

**PIN:**  
**07-03-402-027**

**ADDRESS:**  
**1420 WEST DIEHL ROAD**  
**NAPERVILLE, IL 60563**

**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 #18-1-019**

**ORDINANCE NO. 18 -**

**AN ORDINANCE REZONING CERTAIN PROPERTY  
LOCATED AT THE SOUTHWEST CORNER OF  
DIEHL ROAD AND RAYMOND DRIVE (AKA MCDOWELL POINT)  
TO OCI (OFFICE, COMMERCIAL AND INSTITUTIONAL DISTRICT)**

**WHEREAS**, AG Investors III, L.L.C. (hereinafter referenced as "Owner" and also as "Petitioner") has petitioned the City of Naperville for rezoning of real property located at the southwest corner of Diehl Road and Raymond Drive, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the Subject Property is presently zoned ORI (Office, Research & Light Industry District) in the City of Naperville and is currently vacant; and

**WHEREAS**, the Owner has petitioned the City of Naperville for rezoning the Subject Property to OCI (Office, Commercial and Institutional District); and

**WHEREAS**, the Owner also has petitioned the City for a conditional use in the OCI zoning district to allow an age-restricted, multi-family building, a conditional use for a planned unit development, a preliminary planned unit development plat, and certain

deviations to the Naperville Municipal Code for the Subject Property as set forth in a separate ordinance to be considered by the City (“Conditional Use Ordinance”); and

**WHEREAS**, the requested rezoning meets the Standards for Granting a Map Amendment as set forth in **Exhibit C** attached hereto; and

**WHEREAS**, on May 16, 2018 the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner’s request; and

**WHEREAS**, the City Council as determined that the requested rezoning should only be granted if the conditional uses, preliminary planned unit development plat, and deviations set forth in the Conditional Use Ordinance are also approved; and

**WHEREAS**, the City Council of the City of Naperville has determined that, subject to the terms and conditions set forth and referenced herein, the Owner’s request for rezoning of the Subject Property should be granted; and

**WHEREAS**, if the Owner decides not to pursue the development of an age-restricted, multi-family building development on the Subject Property and does not file a final plan of planned unit development for the Subject Property in accordance with Section 6-4-4 of the Naperville Municipal Code within two (2) years from recordation of this Ordinance with the DuPage County Recorder, the owner may request revocation of this Ordinance (“Request for Revocation”). To be effective, said Request: (i) must be made in writing and received by the City’s Zoning Administrator not later than ninety (90) days after the above-described two (2) year timeframe (“Revocation Period”); and (ii) must be accompanied by an application seeking revocation of all of the entitlements set forth in the Conditional Use Ordinance in accord with Section 6-4-8 of the Naperville Municipal Code. The Zoning Administrator shall transmit a Request for Revocation that meets the foregoing requirements to the City Council.

The City Council may, but need not, direct that the Request for Revocation, or some portion thereof, be reviewed and a recommendation provided by the Planning and Zoning Commission which shall then follow the requirements of Section 6-3-5 of the Naperville Municipal Code. If the Request for Revocation is granted by the City Council, an ordinance revoking this Ordinance and the Conditional Use Ordinance shall be recorded with the DuPage County Recorder. If the Request for Revocation is denied by the City Council, an ordinance reflecting such denial shall be recorded with the DuPage County Recorder. After the Revocation Period has expired, any changes to the zoning of the Subject Property granted by this Ordinance and the approvals granted by the Conditional Use Ordinance shall be processed in accord with the Naperville Municipal Code then in effect; and

**WHEREAS**, the provisions of this Ordinance shall be binding upon the Owner and its successors, assigns, and transferees.

**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 approval of the Conditional Use Ordinance, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to OCI (Office, Commercial and Institutional District) in the City of Naperville.

**SECTION 3:** Subject to approval of the Conditional Use Ordinance, the Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

**SECTION 4:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code as amended from time to time.

**SECTION 5:** If the Owner has not filed a final planned unit development plat for the Subject Property within two (2) years of recordation of this Ordinance with the DuPage County Recorder, the Owner may submit a Request for Revocation of this Ordinance and the Conditional Use Ordinance, and the City Council shall consider said Request, in the manner and subject to the terms and conditions set forth in the Recitals herein.

**SECTION 6:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder subject to the condition set forth in Section 7 below.

**SECTION 7:** This Ordinance shall not be recorded, nor shall the zoning map of the City be amended, unless the Conditional Use Ordinance for the Subject Property referenced herein has also been approved.

**SECTION 8:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk