

PIN: 08-05-303-002

**ADDRESS:
1836 FREEDOM DRIVE
NAPERVILLE, IL 60563**

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

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #24-1-002

ORDINANCE NO. 24 - ___

**AN ORDINANCE GRANTING A MAJOR CHANGE TO AMEND THE
FINAL PUD PLAT AND AN OFF-STREET LOADING DEVIATION
FOR LOT 13 OF FREEDOM COMMONS
(FREEDOM COMMONS MEDICAL OFFICE BUILDING)**

RECITALS

1. **WHEREAS**, on November 6, 2006, the City Council of the City of Naperville (“**City**”) passed Ordinance No. 06-263 approving the Final Planned Unit Development Plat and Landscape Deviations for Freedom Commons located on Freedom Drive in Naperville to allow for the development of twelve (12) buildings on thirteen (13) lots for a 147,000 square-foot mixed use development containing retail space and restaurant uses; and
2. **WHEREAS**, the Freedom Commons development is zoned B2 (Community Shopping Center District) in the City of Naperville with a Conditional Use for a Planned Unit Development; and

3. **WHEREAS**, CMC Building Group, LLC, an Illinois limited liability company with offices at 27W110 North Avenue, West Chicago, IL 60185 is the owner of Lot 13 of Freedom Commons (“**Owner**”) and has authorized Petitioner, as defined herein, to submit a petition to the City seeking the relief described herein; and
4. **WHEREAS**, Ordinance No. 06-236 denoted Lot 13 of Freedom Commons, legally described on **Exhibit A**, as a fitness facility; and
5. **WHEREAS**, on April 18, 2007, the City Council of the City of Naperville passed Ordinance No. 07-077 approving a major change to the Planned Unit Development to establish building and landscape plans for L.A. Fitness on Lot 13 in Freedom Commons; and
6. **WHEREAS**, CHP-HSG Naperville, LLC, a Delaware limited liability company with offices at 225 W. Hubbard Street, Chicago, IL 60654 (“**Petitioner**”), has petitioned the City for approval of a major change to the existing final planned unit development plat for Freedom Commons (the “**Existing Final PUD Plat**”) to replace the fitness facility on Lot 13 with a medical office building as depicted on **Exhibit B** (titled the “**Major Change to Amend the Final Planned Unit Development Plat for Lot 13 of Freedom Commons**”); and
7. **WHEREAS**, the requested major change to the Freedom Commons planned unit development to allow a medical office building on Lot 13 depicted on **Exhibit B** meets the standards for granting or amending a PUD as set forth on **Exhibit C** (“**Response to Standards**”) attached hereto, and
8. **WHEREAS**, Petitioner has also petitioned the City for approval of a deviation to Section 6-9-5 (Schedule of Off Street Loading Requirements) of the Naperville

Municipal Code to reduce the required off-street loading spaces for the proposed medical office building on Freedom Commons Lot 13 from one (1) space to zero (0) spaces; and

9. **WHEREAS**, the requested deviation to the off-street loading space requirements of the Naperville Municipal Code meets the standards for granting a PUD deviation as set forth on **Exhibit C** (“**Response to Standards**”) attached hereto, and
10. **WHEREAS**, on April 3, 2024, the City of Naperville Planning and Zoning Commission conducted a public hearing to consider the proposed major change to the Existing Final PUD Plat consistent with the Major Change to Amend the Final Planned Unit Development Plat for Lot 13 of Freedom Commons depicted on **Exhibit B** and the requested off-street loading space deviation for Lot 13 of Freedom Commons, and recommended approval of both requests; and
11. **WHEREAS**, the City Council of the City of Naperville 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A major change to the Existing Final PUD Plat for Freedom Commons to permit a medical office as reflected on the Major Change to Amend the Final Planned Unit Development Plat for Lot 13 of Freedom Commons attached hereto as **Exhibit B**, and

a deviation to allow zero off-street loading spaces on Freedom Commons Lot 13, are hereby approved.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: The City Clerk is authorized and directed to record this Ordinance Granting a Major Change to Amend the Final PUD Plat and an Off-Street Loading Deviation for Lot 13 of Freedom Commons attached hereto as **Exhibit B** with the DuPage County Recorder.

SECTION 5: Per Section 6-4-8 (Effective Period of a Planned Unit Development), the Major Change to Amend the Final Planned Unit Development Plat for Lot 13 of Freedom Commons shall be recorded no later than two (2) years from the date of approval of this Ordinance.

SECTION 6: 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 DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk