

PIN:
07-27-300-031

ADDRESS:
2703 BEEBE DRIVE
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 #22-1-073

ORDINANCE NO. 22 - ___

AN ORDINANCE APPROVING A MAJOR CHANGE TO THE BRADFORD COMMONS PUD FOR A DEVIATION TO THE PARKING REQUIREMENTS IN SECTION 6-9-3:4 (SCHEDULE OF OFF STREET PARKING REQUIREMENTS), CONTROLLING ELEVATIONS, CONTROLLING LANDSCAPE PLAN, AND A FINAL PUD PLAT FOR THE PROPERTY LOCATED AT 2703 BEEBE DRIVE (WU'S HOUSE)

RECITALS

1. **WHEREAS**, Naperville Retail Investments LLC ("**Owner**"), 47W210 Route 30, Big Rock, Illinois 60511, is the owner of real property located at 2703 Beebe Drive, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Wu&Tran Naperville LLC ("**Petitioner**"), 3401 Avondale Lane, New Lenox, IL 60451, is the contract purchaser of the Subject Property; and
3. **WHEREAS**, with permission from the Owner, Petitioner has petitioned the City of Naperville for approval of a major change to the Bradford Commons Planned Unit Development (PUD) to grant a deviation to Section 6-9-3:4 of the Naperville Municipal Code off street parking requirements, controlling elevations, controlling

landscape plan, and a final PUD plat in order to construct a 16,263 square foot eating establishment on the Subject Property; and

4. **WHEREAS**, on September 17, 2002, the City Council of the City of Naperville passed Ordinance 02-191, approving the final PUD plat, the final plat of subdivision and the development plans designating the Subject Property as part of Lot 2 of the Brach Brodie Farm PUD; and
5. **WHEREAS**, on September 6, 2005, the City Council of the City of Naperville passed Ordinance 05-171, approving a major change to the PUD, a final PUD plat, and a plat of subdivision designating the Subject Property as Lots 5 and 6 of Bradford Commons (formerly known as Brach Brodie Farm); and
6. **WHEREAS**, on June 1, 2021, the City Council of the City of Naperville passed Ordinances 21-061 and 21-062, approving the final plat of subdivision for Bradford Commons Resubdivision of Lots 5 & 6 and a major change to the Bradford Commons PUD in order to approve a conditional use for a daycare and a final PUD plat with certain deviations for KLA Schools; and
7. **WHEREAS**, the Subject Property is zoned B2-PUD (Community Shopping Center District, Planned Unit Development) and is currently vacant; and
8. **WHEREAS**, the Petitioner intends to construct a 16,263 square foot eating establishment on the Subject Property; and
9. **WHEREAS**, Petitioner requests approval of a final plat of planned unit development with a deviation for parking; and
10. **WHEREAS**, the request for a deviation requires a major change to the PUD pursuant to Section 6-4-6 (Changes to a Final PUD); and

11. **WHEREAS**, Petitioner requests a deviation to Section 6-9-3:4 (Schedule of Off-Street Parking Requirements) to reduce the number of required off-street parking spaces from 163 to 146; and
12. **WHEREAS**, Petitioner has secured an easement with the adjacent property owner to the west of the Subject Property for the use of 50 parking spaces; and
13. **WHEREAS**, Petitioner's requests meet the standards for granting a major change to a PUD with a deviation as provided in **Exhibit C** attached hereto; and
14. **WHEREAS**, on November 2, 2022, the Planning and Zoning Commission conducted a public hearing to consider PZC 22-1-073 and recommended approval of Petitioner's requests; and
15. **WHEREAS**, the City Council of the City of Naperville has determined that 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The Major Change to the Final Planned Unit Development Plat for Lot 2 of the Bradford Commons Resubdivision of Lots 5 & 6 plat, attached as **EXHIBIT B**, and a deviation to Section 6-9-3:4 (Schedule of Off-Street Parking Requirements) to reduce the number of required off-street parking spaces from 163 to 146 spaces are hereby approved subject to the following condition:

- i. If the City's Zoning Administrator determines that the Petitioner's parking needs cannot be accommodated within the parking on the subject property,

the Petitioner shall take adequate measures to meet the parking needs, including but not limited to formally assigning/reserving parking spaces for each employee, establishing an overflow parking location off-site, or constructing additional parking spaces, which shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate the owner's parking needs may result in the City's revocation of the parking deviation.

SECTION 3: The landscape plan, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 4: The building elevations, attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 6: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk