

PIN:
07-01-20-200-006-0000

PROPERTY ADDRESS:
25013 & 20535 WEST 111TH STREET
NAPERVILLE, IL 60564

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

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case # DEV-0010-2025

ORDINANCE NO. 25- ____

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR
SINGLE-FAMILY ATTACHED DWELLINGS IN THE OCI ZONING DISTRICT
AND A VARIANCE TO SECTION 6-7F-7 (YARD REQUIREMENTS) OF THE
NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT
25013 & 20535 WEST 111TH STREET (EVERLY TRACE SUBDIVISION)**

RECITALS

1. **WHEREAS**, JMRV Naperville, LLC, an Illinois limited liability company, with a mailing address of 445 Jackson Avenue, Suite 200, Naperville, Illinois 60540 (“**Owner**” and “**Petitioner**”), owns real property located at 25013 & 20535 West 111th Street, Naperville, Illinois, 60564 and legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”), and has petitioned the City of Naperville (“**City**”) for approval of a conditional use for single-family attached dwellings in the OCI (Office, Commercial and Institutional District) and a variance to Section 6-7F-7 to reduce the corner side yard setback to develop sixty-eight (68) single-family attached dwellings

in the form of five (5) two-story townhome buildings and ten (10) three-story rowhome buildings identified as Everly Trace (“**Everly Trace**”) on the Subject Property.

2. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a conditional use pursuant to Section 6-7F-3:11 (OCI/Conditional Uses) of the Naperville Municipal Code for single-family attached dwellings in the OCI zoning district.
3. **WHEREAS**, the requested conditional use meets the standards for conditional uses as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.
4. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a variance pursuant to Section 6-7F-7 (Yard Requirements) of the Naperville Municipal Code to reduce the required corner side yard setback from 20 feet to 15 feet for the rowhome building on Lot 7.
5. **WHEREAS**, the requested variance meets the standards for granting a variance as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.
6. **WHEREAS**, on June 18, 2025, the Planning and Zoning Commission conducted a public hearing to consider the requested entitlements and recommended approval of the Petitioner’s requests.
7. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) for a conditional use for single-family attached dwellings and variance to the corner side yard setback, along with ordinances approving an annexation agreement for the Subject Property, annexation of the Subject Property, rezoning the Subject Property to OCI (Office, Commercial and Institutional District), and a

preliminary plat of subdivision (hereinafter cumulatively referenced herein as the **“Everly Trace Ordinances”**).

8. **WHEREAS**, since the Subject Property is currently under lease to a tenant who uses the property as a landscape supply business, which is not a permitted use within the City’s OCI zoning district, the Petitioner has requested that the City delay recordation of the Everly Trace Ordinances with the Will County Recorder for a period of time not to exceed August 5, 2026 (the **“Recording Timeframe”**) in order to allow the tenant on the Subject Property to complete the duration of their lease period.
9. **WHEREAS**, subject to approval of the Everly Trace Ordinances, the City has agreed to the Recording Timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Everly Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Everly Trace Ordinances shall not become effective, shall not be recorded, and shall be deemed to be automatically void and of no force or effect with no further action being taken by the City or Petitioner.
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s requests 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 Everly Trace Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe as provided herein, then said Ordinances shall be deemed to be automatically null and void without any further action being required by the City or the Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Everly Trace Ordinances are not recorded within the Recording Timeframe.

SECTION 3: A conditional use pursuant to Section 6-7F-3:11 (OCI/Conditional Uses) of the Naperville Municipal Code in order to construct sixty-eight (68) single-family attached dwelling units on the Subject Property is hereby granted as depicted on **Exhibit B** (“**Site Plan**”).

SECTION 4: A variance to Section 6-7F-7 (Yard Requirements) to reduce the required corner side yard setback from 20 feet to 15 feet for the rowhome building on Lot 7 of the Subject Property as provided in **Exhibit B** (“**Site Plan**”) is hereby approved.

SECTION 5: The Preliminary Landscape Plan, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 6: The Building Elevations, attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 7: One or more of the approvals granted herein shall be subject to revocation by the City for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 8: 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 Will County Recorder.

SECTION 9: 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 Will County Recorder.

SECTION 10: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk