

PIN: 07-13-424-006

ADDRESS:
110 S. WASHINGTON 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 #20-1-083

ORDINANCE NO. 20 -

**AN ORDINANCE GRANTING A SETBACK VARIANCE FROM
SECTION 6-7D-7 OF THE NAPERVILLE MUNICIPAL CODE FOR THE
PROPERTY LOCATED AT 110 S. WASHINGTON (CENTRAL PARK PLACE)**

RECITALS

1. **WHEREAS**, Great Central Properties III, LLC ("**Owner and Petitioner**"), is the owner of real property located at 110 S. Washington Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), and has petitioned the City of Naperville for approval of a setback variance for said property; and
2. **WHEREAS**, the Subject Property is zoned B4 (Downtown Core District) and is improved with the Old Nichols Library and a 4-story mixed use building which consists of commercial uses on the first floor and 17 residential dwelling units on the second through fourth floors and is currently under construction; and
3. **WHEREAS**, on September 19, 2017, the City Council passed Ordinance 17-141 designating the subject property as a local landmark; and

4. **WHEREAS**, per Section 6-7D-7 (Downtown Core District: Yard Requirements) of the Naperville Municipal Code the required setback for new construction is no greater than six feet, unless permanent outdoor seating is proposed. If permanent outdoor seating is proposed, the setback shall be measured from the limit of the defined outdoor seating area; and
5. **WHEREAS**, the Petitioner proposes to modify the approved plans for the Central Park Place development and remove the proposed three seat walls which were located in front of the first-floor commercial units resulting in the setback to be measured from the property line to the building facade; and
6. **WHEREAS**, the proposed building setback increases from south to north and is located approximately 18.5' from the property line adjacent to Washington Street at the furthest point providing open views to the Old Nichols Library; and
7. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 6-7D-7 (Downtown Core District: Yard Requirements) of the Naperville Municipal Code to allow the building to be located more than 6' from the property line adjacent to Washington Street; and
8. **WHEREAS**, given the property's local landmark designation, a Certificate of Appropriateness is required for the proposed removal of the seat walls, as set forth in Municipal Code Section 6-11-6 (Certificate of Appropriateness); in addition, the Historic Preservation Commission is required to provide a recommendation on the variance requested; and

9. **WHEREAS**, on September 24, 2020, the Historic Preservation Commission approved Certificate of Appropriateness 20-3273 and recommended approval of the setback variance request; and
10. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
11. **WHEREAS**, on October 7, 2020, the Planning and Zoning Commission considered the requested setback variance and recommended approval of the Petitioner's request; and
12. **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 variance from Section 6-7D-7 (Downtown Core District: Yard Requirements) of the Naperville Municipal Code to allow the proposed building to be located greater than six feet from the property line adjacent to Washington Street at the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

SECTION 3: 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 4: The City Clerk is authorized and directed to record this Ordinance with the DuPage 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.

SECTION 6: 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