

**PINS:
07-13-440-003**

**ADDRESS:
315 S. MAIN STREET
NAPERVILLE, IL 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 #19-1-131

ORDINANCE NO. 20 -

**AN ORDINANCE GRANTING A MAJOR CHANGE TO THE RIVER MAIN PUD
TO ALLOW BUILDING HEIGHT AND FAR DEVIATIONS, AND A FEE IN LIEU OF
PARKING, FOR THE RIVER MAIN DEVELOPMENT
LOCATED AT 315 S. MAIN STREET, NAPERVILLE**

RECITALS

1. **WHEREAS**, on March 7, 2017, Ordinance No. 17-030 approving a conditional use for a planned unit development and a preliminary/final planned unit development plat for River Main to allow for development of a four-story, mixed-use building was approved by the Naperville City Council for real property located at 315 S. Main Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, River Main Naperville, LLC, (hereinafter referenced as "**Petitioner**"), with offices located at 131 W. Jefferson, Suite 223, Naperville, IL 60540, is the owner of the Subject Property and has petitioned the City of Naperville (hereinafter also referenced as "**City**") for approval of a major change to the River Main PUD to allow building height

and floor area ratio (FAR) deviations, and a fee in lieu of parking for the River Main development; and

3. **WHEREAS**, the Subject Property is currently zoned B4 (Central Business District) and is currently vacant; and

4. **WHEREAS**, the Petitioner requests approval of deviations to:

- Section 6-7D-8 of the Naperville Municipal Code to increase the maximum building height from 60 feet to 69 feet as depicted on the building elevations attached to this Ordinance as **Exhibit C**; and,
- Section 6-7D-8 of the Naperville Municipal Code to increase the permitted building FAR from 2.5 to 2.88 as depicted on the floor plans attached to this Ordinance as **Exhibit D**.

5. **WHEREAS**, the City developed certain parking exemptions in Section 11-2E of the Naperville Municipal Code (or “**Code**”) in order to allow properties located within the Downtown Parking Map, as described in Section 11-2E-2 of the Code, to develop without providing the full amount of on-site parking required under the Code so long as said properties meet certain criteria, including but not limited to compliance with the maximum FAR of 2.5, and participation in collective funding provided for through established special service areas; and

6. **WHEREAS**, the Subject Property is located within the Downtown Parking Map and would be eligible for full parking exemption if all criteria set forth in Section 11-2E-2 could be met; and

7. **WHEREAS**, since development of the Subject Property as proposed by the Petitioner will result in an FAR of 2.8 which exceeds the maximum FAR of 2.5 set forth in Section

11-2E-2 of the Code, the Subject Property is required to meet a parking demand of six (6) off-street parking spaces on site, which demand is calculated based on the downtown parking generation rate as defined in Section 6-9-2:8 of the Municipal Code; and

8. **WHEREAS**, the Petitioner has requested to be permitted to utilize the parking fee-in-lieu of provisions set forth in Section 11-2E-3 of the Municipal Code in order provide a payment in-lieu-of providing the required six (6) parking spaces on site; and

9. **WHEREAS**, pursuant to the provisions of Section 11-2E-3 of the Code, and as demonstrated in the calculations set forth in **Exhibit E**, the amount due for the fee in-lieu-of the required parking for the Subject Property is forty-seven thousand, five hundred and ninety-five dollars (\$47,595); and

10. **WHEREAS**, staff recommends approval of the requested building height deviation for the River Main development; and

11. **WHEREAS**, on January 15, 2020, the Planning and Zoning Commission considered the Petitioner's requested deviations and recommended approval of both the building height and FAR deviation requests for the River Main development; and

12. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's requests for building height and FAR deviations meet the Standards for Approving a PUD Deviation as provided in **Exhibit F** attached hereto, and should be granted as provided herein; and,

13. **WHEREAS**, the City Council of the City of Naperville has also determined that the Petitioner's request to be permitted to utilize the parking fee-in-lieu of provisions set forth in Section 11-2E-3 of the Naperville Municipal Code 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: Deviations to the Naperville Municipal Code for the River Main development are hereby approved as set forth below:

- Deviation to Section 6-7D-8 of the Naperville Municipal Code to increase the maximum building height from sixty (60) feet to sixty-nine (69) feet as depicted on the building elevations attached to this Ordinance as **Exhibit C**; and,
- Deviation to Section 6-7D-8 of the Naperville Municipal Code to increase the permitted building FAR from 2.5 to 2.88 as depicted on the floor plans attached to this Ordinance as **Exhibit D**, subject to payment of the parking fee-in-lieu provided in Section 3.

SECTION 3: Petitioner's request to utilize the parking fee-in-lieu of provisions set forth in Section 11-2E-3 of the Naperville Municipal Code is hereby approved subject to a payment in the amount of forty-seven thousand, five hundred and ninety-five dollars (\$47,595) by the Petitioner prior to recordation of this Ordinance.

SECTION 4: The deviations and fee in lieu of parking approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance: (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 5: The deviations and fee in lieu of parking approval set forth herein shall be subject to revocation for failure to comply with all other applicable provisions set forth herein, in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 6: Upon satisfaction of the terms and conditions provided herein as confirmed by the Deputy Director of T.E.D., the City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: 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 8: 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