

**PINs:**  
**08-08-106-037**

**ADDRESS:**  
**1350 E. OGDEN AVENUE**  
**NAPERVILLE, ILLINOIS 60563**

**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 #20-1-002**

**ORDINANCE NO. 20 - \_\_\_\_\_**

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE  
CONDITIONAL USE APPROVED BY ORDINANCE 19-162 TO ALLOW  
NEW CONSTRUCTION OF A MICRO-UNIT APARTMENT BUILDING TO OCCUR  
WITH UPDATES TO THE SITE PLAN, LANDSCAPE PLAN AND BUILDING  
ELEVATIONS FOR THE SUBJECT PROPERTY LOCATED AT  
1350 E. OGDEN AVENUE**

**RECITALS**

1. **WHEREAS**, MZ Capital Naperville, LLC, 400 Skokie Boulevard, Suite 580, Northbrook, Illinois 60082 (herein "**Owner**" and "**Petitioner**") has petitioned the City of Naperville for a minor change to the conditional use for a multi-family residential development approved by Ordinance 19-162 to allow new construction of a micro-unit apartment building to occur with updates to the previously approved site plan, landscape plan, and building elevations for certain property located at 1350 E. Ogden Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and

2. **WHEREAS**, the Subject Property is currently zoned OCI (Office, Commercial and Institutional District) with a conditional use for a multi-family residential development; and
3. **WHEREAS**, the property is currently developed with the Regency Inn, a motel with 123 rooms; and
4. **WHEREAS**, on December 3, 2019, the City Council of the City of Naperville (“**City**”) approved the following ordinances: Ordinance 19-161 rezoning the subject property from B3 to OCI; Ordinance 19-162 approving a conditional use to rehabilitate the existing structure for a multi-family residential development in the OCI district, along with associated density and parking variances; and, Resolution 19-046 in support of an alternative plan to demolish the existing structure and construct a new 112-unit micro-apartment community; and
5. **WHEREAS**, the petitioner has determined that a new construction project is feasible and would result in more benefits for the proposed micro-unit apartments than rehabilitating the existing motel would; and
6. **WHEREAS**, the Petitioner requests a minor change to the conditional use for a multi-family residential development approved by Ordinance 19-162 to allow new construction of a micro-unit apartment building to occur with updates to the previously approved site plan, landscape plan, and building elevations; and
7. **WHEREAS**, the new construction proposed remains consistent with original approvals in terms of the number of units proposed (112), and increases the amount of parking to be provided on-site from 118 spaces to a minimum of 126 spaces; and

8. **WHEREAS**, per Section 6-3-8:5 (Minor Changes to a Conditional Use), the request to change the controlling site plan, landscape plan, and building elevations requires a minor change to the conditional use; and
9. **WHEREAS**, the requested amendment to the conditional use meets the Standards for Amending a Conditional Use as provided in **Exhibit C** attached hereto; and
10. **WHEREAS**, the City Council has determined that the Petitioner's requests should be granted as provided herein; and
11. **WHEREAS**, the terms and conditions set forth herein shall be binding upon the Owner and Owner's successors, assigns, and transferees, and shall constitute a covenant running with the land.

**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 conditional use for a multi-family residential development approved by Ordinance 19-162 to allow new construction of a micro-unit apartment building to occur with updates to the previously approved site plan, landscape plan, and building elevations, is hereby approved for the Subject Property.

**SECTION 3:** The Site Plan attached to this Ordinance as **Exhibit D**, is hereby approved.

**SECTION 4:** The Building Elevations attached to this Ordinance as **Exhibit E**, are hereby approved.

**SECTION 5:** The Landscape Plan attached to this Ordinance as **Exhibit F**, is hereby approved.

**SECTION 6:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time, and to all supporting documents and exhibits contained as a part of the record of the public hearing before the Planning and Zoning Commission.

**SECTION 7:** 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 8:** The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

**SECTION 9:** This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk