

PIN: 07-10-314-008

ADDRESS:
1336 N ROUTE 59
NAPERVILLE, IL 60563
(Vacant/Undeveloped)

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:

CITY OF NAPERVILLE
COMMUNITY SERVICES/CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #22-1-079

ORDINANCE NO. 23 - ____

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE
PLANNED UNIT DEVELOPMENT TO PERMIT PARKING AND SIGNAGE DEVIATIONS
AND A FINAL PUD PLAT
FOR DESIGN POINTE OUTLOT D**

RECITALS

1. **WHEREAS**, Param Vijay ("**Petitioner**") has petitioned the City of Naperville for approval of a major change to the Design Pointe Planned Unit Development (PUD) with parking and signage deviations to allow for the construction of a multi-tenant commercial building on real property located at 1336 N Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Nita Estates, LLC, is the owner of the Subject Property ("**Owner**"); and
3. **WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping Center District) with a Conditional Use for a Planned Unit Development; and
4. **WHEREAS**, on November 1, 2005, the City Council of the City of Naperville passed Ordinance 05-207 approving a conditional use for a PUD and Final PUD Plat for

Design Pointe to allow for development of a retail shopping campus consisting of eight (8) buildings and associated parking; and

5. **WHEREAS**, the Petitioner has requested approval of a major change to the Design Pointe PUD and approval of a Final Plat of PUD for Outlot D of Design Pointe pursuant to Section 6-4-4:3 (PUD Plat Procedures: Final Plat of PUD) of the Naperville Municipal Code; and
6. **WHEREAS**, in conjunction with the major change, the Petitioner has requested a deviation to Section 6-9-3 (Schedule of Off-Street Parking Requirements) to reduce the amount of off-street parking required on the Subject Property; and
7. **WHEREAS**, the Petitioner has also requested deviations to Section 6-16-5:2.2.5 (Signs on Commercial and Institutional Property: Setbacks) to reduce the monument sign setback from both the major arterial roadway and the interior property line; and
8. **WHEREAS**, the Petitioner's requests meet the Standards for PUD deviations as provided in **Exhibit C** attached hereto; and
9. **WHEREAS**, on February 15, 2023, the Planning and Zoning Commission conducted a public hearing to consider PZC 22-1-079, and recommended approval of the Petitioner's requests; and
10. **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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A major change to the Design Planned Unit Development in order to construct a multi-tenant commercial building, monument sign, and associated parking on Outlot D is hereby approved.

SECTION 3: The Final Planned Unit Development Plat for Design Pointe Outlot D, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: A deviation to Section 6-9-3 (Schedule of Off-Street Parking Requirements) to reduce the required number of off-street parking from 63 parking spaces to 45 parking spaces is hereby approved, subject to the following condition:

If the City's Zoning Administrator determines that the tenants' parking need cannot be accommodated with the parking on the subject property, the Petitioner and Owner shall take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each tenant space, limiting business hours of operation, alter the number of employees or other business operations, constructing additional parking spaces and/or establishing an overflow parking location off-site as necessary, which shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to accommodate tenant parking needs may result in the City's revocation of the parking variance.

SECTION 5: A deviation to Section 6-16-5:2.2.5.1 (Signs on Commercial and Institutional Property: Setbacks) to reduce the major arterial setback for a monument sign from 10' to 0', as depicted on the Site Plan attached as **Exhibit D**, is hereby approved.

SECTION 6: A deviation to Section 6-16-5:2.2.5.3 (Signs on Commercial and Institutional Property: Setbacks) to reduce the interior side yard setback for a monument sign from 40' to 0' as depicted on the Site Plan attached as **Exhibit D**, is hereby approved.

SECTION 7: The Landscape Plan for Design Pointe Outlot D, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 8: The Building Elevations for Design Pointe Outlot D, attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 9: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 10:The City Clerk is authorized and directed to record this Ordinance and the Final Planned Unit Development Plat for Design Pointe Outlot D with the DuPage County Recorder.

SECTION 11:If this Ordinance is not recorded with the DuPage County Recorder within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner and Owner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

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 passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk