

PIN:
07-01-16-400-004

ADDRESS:
24254 111th STREET
NAPERVILLE, IL 60564

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 #22-1-023

ORDINANCE NO. 22 - _____

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 24254 111th
STREET TO OCI (OFFICE, COMMERCIAL AND INSTITUTIONAL DISTRICT)
(THE BELVEDERE)**

RECITALS

1. **WHEREAS**, BC Belvedere, LLC, an Illinois limited liability company, 336 Bon Air Center #351, Greenbrae, CA 94904, is the owner ("**Owner**") of real property located at 24254 111th Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is presently zoned A-1 in unincorporated Will County and is improved with a building and greenhouses utilized by the former Lizzie's Nursery; and
3. **WHEREAS**, the Owner has petitioned the City of Naperville for annexation of the Subject Property into the City of Naperville and rezoning the Subject Property to OCI (Office, Commercial and Institutional District) upon annexation in order to redevelop the Subject Property with a multi-family residential development; and

4. **WHEREAS**, the Owner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving the following: an annexation agreement; annexation of the Subject Property; a preliminary plat of subdivision; and, a conditional use for multi-family residential in the OCI zoning district, and a conditional use for a planned unit development (PUD) and preliminary PUD plat (hereinafter cumulatively referenced herein as the “**The Belvedere Ordinances**”); and
5. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
6. **WHEREAS**, on June 15, 2022, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Owner’s request; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Owner’s request should be granted as provided herein; and

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: Subject to approval, execution, and recordation of The Belvedere 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 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 Owner shall submit a properly executed Annexation Agreement to the City. The Mayor is then authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for the Subject Property on behalf of the City. Upon confirmation that all required fees have been paid, and properly executed documents have been submitted, the City Clerk is then authorized and directed to record The Belvedere Ordinances, including their Exhibits, with the Will County Recorder in the following order: (1) Annexation Agreement; (2) Annexation; (3) Rezoning; (4) Preliminary Plat of Subdivision; and, (5) Conditional Use and Preliminary PUD.

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.

SECTION 7: This Ordinance shall take effect upon its recordation with the Will County Recorder.

SECTION 8: If this Ordinance is not recorded within one (1) year of the City Council approval of this Ordinance, this Ordinance shall be automatically null and void and all rights and obligations hereunder shall then terminate.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk