

PINs:

01-22-300-015
01-22-400-007
01-22-400-008
01-22-400-009
01-22-400-010
01-22-400-011
01-22-400-012
01-22-400-013
01-22-400-014

ADDRESS:

VACANT
23450 AND 23700 W 119TH STREET
PLAINFIELD, IL 60585

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 #18-1-022

ORDINANCE NO. 18 - ____

**AN ORDINANCE APPROVING A CONDITIONAL USE TO ESTABLISH
A PRELIMINARY PLANNED UNIT DEVELOPMENT, AND
DEVIATIONS FROM SECTION 6-6D-8 AND SECTION 6-16-4:2.1.1 OF THE
NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT
23450 AND 23700 W 119TH STREET (POLO CLUB)**

WHEREAS, D.R. Horton, Inc – Midwest (“Petitioner”) has petitioned the City of Naperville, on its own behalf and on behalf of Polo Club Multifamily LLC, for approval of a conditional use to establish a preliminary planned unit development (“PUD”) for Polo Club and deviations from Municipal Code Section 6-6D-8 (R3A: Height Limitations/Bulk Regulations) and Section 6-16-4:2.1.1 (Signs on Residential Property) for the property located at the northwest corner of 119th Street and Book Road, commonly known as 23450 and 23700 W 119th Street, which is legally described in **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, Chicago Title Land Trust Company, as Trustee, (“Owner”) is the Owner of the Subject Property; and

WHEREAS, the Subject Property is currently zoned A-1 (Agricultural District) in unincorporated Will County and the Petitioner has also requested rezoning of the Subject Property to R3A (Medium Density Multiple-Family Residence District) upon annexation; and

WHEREAS, the Petitioner has requested approval of a conditional use to establish a planned unit development (“PUD”) for Polo Club in order to develop 126 single family detached homes, 221 single family attached homes, and 290 apartment homes, for a total of 637 homes, on the Subject Property; and

WHEREAS, the Petitioner has also requested approval of a deviation from Municipal Code Section 6-6D-8 (R3A: Height Limitations/Bulk Regulations) to allow for an increased building height for the apartment buildings; and

WHEREAS, the Petitioner has also requested approval of a deviation from Municipal Code Section 6-16-4:2.1.1 (Signs on Residential Property) to allow six (6) monument signs; and

WHEREAS, the requested conditional use to establish a preliminary PUD for Polo Club meets the standards for granting a PUD as provided in **Exhibit C** attached hereto; and

WHEREAS, the requested deviations from Section 6-6D-8 and 6-16-4:2.1.1 meet the standards for approving a PUD deviation as provided in **Exhibit D** attached hereto; and

WHEREAS, on June 20, 2018 the Planning and Zoning Commission opened a public hearing to consider the conditional use and deviation requests and continued the public hearing to July 18, 2018; and

WHEREAS, on July 18, 2018 the Planning and Zoning Commission resumed the public hearing to consider the conditional use and deviation requests and recommended approval of the Petitioner’s request; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner’s request should be granted as provided herein; and

WHEREAS, Petitioner has requested the City approve this ordinance (“Ordinance”) along with ordinances approving an annexation agreement, approving annexation of the Subject Property, approving rezoning of the Subject Property, and approving a preliminary plat of subdivision (hereinafter cumulatively referenced herein as the “Polo Club Ordinances”); and

WHEREAS, Petitioner and Owner have requested the City delay recordation of the Polo Club Ordinances with the Will County Recorder for a period of time not to exceed three hundred and sixty-five (365) calendar days after their passage in order to allow the Petitioner to acquire title to the Subject Property – Horton, as that term is defined in the Annexation Agreement; and

WHEREAS, subject to approval of the Polo Club Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event all the Polo Club Ordinances are not recorded within the timeframe described above, the City, and the Petitioner, and the Owner agree that the Polo Club Ordinances, including but not limited to this Ordinance, shall not be recorded, and shall be deemed to be automatically void with no further action being taken by the City or Petitioner.

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 in

this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: If recordation of Polo Club Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty-five (365) calendar days after passage of the Polo Club Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or Petitioner. Petitioner and Owner have acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Polo Club Ordinances are not recorded within the three hundred and sixty-five (365) calendar day timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the Polo Club Ordinances, a conditional use to establish the Polo Club Preliminary PUD, attached as **Exhibit B** is hereby approved for the Subject Property.

SECTION 4: A deviation to Municipal Code Section 6-6D-8 (R3A: Height Limitations/ Bulk Regulations) is hereby granted to increase the maximum apartment building height to 38'-9", as depicted in the Building Elevations, attached hereto as **Exhibit E**.

SECTION 5: A deviation to Municipal Section 6-16-4:2.1.1 (Signs on Residential Property) is hereby granted to permit six (6) monument signs on the Subject Property, as depicted on the Landscape Plan, attached hereto as **Exhibit F**.

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

SECTION 7: The Landscape Plans, attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 8: The Open Space Exhibit, attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 9: This ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 10: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, and subject to the provisions set forth in Section 2 and Section 11 hereof, the City Clerk is authorized and directed to record this Ordinance, together with the exhibits attached hereto, with the Will County Recorder.

SECTION 11: The City of Naperville may, at its sole discretion, and without any claim of vested rights or damages to the Petitioner or the Owner, determine not to execute or record the Annexation Agreement, or execute or record any of the Polo Club Ordinances, if a boundary line agreement with the Village of Plainfield is not first recorded by both the City of Naperville and the Village of Plainfield.

SECTION 12: The City Council shall not consider or approve a final plat of planned unit development for any portion of the Subject Property until such time as Polo Club Ordinances have been recorded with the Office of the Will County Recorder.

SECTION 13: 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 14: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk