

PINs:
07-01-04-410-066
07-01-04-410-064
07-01-04-410-076

Property Address:
VACANT
LOTS 9 AND 21 OF NAPERVILLE CROSSINGS
NAPERVILLE, IL 60564

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 #19-1-068

ORDINANCE NO. 19- __

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE NAPERVILLE
CROSSINGS PUD AND A FINAL PLAT OF PUD FOR
NAPERVILLE CROSSINGS COMMUNITY**

WHEREAS, First National Bank of Brookfield (“Owner”) is the owner of the real property located north of Anna Marie Lane, west of Showplace Drive and known as Lots 9 and 21 of Naperville Crossings and legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, CalAtlantic Group, Inc. (“Petitioner”) is the contract purchaser of the Subject Property; and

WHEREAS, Petitioner has petitioned the City of Naperville (“City”) for approval of a major change to the Naperville Crossings Planned Unit Development (PUD) and a Final PUD Plat for Naperville Crossings Community to allow the development of 55 single-family attached residences; and

WHEREAS, on February 17, 2004, the City Council of the City of Naperville passed Ordinance No. 04-020, approving a conditional use for a Preliminary Planned Unit Development (PUD), a Preliminary PUD Plat, and a Preliminary/Final Subdivision Plat in order to construct a mixed-use development known as Naperville Crossings which included the Subject Property; and

WHEREAS, on April 6, 2004, the City Council of the City of Naperville passed Ordinance No. 04-055, approving an amended Preliminary PUD Plat and a Preliminary/Final Subdivision Plat in order to shift the development towards Illinois Route 59; and

WHEREAS, on September 6, 2005, the City Council of the City of Naperville passed Ordinance No. 05-165, approving an amended Preliminary PUD Plat and a Preliminary/Final Subdivision Plat for Naperville Crossings; and

WHEREAS, per the Amended Preliminary PUD plat approved by Ordinance 05-165, the Subject Property was to be improved with two 4-story buildings with retail on the first floor, an office on the upper floors, and a parking structure; and

WHEREAS, on January 15, 2019, the City Council of the City of Naperville passed Ordinance No. 19-006, rezoning the Subject Property from B2 (Community Shopping Center District) to R3 (Medium Density Multiple-Family Residence District); and

WHEREAS, per Section 6-4-6:1 (Changes to a Final PUD: Major Change) of the Municipal Code, a major change to the PUD is required in order to develop the Subject Property with 55 single-family attached residences; and

WHEREAS, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with an ordinance approving a Preliminary/Final Plat of Subdivision and

an Owner's Acknowledgement and Acceptance (OAA) for Naperville Crossings Community (hereinafter referenced as the "Naperville Crossings Community Ordinances"); and

WHEREAS, Petitioner has requested that the City delay recordation of the Naperville Crossings Community Ordinances with the Will County Recorder for a period of time not to exceed three hundred and sixty-five (365) calendar days after their passage 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; and

WHEREAS, subject to approval of the Naperville Crossings Community Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Naperville Crossings Community Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Naperville Crossings Community Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded; and shall be deemed to be automatically null and void and of no force or effect with no further action being taken by the City or the Petitioner; and

WHEREAS, the requested amendment to the PUD meets the Standards for Amending a Planned Unit Development as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that, subject to the terms and conditions set forth or referenced in the Naperville Crossings Community Ordinances, it is in the best interests of the City of Naperville to approve a major change to the Naperville Crossings PUD and a Final PUD Plat for the Subject Property.

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: If recordation of the Naperville Crossings Community Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty-five (365) calendar days after passage of the Naperville Crossings Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void 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 Naperville Crossings Ordinances are not recorded within the three hundred and sixty-five (365) calendar day timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the Naperville Crossings Community Ordinances, a major change to the Naperville Crossings Planned Unit Development in order to develop the Subject Property with 55 single-family attached residences is hereby approved.

SECTION 4: Subject to approval, execution, and recordation of the Naperville Crossings Ordinances, the Final Planned Unit Development Plat for Naperville Crossings Community, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 5: The Site Plan, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 6: The Landscape Plan, attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 7: The Building Elevations, attached to this Ordinance as **Exhibit G**, are hereby approved.

SECTION 8: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

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 Will 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.

SECTION 11: This Ordinance shall be deemed passed upon approval of the City Council and shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2019.

Steve Chirico

Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk