

PINs:
07-01-04-410-066
07-01-04-410-076

ADDRESS:
LOTS 9 & 21
NAPERVILLE CROSSINGS PUD
NAPERVILLE, IL 06540

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 # 18-1-103

ORDINANCE NO. 19 –
AN ORDINANCE APPROVING A MAJOR CHANGE TO THE
NAPERVILLE CROSSINGS PUD IN ORDER TO REZONE LOTS 9 AND 21 TO
R3 PUD (MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT)

WHEREAS, First National Bank of Brookfield c/o Jan L. Schultz, (“Petitioner”) has petitioned the City of Naperville for a major change to a planned unit development in order to rezone the real property known as Lot 9 and Lot 21 of Naperville Crossings, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”) from B2 PUD (Community Shopping Center District) to R3 PUD (Medium Density Multiple-Family Residence District); and

WHEREAS, on February 17, 2004, the City Council of the City of Naperville passed Ordinance 04-020, approving a conditional use for a planned unit development, a preliminary/final subdivision plat, and a preliminary PUD plat in order to create an 11 lot mixed use development known as Naperville Crossings; and

WHEREAS, also on February 17, 2004, the City Council of the City of Naperville passed Ordinance 04-019, zoning approximately 45 acres of the Naperville Crossings PUD’s frontage along Route 59 B2 and zoning the rear 30 acres R3; and

WHEREAS, on September 6, 2005, the City Council of the City of Naperville passed Ordinance 05-165, approving a plat of resubdivision and a second amended preliminary PUD plat for Naperville Crossings which envisioned Lot 8 to be developed with a parking structure for the PUD and Lot 9 to be developed with 2 four-story mixed use buildings; and

WHEREAS, on July 19, 2011, the City Council of the City of Naperville passed Ordinance 11-098, approving a final plat of subdivision for Lot 8 in order to create Lots 20 and 21; and

WHEREAS, also on July 19, 2011, the City Council of the City of Naperville passed Ordinance 11-099, approving a final PUD Plat for the newly created Lot 20 (formerly part of Lot 8) in order to develop the Primrose School; and

WHEREAS, the Petitioner is requesting a major change to the Naperville Crossings PUD in order to rezone the Subject Property from B2 PUD (Community Shopping Center District) to R3 PUD (Medium Density Multiple-Family District) pursuant to Section 6-3-7 (Rezoning); and

WHEREAS, per Section 6-4-6:1 (Planned Unit Developments: Changes to a Final PUD), a major change to the PUD is required as the request represents a change in the designation of land use identified in the approved Naperville Crossings PUD; and

WHEREAS, the Subject Property has remained unimproved under the current B2 zoning district since the inception of the Naperville Crossings PUD in 2004;

WHEREAS, the Subject Property is located interior to the PUD and lacks visibility from either 95th Street or Route 59, making commercial development on the Subject Property difficult; and

WHEREAS, the requested major change in order to rezone the Subject Property meets the Standards for Amending a Planned Unit Development and the Standards for Granting a Map Amendment as provided in **Exhibit C** attached hereto; and

WHEREAS, any future development proposed on the Subject Property shall require a major change to the Naperville Crossings PUD per Section 6-4-6 (Planned Unit Developments: Changes to a Final Planned Unit Development) in order to establish a controlling site plan, landscape plan, and building elevations; and

WHEREAS, on December 19, 2018 the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of PZC 18-1-103; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A major change to the Naperville Crossings Planned Unit Development in order to rezone the Subject Property is hereby approved.

SECTION 3: The Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R3 PUD (Medium Density Multiple-Family Residence) in the City of Naperville.

SECTION 4: The Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

SECTION 5: 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 6: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 7: The City Clerk is authorized and directed to record this Ordinance with the Will County Recorder.

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk