Planned Unit Development for Naperville Polo Club with certain deviations should be approved as provided herein.

22. **WHEREAS**, the Subject Property is the subject of a jurisdictional boundary line agreement between the City of Naperville and the Village of Plainfield which has not yet been full executed or recorded (the "**Boundary Line Agreement**").

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: 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 Naperville Polo Club Ordinances, together with their exhibits, with the Will County Recorder.

SECTION 3: If recordation of the Naperville Polo Club Ordinances, including but not limited to this Ordinance, does not occur on within the Recording Timeframe, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or the Petitioner. Petitioner and Owners have acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe.

SECTION 4: Subject to approval, execution, and recordation of the Naperville Polo Club Ordinances, including but not limited to this Ordinance, the Preliminary Planned Unit Development Plat for Naperville Polo Club attached to this Ordinance as **Exhibit B** is hereby approved.

SECTION 5: Subject to approval, execution, and recordation of the Naperville Polo Club Ordinances, including but not limited to this Ordinance, the following deviations are approved for The Springs Series of Naperville Polo Club :

- I. A deviation to Section 6-6C-5:1 to reduce the minimum lot size from 6,000 sf to 4,510 sf; and
- II. A deviation to Section 6-6C-6:1 to reduce the minimum lot width from 50' to 41'; and
- III. A deviation to Section 6-6C-7:1 to reduce the front yard setback from 25' to 20'; and
- IV. A deviation to Section 6-6C-7:1 to reduce the interior side yard setback from 16' total for 2 side yards with each side yard a minimum of 6' to 11' total for 2 side yards with each side yard a minimum of 5'; and
- V. A deviation to Section 6-6C-7:1 to reduce the corner side yard setback from 15' to 10'; and
- VI. A deviation to Section 6-6C-7:1 to reduce the rear yard setback from 25' to 20'; and
- VII. A deviation to Section 6-2-3:5.3 to permit the eaves to encroach 12" into the 5' side yard easements.

SECTION 6: Subject to approval, execution, and recordation of the Naperville Polo Club Ordinances, including but not limited to this Ordinance, the following deviations are approved for the Monument Signs:

- I. A deviation to Section 6-16-4:2.1.2 to increase the maximum permitted monument sign size for all four monument signs from 32 square feet to 40 square feet; and
- II. A deviation to Section 6-16-4:2.1.3 to increase the maximum permitted height of the two monument signs adjacent to Book Road from 6' to 8'-4".

SECTION 7: Subject to approval, execution, and recordation of the Naperville Polo Club Ordinances including all exhibits thereto, the preliminary landscape plan attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 8: Subject to approval, execution, and recordation of the Naperville Polo Club Ordinances including all exhibits thereto, the open space exhibit attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 9: Subject to approval, execution, and recordation of the Naperville Polo Club Ordinances including all exhibits thereto, the single-family attached (townhome) elevations and the single-family detached elevations attached to this Ordinance as **Exhibit G**, are hereby approved.

SECTION 10: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 11: If recordation of the Naperville Polo Club 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 the Petitioner. Petitioner and Owners have acknowledged that in no

event shall the City be liable or responsible in any manner or for any claim if the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe.

SECTION 12: The approvals contained in this Ordinance are subject to approval, execution, and recordation of a jurisdictional Boundary Line Agreement between the City of Naperville and the Village of Plainfield. If said Boundary Line Agreement has not been approved, executed and recorded prior to recordation of the Naperville Polo Club Ordinances, the Naperville Polo Club Ordinances, including this Ordinance, shall be deemed to be automatically null and void without any further action by the City, Petitioner, or Owners.

SECTION 13: 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 Will County Recorder.

SECTION 14: Upon recordation, this Ordinance approving the Preliminary Planned Unit Development Plat for Naperville Polo Club shall be valid and shall not be subject to revocation by the City so long as: i) the final PUD plat for the first phase of Naperville Polo Club is recorded within one (1) year of the recordation of the Annexation Agreement for the Naperville Polo Club; and ii) the last final PUD plat for any phase of the Naperville Polo Club development is recorded within five (5) years of the recordation of the Annexation Agreement for the Naperville Polo Club. Any portion of the Subject Property for which a

Final PUD Plat has not been approved as set forth above shall be subject to revocation in whole or in part by the City Council in accordance with Section 6-4-8:2 through 3 of the City Code then in effect.

SECTION 15: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, PhD.
City Clerk