

PIN: 07-27-103-008

ADDRESS:  
2939 AUDREY AVENUE  
NAPERVILLE, IL 60540

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

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

PZC Case #22-1-112

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

**AN ORDINANCE REZONING LOT 1 OF THE  
AUDREY SENIOR LIVING SUBDIVISION LOCATED AT 2939 AUDREY AVENUE  
TO OCI (OFFICE, COMMERCIAL AND INSTITUTIONAL DISTRICT)**

**RECITALS**

1. **WHEREAS**, Chicago Title Land Trust Company, as Successor Trustee to North Star Trust Company, as Trustee under a certain trust agreement dated May 26, 2011 and known as Trust Number 11-12331, 10 S. LaSalle St., Suite 2750, Chicago, IL 60603, is the owner ("**Owner**") of real property located at 2939 Audrey Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**" or "**Audrey Senior Living Subdivision**"); and
2. **WHEREAS**, with the authorization of the Owner, Ryan Companies US, Inc., a Minnesota corporation, 700 Oakmont Lane, Suite 100, Westmont, IL 60559 ("**Petitioner**") has petitioned the City of Naperville for approval of a preliminary/final plat of subdivision to subdivide one lot into two lots ("**Lot 1**" and "**Lot 2**") and rezoning

of Lot 1 of the Audrey Senior Living Subdivision, legally described on **Exhibit C** and depicted on **Exhibit B**, in order to construct a convalescent home; and

3. **WHEREAS**, Lots 1 and 2 of the Audrey Senior Living Subdivision are presently zoned B2 (Community Shopping Center District) and are currently vacant; and
4. **WHEREAS**, Petitioner has petitioned the City of Naperville for approval of rezoning Lot 1 of the Audrey Senior Living Subdivision to OCI (Office, Commercial and Institutional District) and Lot 2 of the Audrey Senior Living Subdivision will remain zoned B2 (Community Shopping Center District); and
5. **WHEREAS**, the Land Use Master Plan (2022) identifies the Subject Property's future place type as Urban Center, which accommodates the OCI zoning designation proposed for Lot 1; and
6. **WHEREAS**, the requested rezoning of Lot 1 of the Audrey Senior Living Subdivision meets the Standards for Rezoning as provided in **Exhibit D** attached hereto; and
7. **WHEREAS**, the Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving a preliminary/final plat of subdivision for the Audrey Senior Living Subdivision, and an ordinance approving a conditional use for a convalescent home in the OCI zoning district and associated variances for Lot 1 of the Audrey Senior Living Subdivision; and
8. **WHEREAS**, on February 15, 2023, the City's Planning and Zoning Commission conducted a public hearing regarding the Petitioner's requests and recommended approval of the Petitioner's requests; and
9. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's rezoning 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:** Lot 1 of the Subject Property, legally described on **Exhibit C** and depicted on **Exhibit B**, is hereby rezoned to OCI (Office, Commercial and Institutional District) 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:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, 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