

**PINs:
08-08-102-012**

**ADDRESS:
1163 E. OGDEN AVENUE
NAPERVILLE, IL 60563**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #18-1-011

ORDINANCE NO. 18- __

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE CONDITIONAL
USE TO ALLOW EXPANSION OF AN ADULT DAYCARE CENTER
AT THE IROQUOIS CENTER AT 1163 E. OGDEN AVENUE**

WHEREAS, Xilin Association ("Petitioner") has petitioned the City of Naperville for approval of a minor change to the conditional use to allow the expansion of the existing adult daycare center on the subject property legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, IRC Retail Center ("Owner") is the owner of the Subject Property; and

WHEREAS, the Subject Property is currently improved with a shopping center and is zoned B3 PUD (General Commercial District), and

WHEREAS, a conditional use for an adult daycare was granted on the Subject Property in 2003 per ordinance 03-98; and

WHEREAS, the adult daycare currently occupies 13,750 square feet; and

WHEREAS, the Petitioner proposes an approximately 21, 824 square foot adult day care; and

WHEREAS, per Section 6-3-8:5.2.1 (Conditional Uses: Changes to Approved Conditional Uses) of the Naperville Municipal Code, an increase of gross floor area greater than 20% for an existing conditional use is subject to approval through a minor change; and

WHEREAS, Staff recommends approval of 25,000 square feet for the adult daycare center to allow the Petitioner a practical degree of flexibility for future expansion at the Subject Property without necessitating additional City Council review and approval; and

WHEREAS, the requested minor change to the conditional use meets the standards as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that the minor change to the conditional use to allow for the expansion of the adult daycare center on the Subject Property should be approved subject to the conditions set forth in this Ordinance.

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 herein as though fully set forth in this Section. All Exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A minor change to the existing conditional use at the Iroquois Center to allow for the expansion of the adult daycare center to from 13, 750 sq. ft. to 25,000 sq. ft.is hereby approved.

SECTION 3: The conditional use approved by this Ordinance shall expire two years from the effective date of this Ordinance if (a) a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two-year period or (b) the use specified in this Ordinance has not commenced within that two-year period. The conditional use shall be subject to revocation for failure to comply with all other applicable conditions set forth in the City's zoning regulations and all other applicable laws and ordinances.

SECTION 4: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 5: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk