

**PINs:
07-22-102-023-0000
07-22-102-024-0000**

**ADDRESS:
204 S. ROUTE 59
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 #19-1-078

ORDINANCE NO. 19 -

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL
PLAT OF SUBDIVISION FOR GLACIER PARK RESUBDIVISION NO. 10
LOCATED AT 204 S. ROUTE 59 (WESTRIDGE COURT SHOPPING CENTER)**

WHEREAS, Brixmor Holdings 6 SPE, LLC, (hereinafter referenced as "**Owner**" and "**Petitioner**") owns real property located at 204 Route 59, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and

WHEREAS, the Subject Property is zoned B2 (Community Shopping) District in the City of Naperville; and

WHEREAS, the Petitioner has requested approval of a Preliminary/Final Plat of Subdivision for Glacier Park Resubdivision No. 10 to subdivide the Subject Property into six (6) buildable commercial lots; and

WHEREAS, the Petitioner has also petitioned the City of Naperville for approval of variances to the following sections of the Naperville Municipal Code: (i) Section 6-7B-8

(Height Limitations/Bulk Regulations) to increase the maximum FAR for Lot 3 from 0.325 to 0.70 and Lot 4 from 0.325 to 1.5; (ii) Section 6-9-5 (Schedule of Off Street Loading Requirements) to reduce the required number of loading berths for Lots 3 and 4 from one to zero; (iii) Section 6-9-2 (Off Street Parking Facilities) to permit parking for Lots 1-3 to be considered collectively and Lots 4-6 to be considered collectively; (iv) Section 6-9-3 (Schedule of Off Street Parking Requirements) to reduce the total required parking for Funtopia on Lot 6 from 10 parking spaces per 1,000 square feet of gross floor area to 4 parking spaces per 1,000 square feet of gross floor area; and, (v) Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow a shopping center less than 250,000 square feet in size (exclusive of fast food, eating and/or drinking establishments) to be parked at 4 parking spaces per 1,000 square feet of gross floor area instead of 4.5 parking spaces per 1,000 square feet of gross floor area for Lots 1-3; and

WHEREAS, on October 16, 2019, the Planning and Zoning Commission conducted a public hearing concerning PZC 19-1-078 to consider the Petitioner's requests for the above-described variances for the Subject Property, and recommended approval of those requests; and

WHEREAS, a Declaration of Easements prepared by the Petitioner, attached hereto as **Exhibit C**, includes provisions pertaining to parking management and access on the Subject Property; and

WHEREAS, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for Glacier Park Resubdivision No. 10 should be approved 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: The Preliminary/Final Plat of Subdivision for Glacier Park Resubdivision No. 10, attached to this Ordinance as **Exhibit B**, is hereby approved subject to the following condition:

- a. The Petitioner shall record a fully executed Declaration of Easements in the form attached hereto as **Exhibit C**, (with paragraph 16 completed) with the DuPage County Recorder concurrently with the recordation of the Preliminary/Final Plat of Subdivision for Glacier Park Resubdivision No. 10. Failure to record said Declaration of Easements concurrently with this Ordinance shall result in the revocation of this Ordinance.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: The City Clerk is authorized and directed to record this Ordinance, its exhibits, and the Preliminary/Final Plat of Subdivision for Glacier Park Resubdivision No. 10 approved by this ordinance with the DuPage County Recorder.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, PhD.
City Clerk