

PIN:
07-22-300-036

ADDRESS:
776 S. ROUTE 59
NAPERVILLE, IL 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 #21-1-020

ORDINANCE NO. 21- __

AN ORDINANCE APPROVING A MAJOR CHANGE TO THE FOX RIVER COMMONS
RESUBDIVISION PUD TO ALLOW A CONDITIONAL USE FOR A DAYCARE AND
AFTER-HOURS ACTIVITY CENTER IN SUITE 123 OF
THE MALL OF INDIA LOCATED AT 776 S. ROUTE 59

RECITALS

1. **WHEREAS**, 1504 Inc ("**Petitioner**"), has petitioned the City of Naperville for approval of a Major Change to the Fox River Commons Resubdivision PUD to allow for a daycare and after-hours activity center which require a conditional use in the B2 (Community Shopping Center) zoning district for the property located at 776 S. Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the requested Major Change to allow for the requested uses, which require conditional use approval in the B2 Zoning District meets the standards for a

Major Change to a PUD as provided in **Exhibit C** (“**Standards**”) attached hereto;
and

3. **WHEREAS**, on May 20, 2021, the Planning and Zoning Commission conducted a public hearing to consider the requested Major Change to the PUD and recommended approval of the Petitioner’s request; and
4. **WHEREAS**, Petitioner has requested that the City approve this ordinance; and
5. **WHEREAS**, the City Council of the City of Naperville 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 Fox River Commons Resubdivision PUD is hereby granted to allow for a daycare and after-hours activity center in suite 123 of the Mall of India located at 776 S. Route 59. These uses are approved as conditional uses in the B2 (Community Shopping Center) zoning district.

SECTION 3: 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 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: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk