

PIN: 07-14-100-026

ADDRESS:  
1567 NORTH AURORA ROAD  
NAPERVILLE, IL 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 #18-1-127

**ORDINANCE NO. 19- \_\_**

**AN ORDINANCE APPROVING A MAJOR CHANGE TO A PLANNED UNIT  
DEVELOPMENT IN ORDER TO ESTABLISH A CONDITIONAL USE  
FOR A DAYCARE FOR THE PROPERTY LOCATED  
AT 1567 NORTH AURORA ROAD (RIVERBROOK DAYCARE)**

**WHEREAS**, Riverbrook Daycare ("Petitioner"), has petitioned the City of Naperville for approval major change to the Riverbrook Center Planned Unit Development for approval of a conditional use to permit a daycare in the B2 PUD (Community Shopping Center) District for the property located at 1567 North Aurora Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, Naperville Joint Venture LLC – Riverbrook Center is the owner of the Subject Property; and

**WHEREAS**, the Subject Property is currently zoned B2 PUD (Community Shopping District) and is improved with an approximately 142,187 square foot multi-tenant shopping center; and

**WHEREAS**, the Petitioner is proposing to occupy a 2,000 square foot tenant space and associated 1,281 square foot outdoor play space with the Riverbrook Daycare ; and

**WHEREAS**, pursuant to Section 6-7B-3 (B2 District: Conditional Uses), the Petitioner is requesting approval of a conditional use in order to allow a daycare on the Subject Property; and

**WHEREAS**, pursuant to Section 6-4-6 (Changes to a Final Planned Unit Development), a conditional use must be processed as a Major Change to the PUD; and

**WHEREAS**, the requested conditional use meets the standards for granting a conditional use as provided in **Exhibit C** attached hereto; and

**WHEREAS**, on February 6, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 18-1-127 and recommended approval of the Petitioner's request with the condition that the petitioner provides a 6' to 8' fence with a guardrail around the outdoor play area; and

**WHEREAS**, the petitioner has submitted revised plans, attached hereto as **Exhibit D**, which comply with the Planning and Zoning Commission's condition of approval; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A major change to the Planned Unit Development in order to establish a conditional use for a daycare and associated outdoor play space on the Subject Property pursuant to Section 6-7B-3 (B2 District: Conditional Uses) of the Municipal Code, and as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby granted.

**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 with the DuPage County Recorder.

**SECTION 5:** 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 6:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_

Pam Gallahue, Ph. D.  
City Clerk