

PINS:

07-13-410-008

07-13-410-009

07-13-410-010

07-13-410-014

ADDRESSES:

109, 129, 133 W BENTON AVENUE

5 N MAIN STREET

NAPERVILLE, IL 60540

PREPARED BY:

CITY OF NAPERVILLE

LEGAL DEPARTMENT

400 SOUTH EAGLE STREET

NAPERVILLE, IL 60540

630/420-4170

RETURN TO:

CITY OF NAPERVILLE

CITY CLERK'S OFFICE

400 SOUTH EAGLE STREET

NAPERVILLE, IL 60540

PZC Case # DEV-0109-2025

ORDINANCE NO. 26 - ____

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR A PLANNED UNIT
DEVELOPMENT, A PRELIMINARY/FINAL PLANNED UNIT DEVELOPMENT PLAT,
VARIOUS ZONING DEVIATIONS AND A DEVIATION FROM THE DOWNTOWN
STREETSCAPE STANDARDS (ADOPTED IN 2019)
FOR BENTON AND MAIN**

RECITALS

1. **WHEREAS**, Calvary Temple Church of Naperville, 9S200 South Route 59, Naperville, IL 60564, is the owner ("**Owner**") of approximately 0.82 acres of real property located at the northwest corner of Benton Avenue and Main Street with

common addresses of 109, 129, and 133 W Benton Avenue and 5 N Main Street, as depicted on **Exhibit A** and legally described on **Exhibit B** ("**Subject Property**").

2. **WHEREAS**, the Owner has authorized M/I Homes of Chicago, LLC, a Delaware limited liability company, 2135 City Gate Lane, Suite 620, Naperville, IL 60563, ("**Petitioner**" and contract purchaser of the Subject Property), to seek entitlements to allow redevelopment of the Subject Property with seven single-family attached dwelling units (one building) and four duplex dwelling units (two buildings), for a total of eleven dwelling units, to be known as Benton and Main ("**Benton and Main**").
3. **WHEREAS**, the Subject Property is zoned TU (Transitional Use) district in the City of Naperville ("**City**"), and single-family attached dwellings and duplexes are permitted uses.
4. **WHEREAS**, the Subject Property will be developed as a planned unit development ("**PUD**") in accordance with Section 6-4-3 (PUD/Design Standards and Criteria) and Section 7-1-3 (Subdivision Regulations/Applicability, Compliance and Definitions) of the Naperville Municipal Code.
5. **WHEREAS**, the Subject Property is located within the boundary of Downtown Naperville defined in the Naperville Downtown 2030 Plan, and the Naperville Downtown 2030 Plan designates the future land use of the Subject Property as "North Downtown Special Planning Area" and "Multi-Family Residential."
6. **WHEREAS**, Benton and Main is consistent with the recommendations provided in the Naperville Downtown 2030 Plan and provides a natural transition between the City's downtown core and nearby neighborhoods.

7. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with an ordinance approving a Preliminary/Final Plat of Resubdivision and an Owner’s Acknowledgement and Acceptance for Benton and Main (together hereinafter referenced as the “**Benton and Main Ordinances**”).
8. **WHEREAS**, subject to approval of the Benton and Main Ordinances, the Petitioner seeks approval of a conditional use for a Planned Unit Development (PUD) and a Preliminary/Final PUD Plat for Benton and Main with various zoning deviations and a deviation from the Downtown Streetscape Standards (adopted in 2019) (together hereinafter referenced herein as the “**Benton and Main PUD Entitlements**”) as follows:
- a) A conditional use to establish the Benton and Main PUD and a preliminary/final PUD plat pursuant to Section 6-7I-3 of the Naperville Municipal Code with deviations to the following sections of the Naperville Municipal Code:
 - i. Section 6-7I-5 to reduce the minimum lot size from 6,000 square feet of lot area per duplex and 4,000 square feet of lot area per townhome to approximately 3,165 sq. ft. of lot area per dwelling unit, as depicted on the Site Plan attached hereto as **Exhibit C**;
 - ii. Section 6-7I-7 to reduce the required front yard setback from 15 feet to 10 feet and to reduce the required rear yard setback from 25 feet to approximately 11 feet 3 inches as depicted on the Site Plan attached hereto as **Exhibit C**;
 - iii. Section 6-7I-8 to increase the maximum permitted building height from 35 feet to 46 feet, as depicted on the Building Elevations attached hereto as **Exhibit D**;
 - iv. Section 6-2-10:5 to allow more than 25% of the required rear yard to be occupied, as depicted on the Site Plan attached hereto as **Exhibit C**; and;
 - v. a deviation from the Downtown Streetscape Standards (adopted in 2019) as depicted on the Landscape Plans attached hereto as **Exhibit E**.

9. **WHEREAS**, on October 15, 2025, the Planning and Zoning Commission conducted a public hearing concerning DEV-0109-2025 to consider the Petitioner's requests for the Subject Property, and recommended approval of Petitioner's requests (approved 7-2).
10. **WHEREAS**, the City Council finds that subject to the terms and conditions set forth and referenced herein, the requested conditional use to establish a PUD and a Preliminary/Final PUD Plat for Benton and Main with various zoning deviations and a deviation from the Downtown Streetscape Standards, meets the Standards for Granting a PUD and the Standards for Granting a PUD Deviation as provided in **Exhibit F** attached hereto.
11. **WHEREAS**, the Petitioner has requested that the City delay recordation of the Benton and Main Ordinances with the DuPage County Recorder until such time as Petitioner acquires ownership of the Subject Property, which period of time shall not exceed three months after their approval by the City Council (the "**Recording Timeframe**").
12. **WHEREAS**, subject to approval of the Benton and Main Ordinances, the City has agreed to the Recording Timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that both of the Benton and Main Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Benton and Main Ordinances shall not become effective, shall not be recorded, and shall be deemed to be automatically void and of no force or effect with no further action being taken by the City or Petitioner.

13. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, and subject to approval of the Benton and Main Ordinances, the City Council of the City of Naperville has determined that a conditional use to establish a PUD and a preliminary/final PUD plat for Benton and Main with various zoning deviations and a deviation from the Downtown Streetscape Standards (adopted in 2019) for the Subject Property should be approved 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: If recordation of the Benton and Main Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe as provided herein, then said Ordinances shall be deemed to be automatically null and 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 Benton and Main Ordinances are not recorded within the Recording Timeframe.

SECTION 3: The Benton and Main PUD Entitlements are hereby approved subject to City Council approval of the Preliminary/Final Plat of Resubdivision for Benton and Main, and an Owner's Acknowledge and Acceptance Agreement (OAA) pursuant to the provisions set forth in [Section 7-2-2:5.2 – 5.4 of the Naperville Municipal Code](#). Said OAA shall be attached to the ordinance approving the Preliminary/Final Plat of Resubdivision for Benton and Main and shall also be separately recorded against the Subject Property.

SECTION 4: Subject to City Council approval of the Benton and Main Ordinances and recordation thereof as provided herein, the Preliminary/Final PUD Plat for Benton and Main, attached hereto as **Exhibit B**, is hereby approved.

SECTION 5: Subject to City Council approval of the Benton and Main Ordinances and recordation thereof as provided herein, the Elevations for Benton and Main, attached to this Ordinance as **Exhibit D**, are hereby approved.

SECTION 6: Subject to City Council approval of the Benton and Main Ordinances and recordation thereof as provided herein, the Landscape Plan for Benton and Main, including streetscape design, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 7: The approvals granted herein shall not take effect until recordation of the Benton and Main Ordinances. Further, one or more of the approvals granted herein shall be subject to revocation by the City for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 8: 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 this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

SECTION 9: 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney

may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the DuPage County Recorder.

SECTION 10: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk