

PIN: 08-17-303-022

ADDRESS:
See Exhibit A

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

RETURN TO:
CITY OF NAPERVILLE
COMMUNITY SERVICES OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-111

ORDINANCE NO. 24 - _____

AN ORDINANCE REZONING THE PROPERTY
LOCATED AT 1244 E. CHICAGO AVENUE TO
OCI (OFFICE, COMMERCIAL, AND INSTITUTIONAL DISTRICT)

RECITALS

1. **WHEREAS**, Heinen's, Inc., 4540 Richmond Road, Warrensville Heights, Ohio, 44128 ("**Owner**" or "**Petitioner**"), is the owner of real property legally described on **Exhibit A** and depicted on **Exhibit B** having current common street addresses of 1256, 1260, 1262, 1266, 1268, 1270, 1272, 1274, 1276, 1280, 1284, and 1290 E. Chicago Avenue, Naperville, IL 60540, with a proposed new common street address of 1244 E. Chicago Avenue, Naperville, IL 60540 ("**Subject Property**").
2. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of rezoning of the Subject Property pursuant to Section 6-3-7 (Rezoning) of the Naperville Municipal Code.
3. **WHEREAS**, the Subject Property is presently zoned B1 (Neighborhood Convenience Shopping Center District) and is improved with a single-story shopping center and a surface parking lot.

4. **WHEREAS**, the Petitioner proposes to demolish the existing building and parking lot and construct a new grocery store and has requested that the Subject Property be rezoned from B1 to OCI (Office, Commercial and Institutional District).
5. **WHEREAS**, the proposed rezoning to OCI is consistent with the designation of the Subject Property as a “Neighborhood Center” in the City’s Land Use Master Plan.
6. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto.
7. **WHEREAS**, on June 5, 2024 the Planning and Zoning Commission conducted a public hearing to consider Petitioner’s rezoning request and recommended its approval.
8. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s request for rezoning of the Subject Property 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 Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to OCI (Office, Commercial and Institutional) 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: The rezoning approval set forth herein is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time and to all other applicable ordinances and laws, as amended from time to time.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 6: 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 DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk