

**PIN:
08-19-318-001**

**ADDRESS:
1001 S. WASHINGTON STREET
NAPERVILLE, ILLINOIS 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 #19-1-049

ORDINANCE NO. 19 -

**AN ORDINANCE APPROVING VARIANCES TO SECTION 6-7A-8, SECTION 6-9-4,
SECTION 6-9-6, SECTION 6-9-2, SECTION 6-16-3,
AND SECTION 6-16-5 OF THE NAPERVILLE MUNICIPAL CODE
FOR TARTAN HIGHLANDS SUBDIVISION**

WHEREAS, DJR Acquisitions 1001 Washington, LLC, an Illinois limited liability company; CCK 1001 Washington, LLC, an Illinois limited liability company; SOS 1001 Washington, LLC, an Illinois limited liability company; and, Naperville Washington, LLC, an Illinois limited liability company (hereinafter "Petitioners"), all with a registered office at 350 W. Hubbard Street, Suite 640, Chicago, IL 60654, own certain property located at 1001 S. Washington Street, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Petitioners have also petitioned the City of Naperville to rezone the Subject Property to B1 (Neighborhood Convenience Shopping Center District) to

allow for the construction of an office and retail mixed-use development, and for approval of a preliminary/final plat of subdivision; and

WHEREAS, if approved, the preliminary/final plat of subdivision for the Subject Property will subdivide the property into four commercial lots: Lots 1-3 will each accommodate a commercial building with Building A on Lot 1, Building B on Lot 2, and Building C on Lot 3. Lot 4 will include parking facilities to serve Buildings A, B, and C.

WHEREAS, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioners also request approval of variances to the following sections of the Naperville Municipal Code, which variances are depicted on **Exhibit D**: (i) Section 6-7A-8 (B1 Height Limitations/Bulk Requirements) to allow a FAR of 0.724 on Lot 3; (ii) Section 6-9-4 (Off street Loading) to eliminate the required loading berth for Building C on Lot 3; (iii) Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) to permit an abbreviated bypass lane for the coffee shop drive-through; (iv) Section 6-9-2 (Off Street Parking Facilities) to reduce the front yard parking setback from 30' to 20' from the right-of-way line; (v) Section 6-16-3 (Prohibited Signs) to permit off-site monument signage on Lots 1 and 4 of the Subject Property; and (vi) Section 6-16-5 (Signs on Commercial and Institutional Property) to permit a monument sign within 40' of an interior setback line on Lot 1 of the Subject Property; and

WHEREAS, on July 17, 2019, the Planning and Zoning Commission conducted a public hearing to consider Petitioners' zoning and variance requests in PZC 19-1-049, and recommended approval thereof; and

WHEREAS, the City Council finds that the requested variances to Sections 6-7A-8, 6-9-4, 6-9-6, 6-9-2, 6-16-3, and 6-16-5 of the Naperville Municipal Code, as described

herein, meet the Standards for Granting a Zoning Variance for the Subject Property as provided in **Exhibit C** attached hereto; and

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

SECTION 2: The Site Plan for Lots 1, 2, 3, and 4 of Tartan Highlands Subdivision, as depicted on **Exhibit D**, is hereby approved.

SECTION 3: Variances to the Naperville Municipal Code are hereby approved as set forth below and as depicted on **Exhibit D**:

- i. Section 6-7A-8 (B1 Height Limitations/Bulk Requirements) to increase the maximum allowable FAR on the Subject Property from 0.325 to 0.724 on Lot 3;
- ii. Section 6-9-4 (Off street Loading) to eliminate the required loading berth for Building C on Lot 3;
- iii. Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) to permit an abbreviated bypass lane for the coffee shop drive-through;
- iv. Section 6-9-2 (Off Street Parking Facilities) to reduce the front yard parking setback from 30' to 20' from the right-of-way line;
- v. Section 6-16-3 (Prohibited Signs) to permit off-site monument signage on Lots 1 and 4; and,

vi. Section 6-16-5 (Signs on Commercial and Institutional Property) to permit monument signage within 40' of an interior setback line on Lot 1.

SECTION 4: The Landscape Plan, attached to this Ordinance as **Exhibit E**, is hereby approved for the Subject Property.

SECTION 5: The Building Elevations and Ground Sign Elevations, attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 6: 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 7: 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 8: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk