

**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 APPROVING A CONDITIONAL USE IN THE
OCI (OFFICE, COMMERCIAL AND INSTITUTIONAL) DISTRICT TO ALLOW A
MULTI-FAMILY RESIDENTIAL DEVELOPMENT AND VARIANCES TO
SECTION 6-7F-5 AND SECTION 6-9-3 OF THE NAPERVILLE MUNICIPAL CODE
FOR 1350 E. OGDEN**

WHEREAS, the property located at 1350 E. Ogden Avenue, Naperville, Illinois (hereinafter "**Subject Property**"), legally described on **Exhibit A** and depicted on **Exhibit B**, is currently improved with a 123-room motel building and is owned by Prime Motel, Inc., 1350 E. Ogden, Naperville, Illinois; and

WHEREAS, on December 3, 2019, City Council passed Ordinance 19-XX rezoning the Subject Property to OCI (Office, Commercial and Institutional) District in the City of Naperville; and

WHEREAS, Naperville Apartments, LLC ("**Petitioner**"), 400 Skokie Boulevard, Suite 580, Northbrook, IL 60062, the contract purchaser of the Subject Property, has

petitioned the City of Naperville for approval of 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 the following sections of the Naperville Municipal Code: (i) Section 6-7F-5 (Area Requirements) to allow a minimum lot area of 880.92 square feet per dwelling unit (or 49.45 dwelling units per acre) for a 112-unit, micro-apartment community; and, (ii) Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow for a parking ratio of 1.05 parking spaces per dwelling unit and six guest parking spaces on the Subject Property; and

WHEREAS, the requested entitlements do not necessitate a plat of subdivision for the Subject Property; and, per Section 7-3-5 of the Naperville Municipal Code, school and park donations can only be assessed in conjunction with a subdivision request. Therefore, no school and park donations have been assessed or will be collected as part of the Petitioner's request; 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 has requested that the City approve this ordinance ("**Ordinance**") along with ordinances rezoning the subject property from B3 to OCI (Office, Commercial, and Institutional); 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 City Council finds that, subject to the terms and conditions set forth and referenced herein, the requested conditional use to allow for a multi-family residential

development on the Subject Property in accordance with Section 6-7F-3 of the Naperville Municipal Code meets the Standards for Conditional Uses as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the requested variances to Sections 6-7F-5 and 6-9-3 of the Naperville Municipal Code, as described herein, meet the Standards for Granting a Zoning Variance for the Subject Property as provided in **Exhibit D** attached hereto; 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, subject to the terms and conditions set forth and referenced herein, the City Council of the City of Naperville has determined that a conditional use in the OCI (Office, Commercial, and Institutional) zoning district, and the variances specified above should be approved for the Subject Property.

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 herein as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated herein 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, a conditional use to allow a multi-family residential development on the Subject Property, as depicted on **Exhibit E**, is hereby approved.

SECTION 4: Subject to approval, execution, and recordation of the 1350 E. Ogden Ordinances, variances to the Naperville Municipal Code are hereby approved:

- i. Section 6-7F-5 (Area Requirements) to allow a minimum lot area of 880.92 square feet per dwelling unit (or 49.45 dwelling units per acre) for a 112-unit, micro-apartment community.
- ii. Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow for a parking ratio of 1.05 parking spaces per dwelling unit and six guest parking spaces on the Subject Property, subject to the following condition:
 - a. If the City's Zoning Administrator determines that the current and proposed tenants' parking needs cannot be accommodated within the parking on the Subject Property as depicted on **Exhibit E**, the owner of the Subject Property (or Owner's successors, transferees, and assigns)

shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each unit, restricting the number of leasable units, or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate tenant parking needs on the Subject Property to the satisfaction of the City's Zoning Administrator may result in the City's revocation of the parking variance approved herein.

SECTION 5: The Building Elevations for 1350 E. Ogden, attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 6: The Landscape Plan for 1350 E. Ogden, attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 7: This Ordinance is subject to all conditions and requirements set forth in Title 6 (Zoning) of the Naperville Municipal Code, as amended from time to time, and to all supporting documents and exhibits contained as a part of the record of the public hearing before the Planning and Zoning Commission.

SECTION 8: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 9: 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 10: 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 11: 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