

PIN(S): 07-01-16-205-005,07-01-16-205-007,
07-01-16-205-009

ADDRESS:
4003-4083 S ROUTE 59
NAPERVILLE, IL 60564

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 #23-1-004

ORDINANCE NO. 23- __

**AN ORDINANCE APPROVING A CONDITIONAL USE
FOR A DAYCARE IN THE B2 DISTRICT AND GRANTING A
VARIANCE FROM SECTION 6-9-2:4.3.1 (OFF STREET PARKING FACILITIES)
FOR THE PROPERTY LOCATED AT
4003-4083 S ROUTE 59 (SADDLEWOOD COMMERCIAL COMPLEX)**

RECITALS

1. **WHEREAS**, Diane Menza, 9440 Enterprise Drive, Mokena, Illinois, 60448 (“**Petitioner**”), has petitioned the City of Naperville for approval of a conditional use to operate a daycare center in the B2 (Community Shopping Center) zoning district, for the property located at 4003-4083 S Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, the owner of the Subject Property is Saddlewood 59 LLC, 9440 Enterprise Drive, Mokena, Illinois, 60448 (“**Owner**”); and
3. **WHEREAS**, the Owner has authorized the Petitioner to submit the subject petition;
and

4. **WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping Center District) and is improved with a one story, 33,091 square foot multi-tenant commercial center and associated parking lot, and a currently unimproved lot; and
5. **WHEREAS**, pursuant to Section 6-7B-3:3 (B2/Conditional Uses) of the Naperville Municipal Code, the Petitioner requests approval of a conditional use to operate a daycare at the subject property; and
6. **WHEREAS**, the Petitioner proposes utilizing approximately 10,615 sq. ft. of the approximately 33,091 square foot building to conduct daycare services in addition to approximately 4,980 sq. ft. of outdoor space; and
7. **WHEREAS**, the City's Land Use Master Plan identifies the future place type for the Subject Property as Neighborhood Center, and the proposed use is compatible with this designation as a mix of uses that support the adjacent neighborhood is a key consideration in this place type; and
8. **WHEREAS**, the requested conditional use meets the standards for conditional uses as provided in **Exhibit C** attached hereto; and
9. **WHEREAS**, Section 6-9-2:4.3.1 states that parking facilities may be located in any yard except the required front yard and corner side yard; and
10. **WHEREAS**, pursuant to Section 6-9-2:4.3.1 (Off Street Parking Facilities) of the Naperville Municipal Code, the Petitioner requests approval of a variance to locate 10 parking spaces within the required 30-foot corner side yard along Alice Lane; and
11. **WHEREAS**, the proposed parking spaces will have a setback of approximately 9 feet, an encroachment of approximately 21 feet; and

12. **WHEREAS**, the requested variance meets the Standards Variances as provided in **Exhibit D** attached hereto; and

13. **WHEREAS**, on May 17, 2023, the Planning and Zoning Commission conducted a public hearing to consider the requested conditional use and recommended approval of the Petitioner's request; and

14. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request 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 herein.

All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A conditional use to allow for a daycare center use pursuant to Section 6-7B-3:3 (B2/Conditional Uses) of the Naperville Municipal Code is hereby granted.

SECTION 3: A variance from Section 6-9-2:4.3.1 (Off Street Parking Facilities) of the Naperville Municipal Code to allow for 10 parking spaces located in the required corner side yard as depicted on the Site Plan attached to this ordinance as **Exhibit B** is hereby granted.

SECTION 3: The variances approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (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 4: These variances 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 5: The City Clerk is authorized and directed to record this Ordinance with the Will County Recorder.

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 office of the Recorder in which the Subject Property is located within.

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

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk