

**PINS:  
01-14-300-005  
01-14-300-013**

**ADDRESS:**

**3.8 ACRES OF VACANT PROPERTY LOCATED  
NORTH OF 11007 S. BOOK ROAD  
NAPERVILLE, IL 60564**

**.7 ACRES OF VACANT PROPERTY LOCATED  
IMMEDIATELY ADJACENT TO AND NORTH OF  
11007 S. BOOK ROAD  
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 #19-1-09**

**ORDINANCE NO. 19 -**

**AN ORDINANCE APPROVING THE  
PRELIMINARY/FINAL PLAT OF SUBDIVISION AND VARIANCE TO MUNICIPAL  
CODE SECTION 7-4-4:2.4 FOR THE ENCLAVE ON BOOK SUBDIVISION**

**WHEREAS**, Zion Evangelical Lutheran Church, located at 11007 S. Book Road, is the owner of approximately 3.8 acres of vacant real property located on the east side of Book Road, north of Hassert Boulevard, legally described as Parcel A on **Exhibit A**, and having a parcel identification number of 01-14-300-005; and

**WHEREAS**, JHL Developments, LLC is the owner of approximately .7 acres of vacant real property located immediately adjacent to and south of Parcel A, legally described as Parcel B on **Exhibit A**, and having a parcel identification number of 01-14-300-013; and

**WHEREAS**, Parcel A and Parcel B are depicted on **Exhibit B** and are collectively referenced herein as “**Subject Property**”; and

**WHEREAS**, the owners of Parcel A and Parcel B are collectively referenced herein as “**Owners**”; and

**WHEREAS**, at the request of the Owners of the Subject Property, prior ordinances approving annexation and other entitlements for the Subject Property, brought pursuant to PZC 18-1-01 and approved by the City Council of the City of Naperville (“**City**”) on June 5, 2018, were revoked by the City Council on April 16, 2019; and

**WHEREAS**, with the approval and authorization of the Owners, McNaughton Development, Inc. (“**Petitioner**”), through PZC 19-1-09, has petitioned the City of Naperville for approval of a preliminary/final plat of subdivision for The Enclave on Book, vacant real property located on the east side of Book Road, north of Hassert Boulevard, legally described on **Exhibit A** and depicted on **Exhibit B** to allow for development of ten (10) age-restricted single-family lots (PZC 19-1-09); and

**WHEREAS**, the Developer has also petitioned the City of Naperville for approval of a variance to Section 7-4-4:2.4 (Land Use: Ninety Percent Rule) of the Municipal Code to the 90% rule requirements; and

**WHEREAS**, per the 90% rule requirements, the required minimum lot size for the Subject Property is 15,425 square feet. As proposed, lots 2-9 are below the minimum required lot size as follows: Lot 2 will be 13,262 s.f.; Lot 3 will be 13,221 s.f.; Lot 4 will be 11,664 s.f.; Lot 5 will be 14,274 s.f.; Lot 6 will be 14,600 s.f.; Lot 7 will be 11,996 s.f.; Lot 8 will be 13,574 s.f.; Lot 9 will be 13, 636 s.f.; and

**WHEREAS**, on March 20, 2019, the Planning and Zoning Commission conducted a public hearing to consider the requested preliminary/final plat of subdivision with a variance to Section 7-4-4:2.4 for the Subject Property, and, based on the standards attached hereto as **Exhibit C** recommended approval of the Petitioner’s request; and

**WHEREAS**, an age restriction covenant approved by School District #204 and the City Attorney shall be recorded against the Subject Property prior to recordation of any final plat of subdivision for the Subject Property; and

**WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an annexation agreement, approving annexation of the Subject Property, approving rezoning, and approving variances (hereinafter cumulatively referenced herein as the “**The Enclave on Book Ordinances**”); and

**WHEREAS**, Petitioner has requested that the City delay recordation of The Enclave on Book Ordinances with the Will County Recorder until on or before July 31, 2019 in order to allow the Petitioner time to acquire fee simple ownership of the Subject Property; and

**WHEREAS**, subject to approval of The Enclave on Book Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth above. If all of The Enclave on Book Ordinances are not recorded on or before July 31, 2019, the City and Petitioner agree that The Enclave on Book Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded; and shall be deemed to be automatically null and void and of no force or effect with no further action being taken by the City or the Petitioner; 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:** If recordation of the Enclave on Book Ordinances, including but not limited to this Ordinance, does not occur on or before July 31, 2019 as provided herein, then said Ordinances shall be deemed to be automatically 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 Enclave on Book Ordinances are not recorded on or before July 31, 2019.

**SECTION 3:** Subject to approval, execution, and recordation of The Enclave on Book Ordinances, the Preliminary/Final Plat of Subdivision with a variance to Section 7-4-4:2.4 for The Enclave on Book, attached to this Ordinance as **Exhibit B**, is hereby approved.

**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:** 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 certified copies of the Enclave on Book Ordinances, including this Ordinance, together with the exhibits attached hereto, with the Will County Recorder.

**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 be in full force and effect upon its recordation with the Will County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Steve Chirico  
Mayor

ATTEST:

---

Pam Gallahue, Ph.D.  
City Clerk