

**PINS:
07-24-209-004
07-24-209-005**

**ADDRESS:
10 MARTIN AVENUE
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 #22-1-030

ORDINANCE NO. 23 - _____

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT
10 MARTIN AVENUE FROM OCI (OFFICE, COMMERCIAL AND INSTITUTIONAL
DISTRICT) TO HS (HEALTH SERVICES DISTRICT)
(NAPERVILLE MEDICAL OFFICE BUILDING)**

RECITALS

1. **WHEREAS**, 10 West Martin, LLC, 533 South Third Street, Suite 100, Minneapolis, MN 55415, is the owner ("**Owner**") of real property located at 10 Martin Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is presently zoned OCI (Office/Commercial/Institutional District) in the City of Naperville and is improved with a medical office building; and
3. **WHEREAS**, Ryan Companies US, Inc., 533 South Third Street, Suite 100, Minneapolis, MN 55415 ("**Petitioner**") has petitioned the City of Naperville for

approval of rezoning the Subject Property from OCI (Office/Commercial/Institutional District) to HS (Health Services District); and

4. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with an ordinance approving multiple setback and signage variances (hereinafter cumulatively referenced herein as the “**Naperville Medical Office Building Ordinances**”); and
5. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
6. **WHEREAS**, on December 21, 2022, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner’s request; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s request should be granted 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: Subject to approval, execution, and recordation of the Naperville Medical Office Building Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to HS (Health Services District) in the City of Naperville.

SECTION 3: The Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

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. 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 Recorder in which the Subject Property is located within.

SECTION 6: If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 7: The City Clerk is authorized and directed to record this Ordinance, along with the Naperville Medical Office Building Ordinances, with the DuPage County Recorder.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk