

**PINS:**

08-08-106-041  
08-08-106-042  
08-08-202-065  
08-08-202-066  
08-08-202-067  
08-08-202-068  
08-08-202-069  
08-08-400-003  
08-08-400-008  
08-08-400-009  
08-08-400-010  
08-08-202-032

**PROPERTY ADDRESSES:**

5S371 NAPERVILLE ROAD  
5S351 TUTHILL ROAD  
25W372 BURLINGTON AVE  
25W354 BURLINGTON AVE  
25W424 BURLINGTON AVE  
25W344 PLANK RD  
5S445 TUTHILL RD  
5S321 TUTHILL RD  
NAPERVILLE, IL 60563

**PREPARED BY:**

CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

**RETURN TO:**

CITY OF NAPERVILLE  
CITY CLERK/COMMUNITY SERVICES DEPT.  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #24-1-128/DEV-0035-2025

**ORDINANCE NO. 25 - \_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PLANNED UNIT DEVELOPMENT, A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAT, A DEVIATION TO SECTION 6-6D-8 (R3A: HEIGHT LIMITATIONS/BULK REGULATIONS), AND A DEVIATION TO SECTION 6-6D-5 (R3A: AREA REQUIREMENTS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE RESIDENCES AT NAPER AND PLANK**

**RECITALS**

1. **WHEREAS**, ROC/Plank Road, LLC, an Illinois limited liability company, 5514 Lincoln Ave., Suite 200, Lisle, Illinois 60532, Brian Jelinek, Independent

Administrator of the Estate of Donald G. Jelinek, and Eric Jelinek, Independent Administrator of the Estate of Donald G. Jelinek, 1811 Mountain View, Prescott, Arizona 86301 are the owners (“**Owner**”) of various portions of the real property legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”).

2. **WHEREAS**, Gen-Land LLC, a Texas limited liability company and wholly owned subsidiary of Lincoln Property Company Commercial LLC, a Texas Corporation limited liability company, 120 N. LaSalle Street, Suite 2900, Chicago, Illinois 60602 (“**Petitioner**”), with authorization of the Owner, has petitioned the City of Naperville (“**City**”) for approval of a Conditional Use for a Planned Unit Development, a Preliminary Planned Unit Development Plat, and Deviations to the Naperville Municipal Code to develop a 90 unit single family attached residential development at the Subject Property in the form of ten (10) three-story rowhome buildings and seven (7) two-story townhome buildings.
3. **WHEREAS**, Section 6-6D-3 of the Naperville Municipal Code requires conditional use approval for a Planned Unit Development in the R3A district.
4. **WHEREAS**, the Petitioner is requesting approval of a conditional use for a Planned Unit Development at the Subject Property.
5. **WHEREAS**, the requested conditional use for a Planned Unit Development meets the standards for establishing a Planned Unit Development as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.
6. **WHEREAS**, the Petitioner requests approval of a Preliminary Planned Unit Development Plat for the Residences at Naper and Plank for the Subject Property, attached as **Exhibit B** (“**Preliminary PUD Plat**”).

7. **WHEREAS**, pursuant to Section 6-6D-5 of the Naperville Municipal Code, lots in the R3A district containing single family attached dwellings require that the sum of the area of the lot shall not be less than the number of dwellings times four thousand (4,000) square feet and shall not be more than eight (8) dwelling units per acre on a modified gross density basis, allowing a maximum of sixty-four (64) dwelling units on the Subject Property.
8. **WHEREAS**, the Petitioner is requesting a deviation to Section 6-6D-5 to permit ninety (90) total dwelling units on the Subject Property with a density of eleven (11) dwelling units per acre.
9. **WHEREAS**, the requested deviation meets the standards for PUD deviations as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.
10. **WHEREAS**, the maximum building height in the R3A district is thirty-five (35) feet pursuant to Naperville Municipal Code Section 6-6D-8.
11. **WHEREAS**, the Petitioner is requesting a deviation to Section 6-6D-8 to permit a maximum building height of thirty-eight (38) feet for the 10 proposed three-story row home buildings.
12. **WHEREAS**, the requested deviation meets the Standards for PUD deviations as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.
13. **WHEREAS**, on May 21, 2025, the Planning and Zoning Commission considered the requested conditional use, Preliminary PUD Plat, density deviation and height deviation and recommended approval of the Petitioner’s requests.
14. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s request should be granted as provided herein.

15. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving annexation of the Subject Property, an annexation agreement, rezoning of the Subject Property, a preliminary plat of subdivision, and deviations from the City’s Design Manual for Public Improvements (hereinafter cumulatively referenced herein as the “**Residences at Naper and Plank Ordinances**”).

16. **WHEREAS**, Petitioner has requested that the City delay recordation of the Residences at Naper and Plank Ordinances with the DuPage County Recorder for a period of time not to exceed one hundred eighty three (183) calendar days after their passage (the “**Recording Timeframe**”) in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner.

17. **WHEREAS**, subject to approval of the Residences at Naper and Plank 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 all of the Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Residences at Naper and Plank Ordinances shall not be recorded and shall be deemed to be automatically void with no further action being taken by the City or Petitioner and that in no event shall the City be liable or responsible in any manner therefor.

18. **WHEREAS**, the City Council has determined that it is in the best interests of the City to approve the requested entitlements 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:** A Conditional Use for a Planned Unit Development at the Subject Property, as provided on **Exhibit C** ("**Response to Standards**") is hereby approved.

**SECTION 3:** The Preliminary Planned Unit Development Plat for the Residences at Naper and Plank, attached to this ordinance as **Exhibit B** ("**Preliminary PUD Plat**") is hereby approved.

**SECTION 4:** A deviation to Section 6-6D-5 to allow a total of 90 units and a density of 11 units per acre on the subject property as provided on **Exhibit C** ("**Response to Standards**") is hereby approved.

**SECTION 5:** A deviation to Section 6-6D-8 to allow a maximum height of thirty-eight (38) feet for 10 rowhome buildings on the Subject Property as provided on **Exhibit C** ("**Response to Standards**") is hereby approved.

**SECTION 6:** Notwithstanding any other provision herein, if recordation of the Residences at Naper and Plank Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe, then said Ordinances and all approvals contained therein shall be deemed to be automatically null and void and of no force and effect 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 Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe.

**SECTION 7:** The entitlements approved by this Ordinance shall expire if final platting of the Subject Property does not occur in accordance with Section 6-8-4:1 (Effective Period of Planned Unit Development) as provided in the Naperville Municipal Code.

**SECTION 8:** 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 9:** 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 10:** 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 11:** This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Scott A. Wehrli  
Mayor

ATTEST:

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Dawn C. Portner  
City Clerk