

PINS:

07-13-418-004
07-13-418-005
07-13-418-006
07-13-418-007

ADDRESSES:

3 S. MAIN STREET
13 S. MAIN STREET
15 S. MAIN STREET
21 S. MAIN STREET

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 #20-1-016

ORDINANCE NO. 20 -

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR
A PLANNED UNIT DEVELOPMENT, AND A PRELIMINARY/FINAL PLANNED UNIT
DEVELOPMENT PLAT WITH DEVIATIONS TO SECTION 6-9-3, SECTION 6-7D-7, AND
SECTION 6-7D-4:5 OF THE NAPERVILLE MUNICIPAL CODE
FOR MAIN STREET PROMENADE PHASE III**

RECITALS

1. **WHEREAS**, RPAI Naperville Main North, LLC ("**Owner**" and "**Petitioner**") is the owner of real property located at 3 S. Main Street, 13 S. Main Street, 15 S. Main Street, and 21 S. Main Street, Naperville Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Petitioner is proposing the development of a five-story, mixed-use building on the Subject Property known as Main Street Promenade Phase III; and
3. **WHEREAS**, the Subject Property is currently zoned B4 (Downtown Core); and

4. **WHEREAS**, Petitioner seeks approval of a conditional use to establish a planned unit development and a preliminary/final PUD plat for Main Street Promenade Phase III, including deviations to the following sections of the Naperville Municipal Code:
(i) Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow for a decrease in the number of required off-street parking spaces from 106 parking spaces to 57 parking spaces on the Subject Property, and an additional 9 guest parking spaces secured off-site; (ii) Section 6-7D-7 (Yard Requirements) to allow the interior side yard setback to exceed the maximum setback of six feet (6 ft.) and measure approximately one hundred and thirty feet (130 ft.) and, (iii) Section 6-7D-4:5 (Required Conditions) to allow parking facilities to be located in the interior side yard as opposed to the rear yard; and
5. **WHEREAS**, on April 29, 2020, the Planning and Zoning Commission conducted a public hearing concerning PZC 20-1-016 to consider the Petitioner's requests for the Subject Property, and recommended approval of the Petitioner's requests; and
6. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, the City Council finds that the requested conditional use to establish a planned unit development and a preliminary/final planned unit development (PUD) plat for the Subject Property meets the Standards for Granting a PUD as provided in **Exhibit C** attached hereto; and
7. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, the City Council finds that the requested deviations to Sections 6-9-3, 6-7D-7, and 6-7D-4:5 of the Naperville Municipal Code meet the Standards for Approving a PUD Deviation as provided in **Exhibit D** attached hereto; and

8. **WHEREAS**, in addition to this ordinance (“**Ordinance**”), Petitioner seeks approval of an ordinance approving revocation of Ordinances 08-221 and 08-223 which approved a preliminary/final plat of subdivision and a preliminary/final planned unit development plat for the Subject Property (which were not recorded), an ordinance approving a preliminary/final plat of subdivision for Main Street Promenade Phase III, and a resolution authorizing application of parking fee in-lieu provisions for Main Street Promenade Phase III (hereinafter all cumulatively referenced herein as the “**Main Street Promenade Phase III Ordinances**”); and
9. **WHEREAS**, the conditional use for a planned unit development, preliminary/final planned unit development plat, and the deviations described herein, are approved subject to the terms and conditions set forth and referenced herein, including but not limited to: (1) approval of the Main Street Promenade Phase III Ordinances and (2) payment of the required parking fee-in-lieu of payment pursuant to 11-2E-2:3 of the Naperville Municipal Code; and
10. **WHEREAS**, unless an extension of time is agreed to by ordinance approved by the City Council of the City of Naperville, if all of the Main Street Promenade Phase III Ordinances are not approved and recorded within thirty-six (36) months from approval of the Main Street Promenade Phase III Ordinances by the Naperville City Council, the City and Petitioner agree that the Main Street Promenade Phase III Ordinances shall be deemed to be automatically null and void with no further action being taken by the City or the Petitioner.

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: Each of the approvals contained in this Ordinance is subject to and conditioned upon approval and recordation of the Main Street Promenade Phase III Ordinances and strict compliance with all other terms and conditions set forth and referenced herein. All terms and conditions set forth and referenced herein shall be binding upon the Owner and Owner's successors, transferees, assigns, affiliates, and subsidiaries.

SECTION 3: Approval of a conditional use for a Planned Unit Development for Main Street Promenade Phase III is hereby approved.

SECTION 4: The Preliminary/Final Planned Unit Development Plat for Main Street Promenade Phase III, attached to this Ordinance as **Exhibit E**, is hereby approved, inclusive of deviations to:

- i. Section 6-9-3 (Schedule of Off Street Parking Requirements) to reduce the required resident parking from 106 parking spaces to 57 parking spaces on the Subject Property, and an additional 9 guest parking spaces secured off-site; and
- ii. Section 6-7D-7 (Yard Requirements) to allow the interior side yard setback to exceed the maximum setback of six feet (6 ft.) at one hundred and thirty feet (130 ft.); and
- iii. Section 6-7D-4.5 (Required Conditions) to allow parking in the interior yard.

SECTION 5: The Building Elevations for Main Street Promenade Phase III, attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 6: The Landscape Plan for Main Street Promenade Phase III, attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 7: The Site Plan for Main Street Promenade Phase III, attached to this Ordinance as **Exhibit H**, is hereby approved.

SECTION 8: This Ordinance is subject to the provisions of the Naperville Municipal Code, as amended from time to time.

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: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record the Main Street Promenade Phase III Ordinances, including this Ordinance, together with the exhibits attached thereto, with the DuPage County Recorder.

SECTION 11: This Ordinance shall be in full force and effect upon recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk