

PINs:
08-29-203-005
08-29-203-006
08-29-203-007

ADDRESS:
1225-1256 S. NAPER BLVD.
1259 - 1309 S. NAPER BLVD.
1298 S. NAPER BLVD.
NAPERVILLE, IL 60564

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 #20-1-081

ORDINANCE NO. 21 - _____

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE MARKET MEADOWS
PUD AND A PRELIMINARY/FINAL PUD PLAT WITH DEVIATIONS FOR
MARKET MEADOWS RESUBDIVISION NO. 1**

RECITALS

1. **WHEREAS**, Shorewood Development Group, LLC (herein "**Petitioner**"), with an address at 790 Estate Drive, Suite 200, Deerfield, Illinois 60015, has petitioned the City of Naperville for approval of a major change to the PUD and Preliminary/Final PUD Plat with deviations for certain property located at 1225-1256 S. Naper Boulevard; 1259 - 1309 S. Naper Boulevard; and 1298 S. Naper Boulevard, Naperville, Illinois, which property is legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Duxler Properties, LLC, with an address of 40 E. Chicago Avenue, Chicago, IL 60611, is the owner of the Subject Property and has authorized the petition described above; and

3. **WHEREAS**, on June 3, 1985, the Naperville City Council (“**City**”) passed Ordinance No. 85-99, approving a conditional use for a planned unit development (PUD) and a Final Plat of PUD for Market Meadows, Phase 3; and
4. **WHEREAS**, the Petitioner has requested approval of a major change to the Market Meadows PUD and Preliminary/Final PUD Plat for Market Meadows Resubdivision No. 1 to subdivide the Subject Property from three (3) lots to six (6) lots with deviations, as described herein, in order to: (i) redevelop a portion of the Subject Property (on new Lot 3) with an approximately 118,374 square foot self-storage facility; (ii) add a bank drive-through at the southeast corner of the main shopping center (on new Lot 2); (iii) modify other sections of the façade on new Lot 2; and (iv) to construct a new 6,978 square foot multi-tenant commercial building with a drive-through (on new Lot 4); and
5. **WHEREAS**, the Petitioner requests approval of a PUD use deviation in accordance with Section 6-4-3:12.2 (PUD Design Standards and Criteria: Use Deviations) to permit a self-storage facility on Lot 3 of the Subject Property; and
6. **WHEREAS**, the Petitioner requests approval of a deviation to Section 6-7B-8 (B2 District: Height Limitations/Bulk Regulations) to allow a FAR of 1.9306 on Lot 3 of the Subject Property for the self-storage facility; and
7. **WHEREAS**, the Petitioner requests approval of a deviation to Section 6-9-5:2 (Schedule of Off Street Loading Requirements: Loading Class No. 2) to provide a loading area to be located within the building to be constructed on Lot 3, in lieu of the two (2) exterior loading berths required on the Subject Property; and
8. **WHEREAS**, the Petitioner requests approval of a deviation to Section 6-9-3:4&6 (Schedule of Off-Street Parking Requirements: Parking Class No. 4 & 6) to reduce the

amount of required off-street parking spaces for the entire subdivision from 1,098 spaces to 926 spaces on the Subject Property; and

9. **WHEREAS**, the Petitioner requests approval of a deviation to Section 6-16-3:7 (Prohibited Signs) to permit monument signs on Lot 1 and Lot 4 of the Subject Property that may include off-premises signage and
10. **WHEREAS**, the Petitioner requests approval of a deviation to Section 6-16-5:2.2.2 (Ground Signs: Area) to increase the maximum allowable sign area from forty-five (45) square feet to ninety (90) square feet for a sign which will be located on Lot 1 (“Sign 1” as depicted on Exhibit E), and increase the maximum allowable sign area from ninety (90) square feet to one hundred and eighty (180) square feet for a second sign which will be located on Lot 4 (“Sign 2” as depicted on Exhibit E); and
11. **WHEREAS**, the Petitioner requests approval of a deviation to Section 6-16-5:2.2.4 (Ground Signs: Height) to exceed the maximum height of ten feet (10') to permit two (2) thirteen feet (13') tall signs for Sign 1 and Sign 2 of the Subject Property;
12. **WHEREAS**, the requested Major Change to the PUD meets the standards for amending a Planned Unit Development as provided in **Exhibit C** attached hereto; and
13. **WHEREAS**, the requested PUD deviations meet the Standards for Deviation from a Planned Unit Development as provided in **Exhibit C** attached hereto; and
14. **WHEREAS**, on January 20, 2021, the Planning and Zoning Commission conducted a public hearing to consider the requested major change to the PUD and revised Final PUD plat with deviations for the Subject Property, and recommended approval of the Petitioner’s requests; and

15. **WHEREAS**, the City Council 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 here.

All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A Major Change to the Market Meadows PUD and the Preliminary/Final PUD Plat for Market Meadows Resubdivision No. 1, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: The City finds that the requested use deviation for a storage facility on Lot 3 of Market Meadows Resubdivision No. 1 meets the Standards for Deviation from a Planned Unit Development for the reasons set forth in **Exhibit C** attached hereto and adopted as though fully set forth herein. Therefore, the City hereby approves a use deviation pursuant to Section 6-4-3:12.2 (PUD Design Standards and Criteria: Use Deviations) of the Naperville Municipal Code to permit a self-storage facility to be located on Lot 3 of the Subject Property subject to the following conditions proposed by the petitioner, accepted by the City, and incorporated herein as follows:

- A. The building foot-print of the self-storage facility shall not exceed 10% of the total acreage of the Market Meadows PUD;
- B. Excluding signage, no outside display or outside storage of equipment, materials, or motor vehicles shall be permitted in relation to the storage facility;
- C. All exterior sides of the proposed storage facility that are visible shall contain architectural detail and masonry materials to fit harmoniously with the character, use and zoning of the surrounding properties as set forth on **Exhibit E**;
- D. The self-storage facility shall be limited to a maximum of two (2) stories in height above grade, excluding the basement;

- E. All self-storage operations, including loading and unloading activities, must take place within the self-storage facility;
- F. Trucks greater than twenty-six feet (26') in length shall be prohibited on Lot 3; and
- G. Truck and trailer rental shall be prohibited at the self-storage facility; and
- H. The self-storage facility shall be permitted to operate between the hours of 6:00 a.m. and 9:00 p.m. daily.

SECTION 4: A deviation to Section 6-7B-8 (B2 District: Height Limitations/Bulk Regulations) to allow a FAR of 1.9306 on Lot 3 as depicted on the Final PUD Plat attached to this Ordinance as **Exhibit B** is hereby approved.

SECTION 5: A deviation to Section 6-9-3:4&6 (Schedule of Off-Street Parking Requirements: Parking Class No. 4 & 6) to reduce the amount of required off-street parking spaces from 1,098 spaces to 926 spaces as depicted on the Final PUD Plat attached to this Ordinance as **Exhibit B**, and the Parking Study attached to this Ordinance as **Exhibit D**, is hereby approved for the Subject Property conditioned upon the following:

- a. If the City's Zoning Administrator determines that the current and proposed tenants' parking needs cannot be accommodated within the parking on the Subject Property as depicted on **Exhibit B**, the owner of the Subject Property (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each unit, restricting the number of leasable units, 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 herein.

SECTION 6: A deviation to Section 6-9-5:2 (Schedule of Off Street Loading Requirements: Loading Class No. 2) to provide an internal loading area within the self-storage building located on Lot 3, in lieu of providing two external loading berths, is hereby approved.

SECTION 7: A deviation to Section 6-16-3:7 (Prohibited Signs) to permit off-premise signs on Lot 1 and Lot 4 as depicted on the Sign Plan attached to this Ordinance as **Exhibit E** is hereby approved.

SECTION 8: A deviation to Section 6-16-5:2.2.2 (Ground Signs: Area) to increase the maximum allowable sign area from forty-five (45) square feet to ninety (90) square feet for Sign 1 on Lot 1 and increase the maximum allowable sign area from ninety (90) square feet to 180 square feet for Sign 2 on Lot 4 as depicted on the Sign Plan attached to this Ordinance as **Exhibit E** is hereby approved.

SECTION 9: A deviation to Section 6-16-5:2.2.4 (Ground Signs: Height) to exceed the maximum height of 10' to permit two 13' tall signs (Sign 1 and Sign 2) as depicted on the Sign Plan attached to this Ordinance as **Exhibit E** is hereby approved.

SECTION 10: The Building Elevations for Lots 2, 3 and 4 attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 11: The Landscape Plan for Lots 2, 3, and 4 attached to this Ordinance as **Exhibit G** is hereby approved.

SECTION 12: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time, and to all supporting documents and exhibits contained as a part of the record of the public hearing before the Planning and Zoning Commission.

SECTION 13: The deviations approved by this Ordinance shall automatically expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

SECTION 14: 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 15: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 16 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