

PIN:
07-13-440-003

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 #21-1-028

ORDINANCE NO. 21 - _____

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE
RIVER MAIN PUD APPROVED BY ORDINANCE 17-030 TO ACCOMMODATE A
BUILDING OVERHANG ON THE UPPER BOARDWALK AND LOWER RIVERWALK
FOR THE SUBJECT PROPERTY LOCATED AT
111 WATER STREET (FORMERLY KNOWN AS 315 S. MAIN STREET)**

RECITALS

1. **WHEREAS**, River Main Naperville, LLC, 131 West Jefferson Avenue, Suite 223, Naperville, IL 60540 (herein "**Owner**" and "**Petitioner**") has petitioned the City of Naperville for approval of a minor change to the River Main PUD approved by Ordinance 17-030 to accommodate a building overhang on the upper boardwalk and lower riverwalk for certain property located at 111 Water Street (fka 315 S. Main Street), Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**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 2.88 is planned 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 and a preliminary/final planned unit development plat for River Main; and
5. **WHEREAS**, on February 19, 2020, City Council passed Ordinance 20-014 approving a major change to the River Main PUD 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; and
6. **WHEREAS**, as the project has progressed and staff reviewed more detailed plans for the building, it was discovered that the upper stories of the River Main building overhang both the upper boardwalk and lower riverwalk walkway, which was not evident during staff's review during previous entitlement processes; and
7. **WHEREAS**, to minimize the perceived impacts of the building overhand on the upper boardwalk and lower riverwalk, the petitioner proposes a soffit LED lighting system which will eliminate the possibility of tunnel shadows for the full range of natural lighting conditions; and
8. **WHEREAS**, the proposed building elevations are consistent with those previously approved by City Council and encroachment into the lower riverwalk easement warrants City Council's consideration of a minor change to the PUD; and

9. **WHEREAS**, the Petitioner requests a minor change to the River Main PUD approved by Ordinance 17-030 to accommodate a building overhang on the upper boardwalk and lower riverwalk for the Subject Property; and
10. **WHEREAS**, the requested amendment to the PUD meets the Standards for Amending a PUD as provided in **Exhibit C** attached hereto; and
11. **WHEREAS**, the City Council has determined that the Petitioner's requests should be granted as provided herein; and
12. **WHEREAS**, the terms and conditions set forth herein shall be binding upon the Owner and Owner'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 minor change to the River Main PUD approved by Ordinance 17-030 to accommodate a building overhang on the upper boardwalk and lower riverwalk is hereby approved for the Subject Property.

SECTION 3: The Site Plan as shown on the Easement Encroachment Exhibit attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 4: The Building Elevations approved by Ordinance 20-014 and attached to this Ordinance as **Exhibit E**, remain in full effect.

SECTION 5: The Site Line Exhibit and Building Perspectives attached to this Ordinance as **Exhibit F** are hereby approved.

SECTION 6: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 7: 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 8: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 9: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk