

PIN: 07-22-102-022

**ADDRESS:
436 S. STATE 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 #18-1-096

ORDINANCE NO. 19- __

**AN ORDINANCE APPROVING A MINOR CHANGE TO PLANNED UNIT
DEVELOPMENT AND A FINAL PLANNED UNIT DEVELOPMENT PLAT FOR
HERITAGE SQUARE (LAZY DOG)**

WHEREAS, Brixmor Property Group ("Petitioner"), has petitioned the City of Naperville for approval of a minor change to the Planned Unit Development (PUD) and a final PUD plat for real property located on the east side of Route 59 and north of Aurora Avenue, also known as Heritage Square, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Subject Property is currently zoned B2 (Community Shopping Center District) with a Conditional Use for a Planned Unit Development that allows for a commercial development known as Heritage Square; and

WHEREAS, the owner of the Subject Property is Brixmor Heritage Square LLC.; and

WHEREAS, on October 15, 1991, the City Council of the City of Naperville passed Ordinance No. 91-205 approving the Final PUD Plat for Heritage Square; and

WHEREAS, the existing PUD limits restaurant square footage to a maximum of 5,000 square feet; and

WHEREAS, the Petitioner is requesting a minor change to the Heritage Square PUD and a revised final PUD plat in order to remove the maximum 5,000 square-foot for restaurant use to develop a 10,787 square-foot restaurant to be occupied by Lazy Dog on the Subject Property; and

WHEREAS, the existing mattress store will be demolished; and

WHEREAS, the requested minor change meets the Standards for Granting or Amending a Planned Unit Development provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council 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: The minor change to the Heritage Square Planned Unit Development to allow for removal of the maximum 5,000 square-foot for restaurant use in order to develop a 10,787 square-foot restaurant (Lazy Dog) in Heritage Square is hereby approved.

SECTION 3: The Final Planned Unit Development Plat for Heritage Square, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: The Preliminary Landscape Plan for Lazy Dog, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 5: The Building Elevations for Lazy Dog, attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 5: The Preliminary Site Plan for Lazy Dog, attached to this Ordinance as **Exhibit F**, is 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: The City Clerk is authorized and directed to record this Ordinance and the Final Planned Unit Development Plat for Heritage Square with the DuPage County Recorder.

SECTION 8: 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 9: 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