

ORDINANCE NO. 23-_____

**AN ORDINANCE
PROPOSING THE DESIGNATION OF A BUSINESS
DISTRICT IN THE CITY OF NAPERVILLE, DUPAGE COUNTY, ILLINOIS,
AND THE SCHEDULING OF A PUBLIC HEARING IN CONNECTION
THEREWITH FOR THE PROPOSED BLOCK 59 BUSINESS DISTRICT**

WHEREAS, the City of Naperville (“City”), as a home rule municipality in accordance with Article VII Section 6(a) of the Constitution of the State of Illinois of 1970, and is enacting this Ordinance pursuant to its home rule authority and the Illinois Business District Redevelopment Law 65 ILCS 5/11-74.3-1, *et seq.* (the "Law"); and

WHEREAS, Section 11-74.3-1(1) of the Law allows a municipality to determine that it is essential to the economic and social welfare of the municipality that business districts be developed, redeveloped, improved, maintained, and revitalized, that jobs and opportunity for employment be created within the municipality, and that, if blighting conditions are present, blighting conditions be eradicated by assuring opportunities for development or redevelopment, encouraging private investment, and attracting sound and stable business and commercial growth; and

WHEREAS, it is in the public interest that the area legally described on **Exhibit A** attached hereto and made part hereof, and depicted on the map attached hereto as **Exhibit B** and made a part hereof (the “Proposed Block 59 Business District”), in the City be considered for designation as a business district pursuant to the terms of the Law; and

WHEREAS, on September 20, 2022, the Mayor and City Council of the City (“City Council”) approved Resolution 22-28, entitled *A Resolution Expressing The City Of Naperville’s Intent To Consider Designation Of A Business District On Property Within The City, To Impose Business District Sales Taxes, And To Induce Development Interest Within Such District* within the area designated in Resolution 22-28; and

WHEREAS, on December 19, 2022 the Mayor and City Council approved Ordinance 22-131 proposing the designation of a business district and the scheduling of a public hearing for January 17, 2023; and

WHEREAS, at the January 17 public hearing the City Council listened to testimony from all interested parties and discussed the proposed business district, with the majority of the City Council agreeing to further consider the establishment of the business district if the northern three parcels of the Westridge Court shopping center were not included in the boundaries; and

WHEREAS, a revised business district plan has been prepared by Kane McKenna and Associates, Inc. dated January 26, 2023 entitled “City of Naperville, City of Naperville Block 59 Business District Plan” (the “Business District Plan”) which sets forth a plan for the redevelopment of an reduced area at the northeast corner of Illinois Route 59 and Aurora Avenue in Naperville, Illinois; and

WHEREAS, it is in the public interest that the City consider the designation of the Proposed Business District as a business district with a finding and determination that the Proposed Business District is a blighted area, pursuant to the terms of the Law; and

WHEREAS, pursuant to Section 11-74.3-2(a) of the Law, the City must set a time and place for a public hearing prior to the adoption of an ordinance to approve a business district plan and designate a business district; and

WHEREAS, pursuant to Section 11-74.3-2(b) of the Law, the City must give certain notices prior to the public meeting; and

WHEREAS, notice of a public hearing thereon shall be published substantially in the form and manner required by the Law on February 8 and February 10, 2023 notifying the general public of the Hearing (See, **Exhibit C** attached hereto and made a part hereof); and

WHEREAS, the Proposed Business District is entirely within the corporate limits of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Naperville, DuPage and Will Counties, Illinois as follows:

SECTION 1: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: That a public hearing shall be held at 7:00 p.m. on February 21, 2023 at the Naperville Municipal Center Council Chambers, 400 S. Eagle, Naperville, Illinois

(the “Hearing”), to consider whether to approve a business district plan for the Proposed Business District, as set forth in the Law, and whether to designate the Proposed Business District as a business district with a finding and determination that the Proposed Business District is a blighted area, as set forth in the Law.

SECTION 3: That notice of the Hearing shall be given by publication at least twice, not more than thirty (30) nor less than ten (10) days prior to the Hearing, in a newspaper of general circulation within the City, in substantially the form as set forth in Exhibit C attached hereto and made a part hereof.

SECTION 4: That all ordinances, orders and resolutions and parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 5: If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance or their application if they can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision is severable, unless otherwise provided by this Ordinance.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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PASSED by the Mayor and City Council of the City of Naperville, DuPage and Will Counties, Illinois, this 7th day of February 2023.

AYES:

NAYS:

ABSENT:

Pam Gallahue
City Clerk

APPROVED this 7th day of February 2023.

Steve Chirico
Mayor

PUBLISHED by me this _____
day of February 2023 in
pamphlet form.

Pam Gallahue
City Clerk

Exhibit A

**Legal Description and Permanent Tax Index Numbers (P.I.N.s)
for the Proposed Business District**

Legal Description of Proposed Area

LOTS 4 TO 6, INCLUSIVE, IN GLACIER PARK RESUBDIVISION NO. 10, BEING A SUBDIVISION IN SECTION 15 AND SECTION 22, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 2020 AS DOCUMENT R2020-075498 IN DUPAGE COUNTY, ILLINOIS;

TOGETHER WITH

LOT 1 IN HERITAGE SQUARE, NAPERVILLE, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 28, 1992 AS DOCUMENT R92-143318, IN DUPAGE COUNTY, ILLINOIS;

EXCEPT THAT PART TAKEN FOR ROADWAY PURPOSES IN CASE NUMBER 12ED22 AND AS RECORDED BY COURT ORDER VESTING TITLE AS DOCUMENT R2016-90221, DESCRIBED AS FOLLOWS:

PARCEL A: BEGINNING AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES 21 MINUTES 00 SECONDS EAST, BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, N.A.D. 83 (2007), ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 12.65 FEET; THENCE SOUTH 74 DEGREES 51 MINUTES 32 SECONDS EAST 122.80 FEET TO THE SOUTHERLY LINE OF SAID LOT 1; THENCE SOUTH 83 DEGREES 14 MINUTES 39 SECONDS WEST ALONG SAID SOUTHERLY LINE 4.86 FEET TO AN ANGLE POINT; THENCE NORTH 89 DEGREES 08 MINUTES 32 SECONDS WEST ALONG SAID SOUTHERLY LINE 76.04 FEET TO AN ANGLE POINT; THENCE NORTH 63 DEGREES 27 MINUTES 32 SECONDS WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1; A DISTANCE OF 42.21 FEET TO THE POINT OF BEGINNING;

AND

PARCEL B: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 12 MINUTES 24 SECONDS EAST, BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, N.A.D. 83 (2007), ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 18.00 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST 187.88 FEET; THENCE SOUTH 01 DEGREES 13 MINUTES 43 SECONDS WEST 326.05 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 38 SECONDS EAST 5.00 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST 188.54 FEET TO AN EAST-WEST LINE IN THE WEST LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES

39 MINUTES 00 SECONDS WEST ALONG SAID EAST-WEST LINE 18.00 FEET TO AN ANGLE POINT IN SAID WEST LINE; THENCE NORTH 00 DEGREES 21 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE 702.11 FEET TO THE POINT OF BEGINNING.

PIN's:

07-22-102-022

07-22-102-032

07-22-102-033

07-22-102-034

Exhibit B

**Map of the
Proposed Business District**

(attached separately)

Exhibit C

**Form of Notice of Public Hearing in Regard to the
Proposed Business District**

PUBLIC NOTICE
PURSUANT TO 65 ILCS 5/11-74.3-2(b)

The Mayor and City Council of the City of Naperville (the "City") will hold a public hearing on February 21, 2023 at 7:00 p.m., at the Naperville Municipal Center, Council Chambers, 400 S. Eagle, Naperville, Illinois 60540 (the "Hearing"), to consider whether to designate the following-described property ("Proposed Block 59 Business District") as a business district with a finding and determination that Proposed Block 59 Business District is a blighted area as set forth in the Illinois Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3-1, *et seq.* (the "Law"), and whether to approve the business district plan for the Proposed Block 59 Business District (the "Business District Plan") as set forth in the Law.

Legal Description of Proposed Business District Area

LOTS 4 TO 6, INCLUSIVE, IN GLACIER PARK RESUBDIVISION NO. 10, BEING A SUBDIVISION IN SECTION 15 AND SECTION 22, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 2020 AS DOCUMENT R2020-075498 IN DUPAGE COUNTY, ILLINOIS;

TOGETHER WITH

LOT 1 IN HERITAGE SQUARE, NAPERVILLE, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 28, 1992 AS DOCUMENT R92-143318, IN DUPAGE COUNTY, ILLINOIS;

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AND

PARCEL B: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 12 MINUTES 24 SECONDS EAST, BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, N.A.D. 83 (2007), ALONG THE NORTH LINE OF SAID

LOT 1, A DISTANCE OF 18.00 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST 187.88 FEET; THENCE SOUTH 01 DEGREES 13 MINUTES 43 SECONDS WEST 326.05 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 38 SECONDS EAST 5.00 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST 188.54 FEET TO AN EAST-WEST LINE IN THE WEST LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 39 MINUTES 00 SECONDS WEST ALONG SAID EAST-WEST LINE 18.00 FEET TO AN ANGLE POINT IN SAID WEST LINE; THENCE NORTH 00 DEGREES 21 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE 702.11 FEET TO THE POINT OF BEGINNING.

General Description of Proposed Business District Area

The Proposed Block 59 Business District is generally described as several of the southwestern properties bounded by Aurora Avenue to the south, W Jefferson Avenue to the north, Illinois Route 59 to the west, and Fort Hill Drive to the east, and consists of approximately 45 acres. The area generally consists of the south and eastern portions of the Westridge Court Shopping Center and all of the Heritage Square Shopping Center.

All interested persons will be given an opportunity to be heard at the Hearing. The Business District Plan for the Proposed Block 59 Business District under consideration at the Hearing provides, generally, as follows:

I. City Goals and Objectives

The 2022 City's Land Use Master Plan designates the Future Land Use for the Study Area as a Urban Center. The City's stated goals and objectives for this use include:

- Maintain or reposition Urban Centers as vibrant destinations by attracting entertainment uses, restaurants, and other businesses that contribute to night life and activity.
- Work with property owners and developers to implement best practices for walkability, such as connections to adjacent areas, walkways through surface parking, and pedestrian amenities.
- Where applicable, consolidate curb cuts and provide internal cross access between adjacent uses to improve traffic flow and circulation.
- Activate underutilized parking for community events, temporary uses, food truck rallies, or other uses that will generate activity in commercial centers.

To further the above-stated general goals of the City, certain objectives have been specified for the proposed Business District and are outlined below:

- To support the redevelopment of vacant or underutilized properties within the proposed Business District, and to stabilize occupancy and usage at Heritage and Westridge;
- To provide for the necessary rehabilitation of retail space required to support the proposed uses within Proposed Block 59 Business District and to facilitate redevelopment of the Proposed Block 59 Business District;

- To provide for the necessary public improvements to support the proposed uses within Proposed Block 59 Business District and facilitate redevelopment of the Proposed Block 59 Business District as a whole;
- To improve pedestrian and vehicular traffic safety and circulation throughout Proposed Block 59 Business District as a whole;
- To undertake selected public street, utility and other site improvement projects that are essential to the continuation of Proposed Block 59 Business District for use in accordance with the Business District Plan; and
- To ensure that redevelopment within the Proposed Block 59 Business District is both coordinated and comprehensive.

II. **City Policy Criteria**

The City has established the following policy criteria to guide development activities within the Proposed Block 59 Business District:

- A. Preserve and create an environment within the Proposed Block 59 Business District which will promote the economic and social welfare of the City, including opportunities for new retail/commercial growth and for retention of existing commercial activities.
- B. Exercise powers provided for under the Law in the promotion of the public interest and enhancement of the tax base and tax revenues to the City.
- C. Enhance the economic well-being and strengthen the retail/commercial sector within the Proposed Block 59 Business District by encouraging private investment and reinvestment through public financing vehicles, if necessary, to increase business activity, attract sound and stable commercial growth, create and retain job opportunities, and enhance and diversify the tax base.
- D. Provide necessary public infrastructure that enhances the Proposed Block 59 Business District to create an attractive service and/or shopping environment to encourage and support private investment.

III. **General Project Descriptions**

The City intends to provide or enter into agreements with developers or other private sector interests to provide certain public and private improvements in the Proposed Block 59 Business District to enhance the immediate area and to serve the needs of development.

Potential projects include, but are not limited to:

- A. The redevelopment of Westridge Court and Heritage Square Shopping Centers, and the adjacent areas, into modern, renovated retail/commercial uses, or other recreation, entertainment or other land uses that may stimulate additional business activity within the Proposed Block 59 Business District or the City as a whole;
- B. The improvement of public utilities, including construction or replacement of the public utility mains, service lines and related system improvements;
- C. The rehabilitation of structures and construction of site improvements, including parking improvements;

- D. Facilitation of site preparation including the acquisition, subdivision or consolidation of property to support coordinated redevelopment within the proposed Business District; and
- E. Entering into agreements with one or more developers or other private sector interests in order to implement the foregoing.

IV. **Tax Imposition**

The City intends to impose a one percent (1.0%) business district retailers' occupation tax and a one percent (1.0%) business district service occupation tax, as permitted by the Law, in the Proposed Block 59 Business District for the planning, execution and implementation of the Business District Plan, and to pay for Proposed Block 59 Business District project costs as set forth in the Business District Plan. Said taxes to be imposed for no more than 23 years.

Any party interested in submitting an alternative proposal or bid for any proposed conveyance, lease, mortgage or other disposition by the City of land or rights in land owned by the City and located within the Proposed Block 59 Business District, or who would like further information in regard to the Proposed Block 59 Business District, should contact Naperville City Engineer Bill Novack at (630) 420-6704. Any alternative proposals or bids must be addressed to and submitted to Mr. Novack at the above-listed Municipal Center address, no later than the Monday before the Hearing (on or before February 20, 2023, at 4:00 p.m. CST).

All persons who wish to be heard in support of or in opposition to the matters to be considered at the public hearing shall be afforded an opportunity to do so at the public hearing. Statements may be submitted orally, or in writing, or both. For more details regarding the Proposed Block 59 Business District, please contact Naperville City Engineer Bill Novack at (630) 420-6074 or novackw@naperville.il.us. The hearing may be recessed to another date if not concluded on the scheduled date.

City of Naperville

Pam Gallahue
Pam Gallahue
City Clerk