

PIN:

07-22-300-036

ADDRESS:

**776 SOUTH ROUTE 59
NAPERVILLE, IL 60540**

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 #22-1-088

ORDINANCE NO. 22 -

**AN ORDINANCE APPROVING MAJOR CHANGE TO THE FOX RIVER COMMONS
RESUBDIVISION PUD FOR A LAND USE DEVIATION TO ALLOW A RELIGIOUS
INSTITUTION FOR THE PROPERTY LOCATED AT 776 SOUTH ROUTE 59**

RECITALS

1. **WHEREAS**, Mall of India Inc. ("**Owner**"), 776 South Route 59, Suite 110, Naperville, IL, 60540, is the owner of real property located at 776 South Route 59, Naperville, Illinois, 60540, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Sri Veda Dharmashala Inc., Narasimha C. Samudral ("**Petitioner**"), 119 Woodlet Lane, Bollingbrook, IL 60490, has petitioned the City of Naperville for a land use deviation to allow a religious institution at the Subject Property; and
3. **WHEREAS**, the Owner has authorized the Petitioner to submit this request; and
4. **WHEREAS**, the Subject Property is currently zoned B2 PUD (Community Shopping Center District, Planned Unit Development); and

5. **WHEREAS**, religious institutions are neither a permitted nor conditional use in the B2 zoning district; and
6. **WHEREAS**, Pursuant to Section 6-4-3:12.2 of the Naperville Municipal Code, a Petitioner may request approval of a land use deviation in a PUD to allow a use which is not permitted in the subject property's underlying zoning district; and
7. **WHEREAS**, Petitioner has requested a land use deviation to allow a religious institution in a B2 zoned PUD per Section 6-4-3:12.2 of the Naperville Municipal Code; and
8. **WHEREAS**, it has been determined that the religious institution (as depicted on **Exhibit B** and described in **Exhibit C**) will be supportive of, and complementary to the existing uses in the Fox River Commons Resubdivision Planned Unit Development, and that the requirements of Section 6-4-3:12.2 of the Naperville Municipal Code have been met; and
9. **WHEREAS**, the requested major change to the Fox River Commons Resubdivision Planned Unit Development meets the standards for amending a PUD as provided in **Exhibit D** attached hereto; and
10. **WHEREAS**, on December 7, 2022, the Planning and Zoning Commission conducted a public hearing to consider PZC 22-1-088 and recommended approval of the Petitioner's request; and
11. **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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A land use deviation to allow a religious institution in a B2 zoned PUD per Section 6-4-3:12.2 of the Naperville Municipal Code, is hereby granted.

SECTION 3: The land use deviation 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: This land use deviation 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 DuPage 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.

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

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk