

PIN:
07-01-15-101-044 [part of]

ADDRESS:
4231 TOWER COURT
NAPERVILLE, IL 60564

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 #23-1-013

ORDINANCE NO. 24 - ____

**AN ORDINANCE APPROVING
A CONDITIONAL USE FOR MULTI-FAMILY RESIDENTIAL AND A CONDITIONAL
USE FOR A PLANNED UNIT DEVELOPMENT (PUD) AND A PRELIMINARY/FINAL
PUD PLAT OF LOT 3 IN NAPERVILLE – SOUTH FORTY LOTS 4, 5, 6 AND 7
RESUBDIVISION WITH VARIOUS ZONING DEVIATIONS**

[TOWER COURT RESIDENCES]

RECITALS

1. **WHEREAS**, the City of Naperville, 400 S. Eagle Street, Naperville, IL 60540 (“**City**”), is the owner (“**Owner**”) of approximately 4.014 acres of real property located at 4231 Tower Court, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).
2. **WHEREAS**, in September of 2021, the City Council issued an RFP to leverage city-owned property to address affordable housing needs in Naperville and through the process, Mike Redman for Tower Court Naperville, LLC, 200 N Main Street, Oregon, WI 53575, (“**Petitioner**”) emerged as the recommended developer.

3. **WHEREAS**, The City has an agreement with the Petitioner that governs Major Business Terms (MBTs) (approved by Resolution 22-029) relative to an affordable housing development being constructed and operated on the subject property for seniors and for individuals with IDD over the age of eighteen.
4. **WHEREAS**, the Owner has authorized Petitioner to seek entitlements to allow development of a 71-unit, multi-family residential building to be known as Tower Court Residences to serve single individuals and families who are senior (55+) and individuals with Intellectual and Developmental Disabilities (IDD) who need affordable housing on the Subject Property (“**Tower Court Residences**”).
5. **WHEREAS**, for Tower Court Residences, Petitioner seeks the following entitlements (together hereinafter referenced herein as the “**Tower Court Residences Ordinances**”): (i) rezoning of the Subject Property; and (ii) a conditional use for multi-family residential and a conditional use for a planned unit development (PUD) and a preliminary/final PUD plat of Lot 3 in Naperville – South Forty Lots 4, 5, 6 and 7 Resubdivision with various zoning deviations.
6. **WHEREAS**, the City’s Land Use Master Plan designates the Subject Property as a Neighborhood Center which classifies multi-family residential as a supporting use; and, identifies a need for the City’s housing stock to support the City’s affordable housing needs and ensure the City’s housing stock is diverse, responsive to community needs, and accessible to everybody.
7. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a conditional use for a Planned Unit Development (PUD) and a Preliminary/Final PUD Plat of Lot 3 in Naperville – South Forty Lots 4, 5, 6 and 7 Resubdivision with

various zoning deviations and conditional uses (together hereinafter referenced herein as the “**Tower Court Residences PUD Entitlements**”) as follows:

- a) A conditional use pursuant to Section 6-7F-3 of the Naperville Municipal Code for multi-family residential.
- b) A conditional use to establish the Lot 3 in Naperville – South Forty Lots 4, 5, 6 and 7 Resubdivision PUD and a preliminary/final PUD plat pursuant to Section 6-7F-3 of the Naperville Municipal Code with deviations to the following sections of the Naperville Municipal Code:
 - i. A deviation to Section 6-9-3 of the Naperville Municipal Code to reduce the required parking on-site from approximately 160 spaces to approximately 121 spaces;
 - ii. A deviation to Section 6-7F-5 of the Naperville Municipal Code to increase the permissible density on the subject property from approximately 67 units to approximately 71 units;
 - iii. A deviation to Section 5-2C-3 of the Naperville Municipal Code to reduce the masonry requirements from 50% to approximately 33% for multi-family residential.

8. **WHEREAS**, on October 16, 2024, the City’s Planning and Zoning Commission conducted a public hearing regarding the Tower Court Residences PUD Entitlements, and recommended approval of the Tower Court Residences PUD Entitlements.

9. **WHEREAS**, the City Council has determined that the Tower Court Residences PUD Entitlements meet the standards for approval as provided in **Exhibit C** attached hereto and should be granted as provided in this ordinance (“**Ordinance**”) subject to the terms and conditions set forth and referenced 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 the terms and conditions set forth and referenced herein, a conditional use for multi-family residential on the Subject Property is hereby approved.

SECTION 3: Subject to the terms and conditions set forth and referenced herein, the Preliminary/Final PUD Plat of Lot 3 in Naperville – South Forty Lots 4, 5, 6 and 7 Resubdivision, attached hereto as **Exhibit B**, is hereby approved.

SECTION 4: Subject to the terms and conditions set forth and referenced herein, deviations to the following sections of the Naperville Municipal Code are hereby approved:

- i. A deviation to Section 6-9-3 of the Naperville Municipal Code to reduce the required parking on-site from approximately 160 spaces to approximately 121 spaces as depicted on **Exhibit D** (“**Site Plan**”);
- ii. A deviation to Section 6-7F-5 of the Naperville Municipal Code to increase the permissible density on the subject property from approximately 67 units to approximately 71 units as depicted on **Exhibit D** (“**Site Plan**”);
- iii. A deviation to Section 5-2C-3 of the Naperville Municipal Code to reduce the masonry requirements from 50% to approximately 33% for multi-family residential as depicted on **Exhibit E** (“**Building Elevations**”).

SECTION 5: Subject to the terms and conditions set forth and referenced herein, the Open Space Calculation Plan for Tower Court Residences, attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 6: Subject to the terms and conditions set forth and referenced herein, the Overall Landscape Plan for Tower Court Residences, attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 7: The Building Elevations, attached to this Ordinance as **Exhibit E**, 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: 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 Will County Recorder.

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

SECTION 11: The City Clerk is authorized and directed to record this Ordinance, including all exhibits hereto, with the Will County Recorder.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk