

PIN: 01-15-101-050

ADDRESS:
4232 TOWER COURT
NAPERVILLE, IL 60564

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-022

ORDINANCE NO. 23 - ____

**AN ORDINANCE APPROVING A MINOR CHANGE TO A CONDITIONAL USE
FOR A CIVIC BUILDING IN THE R1 DISTRICT FOR THE PROPERTY
LOCATED AT 4232 TOWER COURT (WHEATLAND TOWNSHIP)**

RECITALS

1. **WHEREAS**, Thomas Wieser, Highway Commissioner, Wheatland Township Road District, 4232 Tower Court, Naperville, IL 60564 ("**Petitioner**"), has petitioned the City of Naperville for approval of a minor change to a conditional use for a Civic Building in R1 (Low Density Single-Family Residence District) for the property located at 4232 Tower Court, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is owned by Wheatland Township Road District, 4232 Tower Court, Naperville, IL 60564 ("**Owner**"); and
3. **WHEREAS**, the Subject Property is currently zoned R1 (Low Density Single-Family Residence District) and is improved with a civic building; and

4. **WHEREAS**, on April 3, 1990, the City Council passed Ordinance No 90-60, amending the zoning ordinance of the City of Naperville by zoning certain property at Route 59 and 103rd Street R1 with a conditional use for Public Utilities and Civic Buildings; and
5. **WHEREAS**, on August 6, 2007, the City Council approved Ordinance No. 07-189, approving the Preliminary/Final Plat of Subdivision and Subdivision Variances to allow for the creation of a seven-lot subdivision for the 35.773-acre property located at the southeast corner of 103rd Street and Illinois Route 59 commonly known as the Naperville South Forty; and
6. **WHEREAS**, on March 18, 2008, the City Council approved Ordinance No. 08-057, a request by the Wheatland Township Highway Department for approval of a major change to the conditional use for Public Utilities and Civic Buildings in order to establish a site plan and approve variances for the construction of civic structures at the Subject Property; and
7. **WHEREAS**, the Subject Property was originally subdivided as Lot 3 through the Naperville-South Forty Subdivision Doc. R2007-166808; and
8. **WHEREAS**, in conjunction with the proposed improvements described herein, the Petitioner has submitted a Preliminary/Final Plat of Subdivision for Naperville-South Forty Resubdivision No. 1 to increase the size of the Subject Property; and
9. **WHEREAS**, the submitted Preliminary/Final Plat of Subdivision qualifies for administrative approval pursuant to Section 7-2-5 (Subdivision Regulations: Administrative Plat Procedures), the Subject Property is known as Lot 1 and is recorded as Doc R2023-_____; and

10. **WHEREAS**, the Petitioner is requesting approval of a minor change to the conditional use in order to allow for improvements to the site which include the construction of two accessory structures to store equipment and roadway maintenance materials, an addition to the principal building, an increase to the number of available off street parking spaces through the widening the facility pavement, and an addition of a one-way access roadway internal to the site as depicted on **Exhibit C**; and
11. **WHEREAS**, the Petitioner intends to improve the subject property in phases; and
12. **WHEREAS**, the Petitioner has indicated the current improvements include the widening of facility pavement, the addition of a one-way access roadway on the west side of the building, and the construction of a covered storage facility to be located near the northeast corner of the Subject Property; and
13. **WHEREAS**, the Petitioner has indicated that the future improvements include a future addition to the existing principal structure to be completed in approximately 5 (five) years and the equipment storage building to be located at the southwest area of the site to be completed in approximately 10 (ten) years; and
14. **WHEREAS**, the proposed modifications will allow for better operational movement through improved site circulation at the Subject Property which will enhance the quality of services Wheatland Township provides to better serve the public; and
15. **WHEREAS**, in accordance with Section 6-3-8 of the Naperville Municipal Code, the proposed changes qualify as a minor change to the conditional use as the modifications do not alter the concept or intent of the conditional use; and

16. **WHEREAS**, the requested minor change to a conditional use meets the Standards for Amending a Conditional Use as provided in **Exhibit D** attached hereto; and

17. **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 minor change to a conditional use for a civic building to allow for site improvements as depicted on **Exhibit C** on the Subject Property pursuant to Section 6-6L-3 (R1 District: Conditional Uses) and Section 6-3-8 (Conditional Uses: Minor Change) of the Municipal Code is hereby granted, subject to the following conditions:

1. Four-sided building elevations must be submitted concurrently with the building permit application for City staff review. The exterior building materials must comply with the Citywide Design Guidelines. All RTUs must comply with Section 5-10-3:12 (Landscaping and Screening: Rooftop Equipment).
2. All proposed accessory structures and the proposed building addition to the principal structure are required to comply with the height limitations established by the R1 zoning district per Section 6-6L-8 and the accessory structure regulations per Section 6-2-10 (Accessory building, structures and uses of land) as amended from time to time. Any increase to the permitted height maximums will require a variance pursuant to Section 6-3-6 of the Naperville Municipal Code.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: The City Clerk is authorized and directed to record this Ordinance with the Will County Recorder.

SECTION 5: 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 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk