

PINs:
07-03-103-017
07-03-103-018

ADDRESS:
LOTS 2&3 IN CITYGATE CENTRE
NAPERVILLE, ILLINOIS 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 #22-1-050

ORDINANCE NO. 22 - _____

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE CITYGATE CENTRE III
PLANNED UNIT DEVELOPMENT APPROVED BY ORDINANCE 20-044 FOR THE
SUBJECT PROPERTY LOCATED AT
LOTS 2&3 OF CITYGATE CENTRE**

RECITALS

1. **WHEREAS**, Calamos Real Estate, LLC, 2020 Calamos Court, Naperville, Illinois 60563 ("**Petitioner**") has petitioned the City of Naperville for a minor change to the CityGate Centre III Planned Unit Development as approved by Ordinance 20-044 for property located at Lots 2 & 3 of CityGate Centre, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, CityGate Centre III, LLC, 2020 Calamos Court, Naperville, IL 60563 ("**Owner**") is the owner of the Subject Property; and
3. **WHEREAS**, on May 5, 2020, the City Council of the City of Naperville ("**City**") approved Ordinance 20-044, a Final PUD Plat for CityGate Centre III in order to develop an

approximately 482,385 square foot multi-family residential apartment building and a 38,000 square foot roof-level event center; and

4. **WHEREAS**, the apartment building and event center on the Subject Property were proposed as a part of the larger CityGate Centre campus, which currently includes hotel, restaurant, retail, and office uses, as well as a parking garage; and
5. **WHEREAS**, the final PUD plat approved per Ordinance 20-044 and attached to this Ordinance as **Exhibit C**, depicted a surface parking lot on Lot 3 that provided 380 parking spaces for the event center and 36 parking spaces for the apartment guests; and
6. **WHEREAS**, due to the ability to accommodate the event center parking elsewhere on the campus as demonstrated through a parking study, the Petitioner requests to amend the controlling site plan in order to remove the obligation to construct the 380 parking spaces for the event center in the surface parking lot located on Lot 3; and
7. **WHEREAS**, the Petitioner will still construct 36 guest parking spaces on Lot 3, as is required for the apartment use; and
8. **WHEREAS**, per the approved conditions of Ordinance 20-044, the request to amend the controlling site plan in order to remove the obligation to construct the surface lot for the event center requires a minor change to the PUD; and
9. **WHEREAS**, the requested amendment to the PUD meets the Standards for Amending a PUD as provided in **Exhibit D** attached hereto; and
10. **WHEREAS**, the City Council has determined that the Petitioner's requests should be granted as provided herein; and

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 minor change to the CityGate Centre III PUD as approved by Ordinance 20-044 in order to amend the controlling site plan to remove the obligation to construct the surface lot for the 380 spaces for the event center as depicted in **Exhibit C**, is hereby approved for the Subject Property, conditioned upon the following:

1. A parking plan providing additional details on pedestrian circulation and signage must be provided to City staff when available; and
2. If the City's Zoning Administrator determines that the parking needs cannot be accommodated within the parking on the Subject Property as depicted on **Exhibit C**, the Owner shall promptly take adequate measures and work with the tenants of the Subject Property (or Owner's successors, transferees, and assigns) 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, constructing additional off-street parking spaces, and/or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate tenant parking needs on the Subject Property to the satisfaction of the City's Zoning Administrator may result in the City's revocation of one or more of the variances approved on the Subject Property.

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: 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 5: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 6: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk