

PINS:  
07-13-442-019  
07-13-442-017

ADDRESSES:  
115 AURORA AVENUE  
NAPERVILLE, IL 60540

AND

405 S. MAIN STREET  
NAPERVILLE, IL 60540

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540  
630/420-4170

RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case # DEV-0029-2026

## **ORDINANCE NO. 26 -**

**AN ORDINANCE GRANTING VARIANCES TO SECTION 6-7I-8 (TU/HEIGHT LIMITATIONS), SECTION 6-7I-4:7 (TU/REQUIRED CONDITIONS) AND SECTION 6-9-2:4.3.2 (OFF-STREET PARKING FACILITIES/YARD REQUIREMENTS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 115 AURORA AVENUE AND 405 S. MAIN STREET**

**[JOHN GREENE COMMERCIAL]**

### **RECITALS**

1. **WHEREAS**, Water Street Investments LLC, an Illinois limited liability company, 1311 S. RT. 59, Naperville, IL 60564 and Jerome A. Bergamini Jr., not personally or individually, but as sole Trustee of the Leslie M. Bergamini Martial Trust U/A dated January 23, 2010, 1528 Alan Rd., Naperville, IL 60564, are the owners ("**Owners**") of real property located at 115 Aurora Avenue and 405 S. Main Street, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").

2. **WHEREAS**, the Owners have authorized John Greene Enterprises, Inc., an Illinois corporation, doing business as John Greene Realtor, 1311 S. Route 59, Naperville, IL 60564 (“**Petitioner**”), to seek entitlements to allow development of an office building on the Subject Property (“**John Greene Commercial**”).
3. **WHEREAS**, Petitioner has petitioned the City of Naperville for approval of multiple variances (hereinafter referenced as “**Variance Requests**”), including:
  - (a) a variance to Section 6-7I-8 (TU/Height Limitations) of the Naperville Municipal Code (“Code”) to permit a maximum height of 43 ft. 8 in. in lieu of 35 ft. as depicted on the building elevations attached hereto as **Exhibit C**;
  - (b) a variance from Section 6-7I-4:7 (TU/Required Conditions) of the Code to permit a building that is not residentially styled as depicted on the building elevations attached hereto as **Exhibit C**; and,
  - (c) a variance to Section 6-9-2:4.3.2 (Off-Street Parking Facilities/Yard Requirements) of the Code to permit parking spaces to be located 3 ft. 7 in. from the public alley in lieu of 5 ft. as depicted on the site plan attached hereto as **Exhibit D**.
4. **WHEREAS**, the Petitioner’s Variance Requests as outlined in Recital 3 meet the Standards for Granting a Zoning Variance as provided in **Exhibit E** attached hereto.
5. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving the following: (i) a preliminary/final plat of subdivision for the Subject Property; (ii) rezoning the Subject Property from R2 (Single-Family & Low Density Multiple-Family Residence District) to the TU (Transitional Use District); and, (iii) a resolution authorizing approval to utilize the

parking fee-in-lieu provisions set forth in Section 11-2E-2 and Section 11-2E-3 of the Naperville Municipal Code (together hereinafter referenced as the “**The John Greene Entitlements**”).

6. **WHEREAS**, on July 15, 2026, the Planning and Zoning Commission conducted a public hearing regarding the Petitioner’s Variance Requests and recommended approval of the Petitioner’s requests.
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s Variance 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance to Section 6-7I-8 (TU/Height Limitations) of the Code to permit a maximum height of 43 ft. 8 in. in lieu of 35 ft. as depicted on the building elevations attached hereto as **Exhibit C** is hereby approved.

**SECTION 3:** A variance to Section 6-7I-4:7 (TU/Required Conditions) of the Code to permit a building that is not residentially styled as depicted on the building elevations attached hereto as **Exhibit C** is hereby approved.

**SECTION 4:** A variance to Section 6-9-2:4.3.2 (Off-Street Parking Facilities/Yard Requirements) of the Code to permit parking spaces to be located 3 ft. 7 in. from the public alley in lieu of 5 ft. as depicted on the site plan attached hereto as **Exhibit D** is hereby approved.

**SECTION 5:** The Building Elevations, attached to this Ordinance as **Exhibit C**, are hereby approved.

**SECTION 6:** The Site Plan, attached to this Ordinance as **Exhibit D**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 7:** The Landscape Plan, attached to this Ordinance as **Exhibit F**, is hereby approved.

**SECTION 8:** The variances approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

**SECTION 9:** The variances approved by this Ordinance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

**SECTION 10:** 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

**SECTION 11:** The City Clerk is authorized and directed to record this Ordinance, along with The John Green Entitlements, with the DuPage County Recorder.

**SECTION 12:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

\_\_\_\_\_  
Dawn C. Portner  
City Clerk