

**PINs:
07-22-102-023-0000
07-22-102-024-0000**

**ADDRESS:
204 S. ROUTE 59
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 #19-1-078

ORDINANCE NO. 19 -

**AN ORDINANCE APPROVING VARIANCES TO SECTION 6-7B-8, SECTION 6-9-5,
SECTION 6-9-2, AND SECTION 6-9-3, OF THE NAPERVILLE MUNICIPAL CODE
FOR THE WESTRIDGE COURT SHOPPING CENTER**

WHEREAS, Brixmor Holdings 6 SPE, LLC (“**Owner**” and “**Petitioner**”) owns real property located at 204 Route 59, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**” or “**Westridge Court Shopping Center**”); and

WHEREAS, the Subject Property is zoned B2 (Community Shopping) District in the City of Naperville; and

WHEREAS, the Owner has petitioned the City of Naperville for approval of variances to the following sections of the Naperville Municipal Code: (i) Section 6-7B-8 (Height Limitations/Bulk Regulations) to increase the maximum FAR for Lot 3 from 0.325 to 0.70 and Lot 4 from 0.325 to 1.5; (ii) Section 6-9-5 (Schedule of Off Street Loading Requirements) to reduce the required number of loading berths for Lots 3 and 4 from one

to zero; (iii) Section 6-9-2 (Off Street Parking Facilities) to permit parking for Lots 1-3 to be considered collectively and Lots 4-6 to be considered collectively; (iv) Section 6-9-3 (Schedule of Off Street Parking Requirements) to reduce the total required parking for Funtopia on Lot 6 from 10 parking spaces per 1,000 square feet of gross floor area to 4 parking spaces per 1,000 square feet of gross floor area; and, (v) Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow a shopping center less than 250,000 square feet in size (exclusive of fast food, eating and/or drinking establishments) to be parked at 4 parking spaces per 1,000 square feet of gross floor area instead of 4.5 parking spaces per 1,000 square feet of gross floor area for Lots 1-3; and

WHEREAS, on October 16, 2019, the Planning and Zoning Commission conducted a public hearing (“**Public Hearing**”) concerning PZC 19-1-078 to consider the Petitioner’s requests for the above-described variances for the Subject Property, and recommended approval of those requests subject to the terms and conditions described herein; and

WHEREAS, a Declaration of Easements prepared by the Petitioner, attached hereto as **Exhibit D**, includes provisions pertaining to cross-access and shared parking on the Subject Property; and

WHEREAS, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the requested variances to Sections 6-7B-8, 6-9-5, 6-9-2, and 6-9-3 of the Naperville Municipal Code, as described herein, meet the Standards for Granting a Zoning Variance for the Subject Property as set forth in **Exhibit C** attached hereto; and

WHEREAS, subject to the terms and conditions set forth and referenced herein, the City Council of the City of Naperville has determined that the variances specified above should be approved for the Subject Property.

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 herein as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

SECTION 2: The following variances to the Naperville Municipal Code are hereby approved for the Subject Property subject to the terms and conditions set forth or referenced herein:

- (i) Section 6-7B-8 (Height Limitations/Bulk Regulations) to increase the maximum FAR for Lot 3 from 0.325 to 0.70 and Lot 4 from 0.325 to 1.5 subject to the following condition:
 - a. The FAR for the entire Westridge Court Shopping Center as depicted on **Exhibit B** shall remain 0.325 or less as stipulated in Section 6-7B-8 of the Code, consistent with the B2 zoning district's requirements.
- (ii) Section 6-9-5 (Schedule of Off Street Loading Requirements) to reduce the required number of loading berths for Lots 3 and 4 from one to zero.
- (iii) Section 6-9-2 (Off Street Parking Facilities) to permit parking for Lots 1-3 to be considered collectively and for Lots 4-6 to be considered collectively, subject to the following condition:
 - a. Cross-access and shared parking shall be provided and maintained across the entire Westridge Court Shopping Center as set forth in the Declaration of Easements, attached hereto as **Exhibit D,** which Declaration of Easements shall be fully executed (with paragraph 16 completed) and recorded concurrently with the Preliminary/Final Plat of Subdivision for Glacier Park Resubdivision No. 10. Failure to record said Declaration of

Easements concurrently with this Ordinance shall result in the revocation of this Ordinance.

- (iv) Section 6-9-3 (Schedule of Off Street Parking Requirements) to reduce the total required parking for Funtopia on Lot 6 from 10 parking spaces per 1,000 square feet of gross floor area to 4 parking spaces per 1,000 square feet of gross floor area.
- (v) Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow a shopping center less than 250,000 square feet in size (exclusive of fast food, eating and/or drinking establishments) to be parked at 4 parking spaces per 1,000 square feet of gross floor area instead of 4.5 parking spaces per 1,000 square feet of gross floor area for Lots 1-3, subject to the following condition:
 - a. If the City's Zoning Administrator determines that current or future tenants' parking needs on the Subject Property cannot be accommodated within the parking provided on the Subject Property, the Owner (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking demands of said tenants, including but not limited to requiring tenants to alter business hours, altering the number of tenant employees or other business operations, altering the tenant mix, and/or establishing an overflow parking location off-site, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to accommodate tenant parking needs on the Subject Property to the satisfaction of the City's Zoning Administrator may result in the City's revocation of one or more of the variances approved herein.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time, including but not limited to Title 6 (Zoning), 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 4: The City Clerk is authorized and directed to record this Ordinance and its Exhibits with the DuPage County Recorder following recordation of Ordinance 19-_____, approving the Preliminary/Final Plat of Subdivision for Glacier Park Resubdivision No. 10.

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.

SECTION 6: This Ordinance shall be in full force and effect from and after 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