

PINS:
01-15-200-012-0010
01-15-200-012-0020

ADDRESS:
NEAR THE SOUTHWEST CORNER OF
BOOK ROAD AND 103RD STREET

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 #17-1-129

ORDINANCE NO. 18 - _____

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR
A PLANNED UNIT DEVELOPMENT, A PRELIMINARY
PLANNED UNIT DEVELOPMENT PLAT, AND DEVIATIONS TO
SECTIONS 6-6A-7 AND 6-6A-5 OF THE NAPERVILLE MUNICIPAL CODE
FOR CLOW CREEK FARM ADDITION**

WHEREAS, Nick Stanitz ("Petitioner"), has petitioned the City of Naperville for approval of a conditional use to establish a planned unit development and a preliminary PUD plat for Clow Creek Farm Addition and deviations to Section 6-6A-7 (interior side yard setback) for all lots within the development, and Section 6-6A-5 of the Naperville Municipal Code (lot size) for Lot 25 and Lot 27, for the property generally located near the southwest corner of 103rd Street and Book Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the owner of the Subject Property is Julianne E. Clow-Baltz, Declaration of Trust; and

WHEREAS, on March 6, 2018, the City Council of the City of Naperville passed Ordinance 18- approving the Preliminary Plat of Subdivision for Clow Creek Farm Addition, attached to this Ordinance as **Exhibit B**, in order to subdivide the Subject Property into sixty-two (62) lots; and

WHEREAS, the Petitioner has requested approval of a conditional use to establish a planned unit development and a preliminary planned unit development (PUD) plat for Clow Creek Farm Addition in order to develop sixty-one (61) single-family homes on the Subject Property; and

WHEREAS, the Petitioner has also requested approval of deviations to Section 6-6A-7 of the Naperville Municipal Code to allow for a reduced interior side yard setback throughout the proposed development; and, Section 6-6A-5 of the Municipal Code to allow two of the proposed sixty-one (61) lots to be less than 10,000 square feet, as depicted on the Preliminary PUD Plat for Clow Creek Farm Addition attached to this Ordinance as **Exhibit C**; and

WHEREAS, the requested conditional use to establish a planned unit development and a preliminary planned unit development (PUD) plat for the Subject Property meets the Standards for Granting a PUD as provided in **Exhibit D** attached hereto; and

WHEREAS, the requested deviations to Section 6-6A-5 and Section 6-6A-7 meets the Standards for Approving a PUD Deviation as provided in **Exhibit E** attached hereto; and

WHEREAS, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances authorizing the execution of an annexation agreement for the Subject Property, annexing a portion of the Subject Property, rezoning a portion of

the Subject Property to R1A, revoking a portion of the Clow Creek Farm Planned Unit Development (PUD) as it relates to the Subject Property, and approving a preliminary plat of subdivision (hereinafter cumulatively referenced herein as the “Clow Creek Farm Addition Ordinances”); and

WHEREAS, Petitioner has requested that the City delay recordation of the Clow Creek Farm Addition Ordinances with the Will County Recorder for a period of time not to exceed twelve (12) months after their passage in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to acquire ownership of the Subject Property; and

WHEREAS, subject to approval of the Clow Creek Farm Addition 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 Clow Creek Farm Addition Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Clow Creek Farm Addition Ordinances shall not be recorded and shall be deemed to be automatically null and void with no further action being taken by the City or the Petitioner; and

WHEREAS, on January 17, 2018, the Planning and Zoning Commission conducted a public hearing to consider the Petitioner’s requests for the Subject Property, and recommended approval of the requests; and

WHEREAS, the City Council has determined that the Petitioner’s requests 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: If recordation of the Clow Creek Farm Addition Ordinances does not occur within twelve (12) months after passage of the Clow Creek Farm Addition Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Clow Creek Farm Addition Ordinances are not recorded within the timeframe described herein.

SECTION 3: A conditional use to establish the Clow Creek Farm Addition Planned Unit Development and the Preliminary Planned Unit Development Plat for Clow Creek Farm Addition, attached to this Ordinance as **Exhibit C**, are hereby approved for the Subject Property.

SECTION 4: Deviations to Section 6-6A-7 of the Naperville Municipal Code to allow for reduced interior side yard setbacks throughout the proposed development, and Section 6-6A-5 of the Naperville Municipal Code to allow for a reduction in lot size for Lots 25 and 27 of the development as depicted on the Preliminary PUD Plat for Clow Creek Farm Addition attached to this Ordinance as **Exhibit C**, are hereby approved.

SECTION 5: The Landscape Plan for Clow Creek Farm Addition, attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 6: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 7: 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 8: 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 9: This Ordinance shall be in full force and effect upon its recordation with the Will 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