

**PINs:**  
07-03-103-017  
07-03-103-018

**ADDRESS:**  
NEC OF WESTINGS AV. & CITYGATE LN.  
NAPERVILLE, IL 60563

**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 #20-1-011

**ORDINANCE NO. 20 - \_\_\_\_\_**

**AN ORDINANCE APPROVING A FINAL PUD PLAT WITH CERTAIN DEVIATIONS  
FOR THE RESUBDIVISION OF LOTS 2 & 3 OF CITYGATE CENTRE SUBDIVISION  
(LINCOLN AT CITYGATE CENTRE)**

**Recitals**

1. **WHEREAS**, CityGate Centre Ventures, LLC (herein "Petitioner") has petitioned the City of Naperville for approval of approval of a Final Planned Unit Development plat for certain property located at the northeast corner of Westings Avenue and CityGate Lane, Naperville, Illinois which property is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, CityGate Centre II, LLC ("Owner") is the owner of the Subject Property; and
3. **WHEREAS**, on December 21, 2005, the City Council of the City of Naperville ("City") passed Ordinance No. 05-255, approving a conditional use for a planned unit development (PUD) and for a Preliminary Plat and Subdivision Plat for Calamos Town Centre in order to subdivide the property into 3 lots and construct a 979,500 square foot

mixed use development containing retail space, a full-service hotel, and a performing arts use; and

4. **WHEREAS**, on March 7, 2006, the Naperville City Council passed Ordinance 06-054, approving the Final Plat of PUD for CityGate Centre Phase 1 (f/k/a Calamos Town Center) in order to construct a 241,800 square foot mid-rise office building, 54,500 square feet of restaurant, retail and commercial space, and a 392,000 square foot parking structure; and
5. **WHEREAS**, on September 3, 2019, the City Council of the City of Naperville passed Ordinance 19-124, approving a major change to the CityGate Centre PUD in order to permit a conditional use for multi-family dwelling units and a Preliminary PUD Plat, and deviations to Section 6-7F-8 (OCI District: Height Limitations/Bulk Regulations), Section 6-7F-5 (OCI District: Area Requirement), and Section 6-9-3:1 (Schedule of Off-Street Parking Requirements: Parking Class No. 1 — Residential Uses of the Naperville Municipal Code (lot size)) in order to construct an approximately 482,358 square foot, 5-story multi-family residential apartment building and a 38,000 square-foot roof level event center on the Subject Property; and
6. **WHEREAS**, the Petitioner has requested approval of a Final Planned Unit Development Plat for the Resubdivision of Lots 2 & 3 of CityGate Centre Subdivision in order to construct an approximately 482,358 square-foot, 5-story multi-family residential apartment building and a 38,000 square-foot roof level event center; and
7. **WHEREAS**, the proposed Final Planned Unit Development Plat for Lincoln at CityGate Centre is in substantial conformance with the Preliminary Planned Unit Development Plat for Lincoln at CityGate Centre approved through Ordinance 19-124; and

8. **WHEREAS**, the terms and conditions set forth herein shall be binding upon the Owner and Owner's successors, assigns, and transferees, and shall constitute a covenant running with the land.

**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:** The Final Planned Unit Development Plat for the Resubdivision of Lots 2 & 3 of CityGate Centre Subdivision, attached to this Ordinance as **Exhibit B**, is hereby approved for the Subject Property.

**SECTION 3:** The Building Elevations for the Resubdivision of Lots 2 & 3 of CityGate Centre Subdivision, approved through Ordinance 19-124 and attached to this Ordinance as **Exhibit C**, remain in full force and effect.

**SECTION 4:** A deviation to Section 6-7F-8 (OCI District: Height Limitations/Bulk Regulations) of the Naperville Municipal Code in order to increase the permitted building height from 43' to 77'2", approved through Ordinance 19-124 and as depicted on the Building Elevations attached to this Ordinance as **Exhibit C**, remains in full force and effect.

**SECTION 5:** A deviation to Section 6-7F-5 (OCI District: Area Requirement) of the Naperville Municipal Code in order to reduce the required lot area from 2,600 square feet to 773 square feet per dwelling unit to allow 285 apartment units, remains in full force and effect.

**SECTION 6:** A deviation to Section 6-9-3:1 (Schedule of Off-Street Parking Requirements: Parking Class No. 1 — Residential Uses) of the Naperville Municipal Code to reduce the amount of required off-street parking from 570 spaces to 429 spaces and guest parking from 72 spaces to 36 spaces, and as depicted on the Final Planned Unit Development Plat for the Resubdivision of Lots 2 & 3 of CityGate Centre Subdivision attached to this Ordinance as **Exhibit B**, remains in full force and effect, conditioned upon the following:

1. In the event that the parking needs cannot be accommodated within the proposed parking supply on the Subject Property, the Petitioner and Owner shall take measures, such as constructing additional parking spaces or establishing an overflow parking location off-site, as necessary, to meet the parking demands of the Subject Property, subject to review and approval by the Zoning Administrator.
2. In the event the Petitioner and Owner can demonstrate to the Zoning Administrator through a formal parking study (including all current and proposed future City Gate Centre uses) that sufficient parking capacity is available in the existing City Gate Centre parking structures, Petitioner and Owner shall be permitted to utilize said parking structures to park the event center and guest parking area for the residential component in lieu of the surface parking area depicted on Lot #3. Said parking modification shall require City Council review and approval and be processed as a minor change to the City Gate Center Planned Unit Development.

**SECTION 7:** The Final Landscape Plan attached to this Ordinance as **Exhibit E**, is hereby approved

**SECTION 8:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time, and to all supporting documents and exhibits contained as a part of the record of the public hearing before the Planning and Zoning Commission.

**SECTION 9:** 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 10:** The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

**SECTION 11:** 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