

PIN:
08-05-302-023

ADDRESS:
1200 E. DIEHL ROAD
NAPERVILLE, IL 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 # DEV-0030-2025

ORDINANCE NO. 25 - ____

**AN ORDINANCE APPROVING A FINAL PLANNED UNIT DEVELOPMENT PLAT
OF HINES DIEHL ROAD RESUBDIVISION**

[HINES DIEHL ROAD RESUBDIVISION]

RECITALS

1. **WHEREAS**, Adtalem Global Education, Inc., 233 S. Wacker Drive, Suite 800, Chicago, IL 60606, is the owner ("**Owner**") of approximately 9.59 acres of real property located at 1200 E. Diehl Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the Owner has authorized Hines Acquisitions, LLC, a Delaware Limited Liability Company, 444 W. Lake St., Suite 2400, Chicago, IL 60606, contract purchaser of the Subject Property ("**Petitioner**"), to seek entitlements to allow construction of a mixed-use development on the Subject Property.
3. **WHEREAS**, the Petitioner has petitioned the City for approval of a Final Planned Unit Development (PUD) Plat of Hines Diehl Road Resubdivision to allow for redevelopment of the Subject Property with 306 multi-family dwelling units, two

commercial buildings, and a surface parking lot, in addition to retention of an existing parking structure (the “**Hines Diehl Road Resubdivision**”).

4. **WHEREAS**, on November 5, 2024, the City Council passed the following ordinances: Ordinance 24-119, approving rezoning 1200 E. Diehl from ORI (Office, Research and Light Industry District) to OCI (Office, Commercial, and Institutional); Ordinance 24-120, approving a Preliminary Plat of Subdivision of Hines Diehl Road Resubdivision for 1200 E. Diehl Road; and, Ordinance 24-121, approving a conditional use for a Planned Unit Development (PUD) and a Preliminary PUD Plat of Hines Diehl Road Resubdivision with various zoning deviations and conditional uses for retail, restaurants, residential, and parking as a principal use (together hereinafter referenced as the “**Hines Diehl Road Resubdivision Preliminary Ordinances**”).
5. **WHEREAS**, by separate City ordinance simultaneously approving a Final Plat of Subdivision for the Hines Diehl Road Resubdivision, Owner and Petitioner will enter into an Owner’s and Developer’s Acknowledgement and Acceptance Agreement for the Hines Diehl Road Resubdivision.
6. **WHEREAS**, the Final PUD Plat of Hines Diehl Road Resubdivision is in substantial conformance with the Preliminary PUD Plat of Hines Diehl Road Resubdivision approved through Ordinance 24-121.
7. **WHEREAS**, subject to development of the Subject Property in the manner described in the Owner’s and Developer’s Acknowledgement and Acceptance Agreement for the Hines Diehl Road Resubdivision, the City Council 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: The Final Planned Unit Development (PUD) Plat of Hines Diehl Road Resubdivision, attached to this Ordinance as **Exhibit B**, is hereby approved subject to compliance with all of the conditions, provisions, and requirements set forth and referenced in the Owner's and Developer's Acknowledgement and Acceptance Agreement for the Hines Diehl Road Resubdivision attached as Exhibit C to the Ordinance Approving the Final Plat of Subdivision for the Hines Diehl Road Resubdivision, including but not limited to Parking Allocation and Management provisions.

SECTION 3: The Landscape Plan for Hines Diehl Road Resubdivision, attached to this Ordinance as **Exhibit C**, is hereby approved.

SECTION 4: The Building Elevations for Hines Diehl Road Resubdivision, attached to this Ordinance as **Exhibit D**, are hereby approved.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 6: The approvals granted herein are subject to development of the Hines Diehl Road Resubdivision in the manner described in the Owner's and Developer's Acknowledgement and Acceptance Agreement referenced in Recital 5 hereof.

SECTION 7: If development of the Subject Property does not commence within two (2) years of the date of approval of the Ordinance Approving the Final Plat of

Subdivision and the Owner's and Developer's Acknowledgment and Acceptance Agreement attached thereto, the City of Naperville shall have the right, but not the obligation, at its sole discretion, to revoke the Hines Diehl Road Entitlements described and referenced in the Owner's and Developer's Acknowledgment and Acceptance Agreement other than the rezoning of the Subject Property approved by Ordinance 24-119. Notwithstanding the foregoing, if Petitioner acquires title to the Subject Property within two (2) years from the date of approval of this Ordinance, the City shall no longer have said right of revocation (but shall retain the right of revocation specified in Subsection 3.1 of the Owner's and Developer's Acknowledgment and Acceptance Agreement).

SECTION 8: The City Clerk is authorized and directed to record this Ordinance and the Final Planned Unit Development (PUD) Plat of Hines Diehl Road Resubdivision 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.

SECTION 10 This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk