

PINs:
07-14-100-025
PT. of 01-14-100-023

ADDRESS:
1503 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 #17-1-018

ORDINANCE NO. 17 - _____

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE RIVERBROOK CENTER
LOT 4 – AUTOZONE RESUBDIVISION PUD AND APPROVING A
PRELIMINARY/FINAL PUD PLAT WITH CERTAIN DEVIATIONS ON THE PROPERTY
LOCATED AT 1503 NORTH AURORA ROAD (CIMA PRIDE RESUBDIVISION)**

WHEREAS, CIMA Developers, LP (“Petitioner”), has petitioned the City of Naperville for approval of a major change to a planned unit development and approval of a preliminary/final PUD plat with deviations to eliminate the car wash bypass lane, to reduce the monument sign setback, and to permit an off-premises monument sign for real property located at 1503 North Aurora, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, on March 5, 1991, the City Council of the City of Naperville passed Ordinance 91-040, approving a Preliminary Plat of Planned Unit Development and Subdivision as a conditional use for Riverbrook Center; and

WHEREAS, on April 2, 1997, the City Council of the City of Naperville passed Ordinance 97-044, approving a Final Plat of Planned Unit Development and Subdivision for Riverbrook to allow for the construction of a 4 lot subdivision for retail uses; and

WHEREAS, on January 17, 2006, the City Council of the City of Naperville passed Ordinance 06-016, approving a Preliminary/Final Plat of Subdivision for Riverbrook Center Lot 4 - AutoZone Resubdivision in order to move the lot line between the existing two lots; and

WHEREAS, on January 17, 2006, the City Council of the City of Naperville passed Ordinance 06-017, approving a major change to a conditional use and a preliminary/final planned unit development plat for Riverbrook Center Lot 4 – AutoZone Resubdivision in order to allow for the development of a 7,381 square foot AutoZone retail auto parts store on Lot 1; and

WHEREAS, the Petitioner is seeking approval of a major change to the Riverbrook Center Lot 4 – Autozone Resubdivision and a Preliminary/Final PUD Plat in order to in order to permit an automobile service station with a car wash on the subject property; and

WHEREAS, the Petitioner is additionally requesting approval of a deviation from Section 6-9-6:2.2 (Supplemental Standards for Drive-Through Stacking Lanes: Bypass Lanes) to eliminate the car wash bypass lane; and

WHEREAS, the Petitioner is requesting approval of a deviation to Section 6-16-5:2.2.5.1 (Signs on Commercial and Institutional Property: Ground Signs: Setbacks) to allow a reduction in the required 10' major arterial sign setback; and

WHEREAS, the Petitioner is requesting approval of a deviation to Section 6-16-3:7 (Prohibited Signs) to permit an off-premises sign; and

WHEREAS, the requested amendment to the Planned Unit Development meets the Standards for Amending a Planned Unit Development as provided in **Exhibit C** attached hereto; and

WHEREAS, the requested PUD deviations meet the Standards for Deviation from a Planned Unit Development as provided in **Exhibit C** attached hereto; and

WHEREAS, on June 7, 2017, the Planning and Zoning Commission conducted a public hearing to consider PZC 17-1-018 and recommended approval of the petitioner's requests; and

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 Riverbrook Center Lot 4 – Autozone Resubdivision Planned Unit Development in order to construct an automobile service station and car wash is hereby approved for the Subject Property.

SECTION 3: The Preliminary/Final Plat of Planned Unit Development for CIMA Pride Resubdivision, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: A deviation to Section 6-9-6:2.2 (Supplemental Standards for Drive-Through Stacking Lanes: Bypass Lanes) of the Naperville Municipal Code to eliminate the

car wash bypass lane, as depicted on the Preliminary/Final PUD Plat for CIMA Pride Resubdivision attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 5: A deviation to Section 6-16-5:2.2.5.1 (Signs on Commercial and Institutional Property: Ground Signs: Setbacks) of the Naperville Municipal Code to reduce the major arterial sign setback from 10' to 6.07' from Raymond Drive, as depicted on the Preliminary/Final PUD Plat for CIMA Pride Resubdivision attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 6: A deviation to Section 6-16-3:7 (Prohibited Signs) of the Naperville Municipal Code to allow an off-premises sign located on the property north of the Subject Property, as depicted on the Landscape Plan attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 7: The building elevations attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 8: 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 9: 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 10: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk