

PINS:

08-08-106-041
08-08-106-042
08-08-202-065
08-08-202-066
08-08-202-067
08-08-202-068
08-08-202-069
08-08-400-003
08-08-400-008
08-08-400-009
08-08-400-010
08-08-202-032

PROPERTY ADDRESSES:

5S371 NAPERVILLE ROAD
5S351 TUTHILL ROAD
25W372 BURLINGTON AVE
25W354 BURLINGTON AVE
25W424 BURLINGTON AVE
25W344 PLANK RD
5S445 TUTHILL RD
5S321 TUTHILL RD
NAPERVILLE, IL 60563

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 #24-1-128/DEV-0035-2025

ORDINANCE NO. 25 - ____

**AN ORDINANCE GRANTING DEVIATIONS FROM 7-4-1 (STANDARD
OF DESIGN AND REQUIRED IMPROVEMENTS) AND THE CITY OF NAPERVILLE
DESIGN MANUAL FOR PUBLIC IMPROVEMENTS FOR
THE RESIDENCES AT NAPER AND PLANK**

RECITALS

1. **WHEREAS**, ROC/Plank Road, LLC, an Illinois limited liability company, 5514
Lincoln Ave., Suite 200, Lisle, Illinois 60532, Brian Jelinek, Independent

Administrator of the Estate of Donald G. Jelinek, and Eric Jelinek, Independent Administrator of the Estate of Donald G. Jelinek, 1811 Mountain View, Prescott, Arizona 86301 are the owners ("**Owner**") of various portions of the real property legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").

2. **WHEREAS**, Gen-Land LLC, a Texas limited liability company and wholly owned subsidiary of Lincoln Property Company Commercial LLC, a Texas Corporation limited liability company, 120 N. LaSalle Street, Suite 2900, Chicago, Illinois 60602 ("**Petitioner**"), with authorization of the Owner, has petitioned the City of Naperville ("City") for approval of deviations to Section 7-4-1 of the Naperville Municipal Code and the City of Naperville Design Manual for Public Improvements to develop a ninety (90) unit single family attached residential development at the Subject Property.
3. **WHEREAS**, Section 7-4-1 (Standard of Design and Required Improvements) of the Naperville Municipal Code establishes minimum standards of design of a subdivision and the improvements required to be constructed or installed therein as further detailed in the "**Naperville Design Manual For Public Improvements**".
4. **WHEREAS**, Pursuant to Section 1.3.2 of the Naperville Design Manual For Public Improvements, a minimum drive aisle width of twenty-six feet (26') is required.
5. **WHEREAS**, Petitioner is requesting a deviation to Section 1.3.2 to permit a minimum drive aisle width of 24 feet (24').
6. **WHEREAS**, the requested deviation meets the standards for granting a deviation as provided in **Exhibit C** ("**Response to Standards**").

7. **WHEREAS**, Pursuant to Section 1.3.2 of the Naperville Design Manual For Public Improvements, a minimum distance of 61 feet (61') is required between two parallel buildings with a shared vehicular access.
8. **WHEREAS**, Petitioner is requesting a deviation to Section 1.3.2 to permit a minimum distance between buildings with shared vehicular access of 36 feet (36').
9. **WHEREAS**, the requested deviation meets the standards for granting a deviation as provided in **Exhibit C** ("**Response to Standards**").
10. **WHEREAS**, Pursuant to Section 1.3.2 of the Naperville Design Manual For Public Improvements, perpendicular parking spaces shall be provided on each side of a shared drive aisle.
11. **WHEREAS**, Petitioner is requesting a deviation to Section 1.3.2 to permit no parking spaces on each side of a shared drive aisle.
12. **WHEREAS**, the requested deviation meets the standards for granting a deviation as provided in **Exhibit C** ("**Response to Standards**").
13. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's requests should be granted as provided herein.
14. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving annexation of the Subject Property, an annexation agreement, rezoning of the Subject Property, a conditional use for a planned unit development, a density deviation, a height deviation, a preliminary planned unit development plat, and a preliminary plat of subdivision (hereinafter cumulatively referenced herein as the "**Residences at Naper and Plank Ordinances**").

15. **WHEREAS**, Petitioner has requested that the City delay recordation of the Residences at Naper and Plank Ordinances with the DuPage County Recorder for a period of time not to exceed one hundred eighty three (183) calendar days after their passage (the “**Recording Timeframe**”) in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner.

16. **WHEREAS**, subject to approval of the Residences at Naper and Plank Ordinances, the City has agreed to the Recording Timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Residences at Naper and Plank Ordinances shall not be recorded and shall be deemed to be automatically void with no further action being taken by the City or Petitioner and that in no event shall the City be liable or responsible in any manner therefor.

17. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to grant the requested deviations 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: A Deviation to Section 1.3.2 of the City of Naperville Design Manual for Public Improvements for drive aisle width as provided on **Exhibit C** (“**Response to Standards**”) is hereby approved.

SECTION 3: A Deviation to Section 1.3.2 of the Naperville Design Manual for Public Improvements for minimum distance between two parallel buildings with shared vehicular access as provided on **Exhibit C** (“**Response to Standards**”) is hereby approved.

SECTION 4: A Deviation to Section 1.3.2 of the Naperville Design Manual for Public Improvements for no parking on each side of a shared drive aisle as provided on **Exhibit C** (“**Response to Standards**”) is hereby approved.

SECTION 5: Notwithstanding any other provision herein, if recordation of the Residences at Naper and Plank Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe, then said Ordinances shall be deemed to be automatically null and void and of no force and effect 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 Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe.

SECTION 6: The entitlements approved by this Ordinance shall expire if final platting of the Subject Property does not occur in accordance with Section 6-8-4:1 (Effective Period of Planned Unit Development) as provided in the Naperville Municipal Code.

SECTION 7: 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 DuPage 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 DuPage County Recorder.

SECTION 10: This Ordinance shall be in full force and effect upon its recordation with the DuPage 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