

Dooley-821 East Chicago  
P.C. #925200 (433)

CITY OF NAPERVILLE

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ORDINANCE NO. 84 - 21

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE  
CITY OF NAPERVILLE, ILLINOIS, BY REZONING CERTAIN  
PROPERTY TO THE OC&I DISTRICT AND GRANTING  
CONDITIONAL USES

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PASSED AND APPROVED BY THE CITY  
COUNCIL OF THE CITY OF NAPERVILLE,  
ILLINOIS, THIS 21st DAY OF  
February, 1984

Published in pamphlet form  
by authority of the Corporate  
Authorities of the City of  
Naperville, Illinois, this  
22nd day of February, 1984.

ORDINANCE NO. 84 - 21

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CITY OF NAPERVILLE, ILLINOIS, BY REZONING CERTAIN  
PROPERTY TO THE OC&I DISTRICT AND GRANTING  
CONDITIONAL USES

WHEREAS, the real property described herein is within the corporate limits of the City of Naperville, Illinois, and is classified in the R2 (Low Density and Multiple-Family) District under Ordinance No. 80-5 of the City of Naperville, as amended, being the zoning ordinance of said city; and

WHEREAS, said property is presently improved with a structure which contains two family residences and a meat market-grocery store, a legal nonconforming use under said Zoning Ordinance No. 80-5; and

WHEREAS, a public hearing has been held upon the petition of the owner of said property to consider rezoning said property to the OC&I (Office, Commercial and Institutional) District under the provisions of said Zoning Ordinance No. 80-5, and the granting of conditional uses in said OC&I District under Sections 8.6-2(b) and (f) to allow said property to be used for two family residences and general retail (meat market-grocery store) purposes; and

WHEREAS, said hearing was held upon public notice, said notice and hearing conforming in all respects, in both manner and form, with the requirements of the statutes of the State of Illinois and the provisions of said Zoning Ordinance No. 80-5; and

WHEREAS, the Plan Commission of the City of Naperville has recommended that said property be rezoned and classified in the OC&I District under the provisions of said Ordinance No. 80-5 and that said property be granted the conditional uses set forth in Sections 8.6-2(b) and (f) of Ordinance No. 80-5 to permit the use of said property as a meat market-grocery store and for two family residences; and

WHEREAS, the City Council of the City of Naperville is of the opinion that the classification of said property should be changed to the extent hereinafter set forth under the provisions of Ordinance No. 80-5;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DuPAGE AND WILL COUNTIES, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1: That under the provisions of Ordinance No. 80-5 of the City of Naperville, as amended, being the zoning ordinance of said city, the use classification of the following described property be and the same is hereby amended and zoned as OC&I District, subject to the conditions and restrictions set forth in Section 3 hereof, to-wit:

Lots 7 and 8 in Block 11 in Delcara Heights,  
being a Subdivision in Section 18, Township  
38 North, Range 10, East of the Third Principal  
Meridian, according to the Plat thereof recorded  
October 14, 1922 as Document 159824, in DuPage  
County, Illinois.

SECTION 2: That the conditional uses set forth in Sections 8.6-2(b) and (f) of Ordinance No. 80-5 be and the same are hereby granted with respect to the above described real property to permit the use of said property as a meat market-grocery store and for two family residences, subject to the conditions and restrictions set forth in Section 3 hereof.

SECTION 3: That the use of said real property be and the same is hereby subject to the following conditions and restrictions:

(a) that the subject property shall be developed and used in conformance with the site plan submitted to the Plan Commission as Exhibit 1, which is hereby incorporated herein by reference, except that owner shall be able to add additional landscaping without need of additional approvals;

(b) that not more than 800 square feet of the present existing building located on the subject property may be used for a meat market and grocery store and the balance of the structure may be used for two family residences;

(c) that if the meat market and grocery store use is discontinued for twelve (12) consecutive months, subject property shall revert automatically to the R-2 zoning classification under Ordinance 80-5.

(d) that the owners shall provide a covenant in a form satisfactory to the corporation counsel of the City of Naperville containing the conditions and restrictions set forth above, which covenant shall run with the land and to the benefit of the City of Naperville.

SECTION 4: The Council hereby finds that the conditions and restrictions set forth in Section 3 of this Ordinance directly benefit said property and that said conditions are necessary and reasonably established to fulfill public needs emanating from the proposed use.

SECTION 5: That the Zoning Map of the City of Naperville being a part of said Ordinance No. 80-5, be and the same is hereby amended in accordance with the provisions of this Ordinance.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 21st day of February, 1984.

AYES: Mayor Price, Councilmen Newkirk, Phelan, Rasmussen and Price

NAYS: None

ABSENT: None

APPROVED this 22nd day of February, 1984.

Margaret P. Price  
MAYOR

ATTEST:

Suzanne L. Hall  
CITY CLERK



RETURN TO:

City Clerk  
175 W. Jackson Ave.  
Naperville, IL 60566

# COVENANT OF CONDITIONS

Contained in Ordinance No. 84-21  
Of The City of Naperville

Pursuant to agreement, the owners of the following-described property:

Lots 7 and 8 in Block 11 in Delcara Heights, being a Subdivision in Section 18, Township 38 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded October 14, 1922 as Document 159824, in DuPage County, Illinois.

do hereby covenant and agree with the City of Naperville to comply with the conditions contained in Section(s) 3 of Ordinance No. 84-21, as passed by the City of Naperville on the 21st day of February, 1984, namely:

1. That the Subject Property shall be developed and used in accordance with the site plan submitted to the Plan Commission and incorporated in the above-referred to ordinance, except owner shall be able to add additional landscaping without need of additional approvals.
2. That not more than 800 square feet of the present existing building located on the Subject Property may be used for a meat market and grocery store and the balance of the structure may be used for two-family residences.

~~3. That if the meat market and grocery store use is discontinued for twelve (12) consecutive months, the right of said use shall not be continued without additional hearings and approvals of the City of Naperville.~~

This Covenant is made exclusively to the City of Naperville and is solely enforceable by said City. Further, this Covenant can be abrogated through recording of a release executed by the City of Naperville releasing the parties hereto, their heirs, successors and assigns from further action under this Covenant.

This Covenant shall be binding upon the heirs, successors and assigns of the parties hereto and is to be recorded with the Recorder of Deeds for DuPage County.

Date: February 29, 1984

OWNER:

*Thomas J. Dooley*  
*Marcia L. Dooley*  
*Donna L. Dooley*  
*Virginia Dooley*

Approved as  
to form. *POC*

508

RECORDER  
DU PAGE COUNTY

H 84 - 40049

1984 MAY 29 PM 3:30

*Donna J. Dooley*

HENNESSY, DOMMERMUTH, BRESTAL, COBINE, ROTH AND WEST

ATTORNEYS AT LAW  
124 SOUTH WASHINGTON STREET  
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NAPERVILLE, ILLINOIS 60566

DONALD J. HENNESSY  
ALBIN DOMMERMUTH  
WILLARD F. BRESTAL  
CRAIG J. COBINE  
FREDERICK E. ROTH  
KATHLEEN C. WEST

January 10, 1984

TELEPHONE  
(312) 355-6001

Mr. Walter S. Newman, Director  
Department of Community Development  
City of Naperville  
175 West Jackson Avenue  
Naperville, Illinois 60566

Re Plan Commission Case No. 433-Dooley Rezoning

Dear Mr. Newman

As I stated during the public hearing on this matter, my client is willing to place the following covenants on his property:

1. The subject property shall be developed in accordance with the site plan submitted to the Plan Commission.
2. The use of the subject property shall be in accordance with the site plan submitted to the Plan Commission.

The City may approve the rezoning of this property subject to the filing of these covenants.

Very truly yours,

*W F Brestal*  
W. F. Brestal / KCW

WFB/KCW/va