

PINS: 08-08-200-048  
08-08-200-049  
08-08-200-050  
08-08-200-051  
08-08-200-052

ADDRESS:  
1504-1516 N. NAPER BOULDEVAR  
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'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #23-1-052

ORDINANCE NO. 23 - \_\_\_\_

**AN ORDINANCE GRANTING A PARKING VARIANCE  
FROM SECTION 6-9-3 (SCHEDULE OF OFF STREET PARKING REQUIREMENTS) OF  
TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE  
FOR THE PROPERTY LOCATED AT 1504-1516 N. NAPER BOULEVARD**

**RECITALS**

1. **WHEREAS**, Napleton Investment Partnership L.P., 1 Oakbrook Terrace, Suite 600, Oakbrook Terrace, IL 60181 ("**Petitioner**" and "**Owner**"), is the owner of real property located at 1504-1516 N. Naper Boulevard, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), and has petitioned the City of Naperville for approval of a parking variance to Section 6-9-3:4 of the Municipal Code to reduce the number of off street parking spaces required to accommodate an eating establishment on the Subject Property; and

2. **WHEREAS**, the Subject Property consists of approximately 94,500 square feet, is zoned B3 (General Commercial District) , and is improved with the Tower Crossing Shopping Center which includes four commercial buildings and approximately 455 shared parking spaces; and
3. **WHEREAS**, the current tenant mix within Tower Crossing Shopping Center is varied and includes retail space, office, commercial services, and eating establishments that have differing peak times; and
4. **WHEREAS**, the petitioner requests to occupy approximately 5,160 square feet of the Tower Crossing Shopping Center with an eating establishment known as Shabu-You Japanese Restaurant; and
5. **WHEREAS**, Section 6-9-3:4 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code requires eating establishments to have a parking ratio of 10 parking spaces per 1,000 square feet of gross floor area, resulting in 52 required parking spaces for the proposed Shabu-You Japanese Restaurant; and
6. **WHEREAS**, per Section 6-9-3:4 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code, the total parking requirement for the existing and proposed tenants is 485 parking spaces resulting in a parking deficit of approximately 30 spaces as indicated in the tenant roster included as **Exhibit C** (“**Tenant Roster**”) attached hereto; and
7. **WHEREAS**, the Petitioner requests approval of a parking variance to Section 6-9-3:4 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code to reduce the required parking on site from 485 parking spaces to 455 spaces to accommodate an eating establishment; and

8. **WHEREAS**, the petitioner submitted a parking study, included as **Exhibit D** (“**Parking Study**”), that compares the City’s parking requirements to current parking occupancy/demand and national parking data and finds that there is a significant parking surplus on the Subject Property which will accommodate the eating establishment; and
9. **WHEREAS**, the requested variance meets the Standards for Granting a Zoning Variance as provided in **Exhibit E** (“**Standards for Variances**”) attached hereto; and
10. **WHEREAS**, on July 19, 2023, the Planning and Zoning Commission considered the requested parking variance and recommended approval of the Petitioner’s request (approved 8-0); 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 variance from Section 6-9-3:4 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code to reduce the number of required parking spaces for the Tower Crossing Shopping Center from 485 parking spaces to 455 parking spaces to accommodate a 5,160 square foot eating establishment , is hereby approved.

**SECTION 3:** The variance approved by this Ordinance shall expire within two (2) years from the effective date of this Ordinance if a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two (2) year period.

**SECTION 4:** This variance 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. 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 from and after its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

Scott A. Wehrl  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk