

PIN: 07-13-110-002

ADDRESS:
896 BENEDETTI
NAPERVILLE, IL 60540
(WINDSCAPE VILLAGE)

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 #20-1-023

ORDINANCE NO. 20 - ____

AN ORDINANCE APPROVING A MAJOR CHANGE TO
A PLANNED UNIT DEVELOPMENT TO PERMIT SETBACK AND PARKING
DEVIATIONS FOR WINDSCAPE VILLAGE PUD

RECITALS

1. **WHEREAS**, Windscape Naperville, LLC and PBH Windscape, LLC ("**Petitioners**" and "**Owners**"), have petitioned the City of Naperville for approval of a major change to the Windscape Village (PUD) to allow setback and parking deviations, on Lot 1 in Windscape Village with a common street address of 896 Benedetti Drive, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is currently zoned R3 (Medium Density Multiple-Family Residence District) with a Conditional Use for a Planned Unit Development; and

3. **WHEREAS**, on November 5, 1984, the City Council of the City of Naperville passed Ordinance 84-173 approving a Final PUD plat and associated project data/design schedule governing the development of 24 apartment buildings and associated parking areas on the Subject Property; and
4. **WHEREAS**, a recent zoning verification conducted by the owners for the purposes of refinancing found that the setbacks of Buildings #873 and #859 and the provided parking for the development do not meet the project data/design schedule on the Final Plat for the Subject Property; and
5. **WHEREAS**, the Petitioner has requested approval of a major change to the PUD to permit the setbacks of Buildings #873 and #859 to deviate from the specified 30-foot setbacks by approximately 5 feet and 4.1 feet, respectively; and
6. **WHEREAS**, the Petitioner has requested approval of a major change to the PUD to reduce the number of parking spaces required at the Subject Property from 604 to 580; the number of parking spaces provided at the Subject Property were previously reduced in order to comply with the American Disabilities Act of 1990 (ADA) requirements; and
7. **WHEREAS**, on April 29, 2020, the Planning and Zoning Commission conducted a public hearing to consider a major change to the PUD for setback and parking deviations for the Subject Property, and recommended approval of the Petitioner's requests; and
8. **WHEREAS**, the requested deviations meet the standards for granting a deviation as provided in **Exhibit C** attached hereto; and

9. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioners' 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 Windscape Village PUD for the setback and parking deviations, as shown on the Alta/NSPS Land Title Survey attached to this Ordinance as **Exhibit B**, is 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 with the DuPage County Recorder.

SECTION 5: 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 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk