

**PIN:
08-08-106-037**

**ADDRESS:
1350 E. OGDEN AVENUE
NAPERVILLE, ILLINOIS 60563**

**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 #19-1-092

ORDINANCE NO. 19 - _____

**AN ORDINANCE REZONING PROPERTY
LOCATED AT 1350 E. OGDEN AVENUE TO
OCI (OFFICE, COMMERCIAL, AND INSTITUTIONAL DISTRICT)**

WHEREAS, Naperville Apartments, LLC, 400 Skokie Boulevard, Suite 580, Northbrook, IL 60062 ("**Petitioner**") has petitioned the City of Naperville for rezoning of the approximately 2.265 acres of real property located at 1350 E. Ogden Avenue, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") to OCI (Office, Commercial, and Institutional); and

WHEREAS, the Subject Property is owned by Prime Motel, Inc., 1350 E. Ogden, Naperville, Illinois and Petitioner is the contract purchaser of the Subject Property.

WHEREAS, the Subject Property is currently improved with a 123-room motel building and is zoned B3 (General Commercial District); and

WHEREAS, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving a conditional use in the OCI zoning district

to allow for the development of a multi-family residential building on the Subject Property in accordance with Section 6-7F-3 of the Naperville Municipal Code, and variances to Section 6-7F-5 (Area Requirements) and Section 6-9-3 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code; and, an ordinance approving an electric service agreement for the subject property (hereinafter cumulatively referenced herein as the “**1350 E. Ogden Ordinances**”); and

WHEREAS, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and

WHEREAS, on November 6, 2019, the Planning and Zoning Commission conducted a public hearing concerning PZC 19-1-092 to consider the Petitioner’s requests for the Subject Property, and recommended approval of Petitioner’s requests (Approved 7-0); and

WHEREAS, Petitioner and the Owner have requested that the City delay recordation of the 1350 E. Ogden Ordinances with the DuPage County Recorder for a period of time not to exceed twelve (12) months after their passage in order to allow the Petitioner to acquire ownership of the Subject Property; and

WHEREAS, subject to approval of the 1350 E. Ogden Ordinances, the City has agreed to the proposed timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the 1350 E. Ogden Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the 1350 E. Ogden Ordinances shall not be recorded and shall be deemed to be automatically null and void with no further action being taken by the City or the Petitioner; and

WHEREAS, the City Council of the City of Naperville 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: If recordation of the 1350 E. Ogden Ordinances does not occur within twelve (12) months after their passage and approval, then said Ordinances shall not be recorded and shall be deemed to be automatically null and void without any further action being required by the Petitioner or the City. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if this Ordinance, including the Exhibits attached hereto, is not recorded within the timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the 1350 E. Ogden Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to OCI (Office, Commercial, and Institutional District) in the City of Naperville.

SECTION 4: The Zoning Map of the City of Naperville shall be amended in accordance with this Ordinance upon its recordation.

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.

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

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk