

PIN:
07-13-440-010

ADDRESS:
111 WATER STREET (FKA 315 S. MAIN STREET)
NAPERVILLE, ILLINOIS 60540

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 #19-1-131

ORDINANCE NO. 22 - _____

**AN ORDINANCE APPROVING AN EXTENSION OF
THE DEVIATIONS AND FEE-IN-LIEU OF PARKING
APPROVED BY ORDINANCE 20-014 FOR RIVER MAIN**

RECITALS

1. **WHEREAS**, River Main Naperville, LLC, 131 West Jefferson Avenue, Suite 223, Naperville, IL 60540 (herein "**Owner and Petitioner**") is the owner of the property located at 111 Water Street (FKA 315 S. Main Street), Naperville, Illinois, legally described on **Exhibit A** (hereinafter the "**Subject Property**"); and
2. **WHEREAS**, the Subject Property is currently zoned B4 (Central Business District) with a conditional use for a planned unit development (PUD); and
3. **WHEREAS**, the Subject Property is currently vacant and a five-story, mixed-use building measuring sixty-nine (69) feet in height with an FAR of 2.8 has been approved for the site; and

4. **WHEREAS**, on March 7, 2017, City Council passed Ordinance 17-030, approving a conditional use for a planned unit development (PUD) and a preliminary/final planned unit development plat for River Main for the Subject Property; and
5. **WHEREAS**, on February 18, 2020, City Council passed Ordinance 20-014 (the “**Major Change Ordinance 20-014**” or “**Ordinance**”) approving a major change to the River Main PUD granting deviations to allow the River Main building to exceed the maximum permitted height of sixty (60) feet and the maximum floor area ratio (FAR) of 2.5 subject to a payment in the amount of \$47,595 based on the parking fee in-lieu-of provisions of Section 11-2E-3 of the Municipal Code (**Note**: Major Change Ordinance 20-014 included references to an FAR of both 2.88 and 2.8. The FAR approved by City Council for the Subject Property was 2.8, and the fee-in-lieu of parking paid for by Owner and Petitioner was calculated using the FAR of 2.8); and
6. **WHEREAS**, on June 15, 2021, the City Council passed Ordinance 21-069 approving a minor change to the River Main PUD to accommodate a building overhang on the upper boardwalk and lower Riverwalk for the Subject Property; and
7. **WHEREAS**, Major Change Ordinance 20-014 became effective on February 19, 2020; and
8. **WHEREAS**, Pursuant to Section 4 of Major Change Ordinance 20-014, the deviations and fee in lieu of parking approved therein would expire unless within two (2) years from the effective date of said Ordinance: (1) a building permit had been obtained and the construction or alteration of the structure specified in the Ordinance had been started, or (2) the use specified in the Ordinance had commenced; and

9. **WHEREAS**, Owner and Petitioner has requested a two-year extension of the effective period of the deviations and fee-in-lieu of parking approved by Major Change Ordinance 20-014 from February 19, 2022 to February 19, 2024, in order to allow additional time to complete contractor selection, financing, and lead tenant search prior to commencement of construction; and
10. **WHEREAS**, conditions have not substantially changed since approval of Major Change Ordinance 20-014; and
11. **WHEREAS**, the City Council has determined that the Owner and Petitioner's request should be granted as provided herein; and
12. **WHEREAS**, the terms and conditions set forth and referenced herein shall be binding upon the Owner and Petitioner's successors, assigns, and transferees, and shall constitute a covenant running with the land.

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: A two (2) year extension of the effective period of the deviations and fee-in-lieu of parking for River Main, approved on February 19, 2022 by Major Change Ordinance 20-014, is hereby granted to February 19, 2024. All other terms and conditions set forth or referenced in Major Change Ordinance 20-014 shall remain in full force and effect.

SECTION 3: Owner and Petitioner has paid the City the fee-in-lieu of amount of forty-seven thousand, five hundred and ninety-five dollars (\$47,595) required by Major Change Ordinance 20-014.

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 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 6: The City Clerk is directed to record the following (in the following order) with the DuPage County Recorder: (i) Major Change Ordinance 20-014 and its exhibits; and (ii) this ordinance, and its exhibits.

SECTION 7: This ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk