

PINs:
05-32-300-014
08-05-027-036

ADDRESS:
LOT 4 OF NOKIA CAMPUS SUBDIVISION
NWC OF NAPERVILLE ROAD & WARRENVILLE 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 #20-1-086

ORDINANCE NO. 21 - _____

**AN ORDINANCE APPROVING A PRELIMINARY PLANNED UNIT
DEVELOPMENT PLAT WITH CERTAIN DEVIATIONS FOR
NAPER COMMONS**

RECITALS

1. **WHEREAS**, Pulte Home Company, LLC, 1900 East Golf Road, Suite 300, Schaumburg, Illinois, 60173 ("**Petitioner**") has petitioned the City of Naperville for approval of a preliminary plat of planned unit development with certain deviations for approximately 65 acres of real property located at the northwest corner of Naperville Road and Warrenville Road within the corporate limits of the City of Naperville ("**City**"), legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") and known as Lot 4 of the Nokia Campus Subdivision, for a development to be known as Naper Commons; and
2. **WHEREAS**, Nokia of America Corporation f/k/a Alcatel-Lucent USA Inc. f/k/a Lucent Technologies Inc. f/k/a NS-MPG Inc., a Delaware corporation, 600-700 Mountain

Avenue, Murray Hill, New Jersey, 07974, is the current owner (“**Owner**”) of the Subject Property; and

3. **WHEREAS**, the Petitioner is proposing to subdivide the Subject Property in order to construct 66 single-family attached units (townhomes) and 161 single-family detached units; and
4. **WHEREAS**, the City Council of the City of Naperville has determined that, subject to the provisions and conditions set forth and referenced herein, the preliminary plat of planned unit development (PUD) with certain deviations for Naper Commons should be approved as provided herein; and
5. **WHEREAS**, on April 7, 2020, the City Council of the City of Naperville approved Ordinance 20-037, approving a conditional use to permit a planned unit development on the Subject Property; and
6. **WHEREAS**, per Section 6-4-4:2 (PUDs: PUD Plat Procedures), Petitioner requests approval of a preliminary plat of planned unit development with certain deviations as described below for Naper Commons in order to develop the Subject Property with 66 single-family attached dwelling units (townhomes) and 161 single-family detached dwelling units; and
7. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required 25’ front yard setback to 20’; and
8. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required interior yard setback from the required 16’ total for 2 sides with each side yard a minimum of 6’ to 14’ total for 2 sides with each side yard a minimum of 7’ for the Estate Lots; and

9. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required interior yard setback from the required 16' total for 2 sides with each side yard a minimum of 6' to 12' total for 2 sides with each side yard a minimum of 6' for the Meadows Lots; and
10. **WHEREAS**, Petitioner requests a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required interior yard setback from the required 16' total for 2 sides with each side yard a minimum of 6' to 10' total for 2 sides with each side yard a minimum of 5' for the ranch-style Meadows Lots; and
11. **WHEREAS**, Petitioner requests a deviation to Section 6-2-3:3.3 (Yard Requirements: Permitted Obstructions) to permit the eaves on the ranch-style Meadows lots to encroach 6" into the 5' side yard easements; and
12. **WHEREAS**, the requested preliminary plat of planned unit development and deviations meet the standards for granting such plat and the standards for granting planned unit development deviations as provided in **Exhibit C** attached hereto; and
13. **WHEREAS**, on December 16, 2020 and February 3, 2021, the Planning and Zoning Commission conducted public hearings to consider the PZC 20-1-086 and on March 17, 2021 recommended approval of the Petitioner's requests; and
14. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving a preliminary plat of subdivision and an owner's acknowledgement and acceptance agreement, a conditional use to permit single-family attached dwelling units, a variance for exterior wall construction, and a variance for storm water storage in the detention basin (which ordinances, including this Ordinance, are collectively referenced hereinafter as the "**Naper Commons Ordinances**"); and

15. **WHEREAS**, Petitioner has requested that the City delay recordation of the Naper Commons Ordinances with the DuPage County Recorder until on or before October 29, 2021 (hereinafter the “**Recording Timeframe**”) in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and for ownership of the Subject Property to be transferred to the Petitioner; and

16. **WHEREAS**, subject to approval of the Naper Commons Ordinances, the City has agreed to the Recording Timeframe set forth in Recital 15 above. If all of the Naper Commons Ordinances, including all exhibits thereto, and the fully executed Owner’s Acknowledgement and Acceptance Agreement for Naper Commons, are not recorded within the Recording Timeframe, the City and Petitioner agree that the Naper Commons Ordinances 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.

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 Naper Commons Ordinances, including but not limited to this Ordinance, does not occur on or before October 29, 2021 (the Recording Timeframe provided in Recital 15 hereof), 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 Naper Commons Ordinances are not recorded within the Recording Timeframe.

SECTION 3: Subject to approval, execution, and recordation of the Naper Commons Ordinances, including but not limited to this Ordinance, the Preliminary Plat of Planned Unit Development for Naper Commons, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: Subject to approval, execution, and recordation of the Naper Commons Ordinances, including but not limited to this Ordinance, the following deviations are approved:

- I. a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required 25' front yard setback to 20'; and
- II. a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required interior yard setback from the required 16' total for 2 sides with each side yard a minimum of 6' to 14' total for 2 sides with each side yard a minimum of 7' for the Estate Lots; and
- III. a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required interior yard setback from the required 16' total for 2 sides with each side yard a minimum of 6' to 12' total for 2 sides with each side yard a minimum of 6' for the Meadows Lots; and
- IV. a deviation to Section 6-6C-7:1 (R2 District: Yard Requirements) to reduce the required interior yard setback from the required 16' total for 2 sides with each side yard a minimum of 6' to 10' total for 2 sides with each side yard a minimum of 5' for the ranch-style Meadows Lots; and
- V. a deviation to Section 6-2-3:3.3 (Yard Requirements: Permitted Obstructions) to permit the ranch eaves to encroach 6" into the 5' side yard easements.

SECTION 4: Subject to approval, execution, and recordation of the Naper Commons Ordinances including all exhibits thereto, the preliminary engineering plans attached to this Ordinance as **Exhibit D**, are hereby approved.

SECTION 5: Subject to approval, execution, and recordation of the Naper Commons Ordinances including all exhibits thereto, the preliminary landscape plan attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 6: Subject to approval, execution, and recordation of the Naper Commons Ordinances including all exhibits thereto, the tree preservation plan attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 7: Subject to approval, execution, and recordation of the Naper Commons Ordinances including all exhibits thereto, the open space exhibit attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 8: Subject to approval, execution, and recordation of the Naper Commons Ordinances including all exhibits thereto, the single-family attached (townhome) elevations attached to this Ordinance as **Exhibit H**, are hereby approved.

SECTION 9: Subject to approval, execution, and recordation of the Naper Commons Ordinances including all exhibits thereto, the single-family detached elevations attached to this Ordinance as **Exhibit I**, are hereby approved.

SECTION 10: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 11: Upon confirmation from the City Attorney that the terms and conditions set forth and referenced herein have been fulfilled, the City Clerk is authorized and directed to record with the DuPage County Recorder: (i) the Naper Commons Ordinances, including but not limited to this Ordinance, together with their exhibits; and then to record (ii) the fully executed Owner's Acknowledgement and Acceptance Agreement for Naper Commons.

SECTION 12: 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 13: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk