

IN: 07-25-104-019

Property Address:
967 W. 75th Street
NAPERVILLE, IL 60564

PREPARED BY:

CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60566-7020

PZC Case #20-1-005

ORDINANCE NO. 20- ____

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE HOBSON WEST
COMMONS PUD FOR HOBSON WEST COMMONS LOT 2 (DUNKIN DONUTS)**

RECITALS

1. **WHEREAS**, Rickert Donuts, Inc., 1208 Samuel Court, Naperville, IL (herein after "**Petitioner**") has petitioned the City of Naperville for approval a minor change to a planned unit development ("**PUD**") for the real property located at 967 W. 75th Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, RD Hobson Associates, L.P., 411 Theodore Fremd Avenue, Suite 300, Rye, New York ("**Owner**") is the owner of the Subject Property; and
3. **WHEREAS**, on or about August 15, 1988, the City Council passed Ordinance No 88-154 approving a Final Plat of Planned Unit Development in the RIA (Low Density Single-Family Residence) District for the property legally described in Exhibit "A," attached hereto and incorporated herein, and

4. **WHEREAS**, on or about July 7, 1992, the City Council passed Ordinance No 92-121 approving a Minor Change to the Final Plat of Planned Unit Development for the property legally described in Exhibit "A," attached hereto and incorporated herein, and
5. **WHEREAS**, the owners of the Subject Property have petitioned for a minor change to the approved Final PUD, as amended, and for approval of a new Site Plan and reduction in parking spaces for Lot 2 of Hobson West Commons, located on the north side of 75th Street, east of Rickert Drive, and
6. **WHEREAS**, said minor change will eliminate 14 parking stalls thereby reducing congestion for a proposed drive-through and by-pass lanes, in accordance with the Site Plan, attached hereto and incorporated herein by reference as Exhibit "B," and
7. **WHEREAS**, per Section 6-4-6:2.3 (Changes to a Final PUD: Minor Change), a minor change to the PUD is required in order to establish a controlling site plan for the Subject Property; and
8. **WHEREAS**, the requested amendment to the PUD meets the Standards for Amending a Planned Unit Development as provided in **Exhibit C** attached hereto; and
9. **WHEREAS**, the City Council of the City of Naperville has determined that a Minor Change to the Hobson Commons Lot 2 PUD to establish a new site plan and reduce the number of parking spaces for the Subject Property should be approved.

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 Minor Change to the Hobson West Commons Lot 2 PUD in order to establish a controlling site plan, attached to this Ordinance as **Exhibit B**, and reduce the number of parking spaces by 14 for the Subject Property is hereby approved.

SECTION 3: The Building Elevations, attached to this Ordinance as **Exhibit D**, are 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: 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: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk