

PINs:
07-03-103-017
07-03-103-018

ADDRESS:
LOTS 2&3 IN CITYGATE CENTRE
NAPERVILLE, ILLINOIS 60563

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 #20-1-063

ORDINANCE NO. 20 - _____

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE CITYGATE CENTRE III
PLANNED UNIT DEVELOPMENT APPROVED BY ORDINANCE 20-044 FOR THE
SUBJECT PROPERTY LOCATED AT
LOTS 2&3 OF CITYGATE CENTRE**

RECITALS

1. **WHEREAS**, CityGate Centre Ventures LLC, 1100 Jorie Boulevard, Oak Brook, Illinois 60523 ("**Petitioner**") has petitioned the City of Naperville for a minor change to the CityGate Centre III Planned Unit Development as approved by Ordinance 20-044 for property located at Lots 2 & 3 of CityGate Centre, Naperville, Illinois, legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**"); and
2. **WHEREAS**, CityGate Centre II, LLC, 2020 Calamos Court, Naperville, IL 60563 ("**Owner**") is the owner of the Subject Property; and
3. **WHEREAS**, on May 5, 2020, the City Council of the City of Naperville ("**City**") approved Ordinance 20-044, a Final PUD Plat for CityGate Centre III in order to develop an

approximately 482,385 square foot multi-family residential apartment building and a 38,000 square foot roof-level event center; and

4. **WHEREAS**, the apartment building and event center on the Subject Property were proposed as a part of the larger CityGate Centre campus, which currently includes hotel, restaurant, retail, and office uses, as well as a parking garage; and
5. **WHEREAS**, the controlling building elevations approved per Ordinance 20-044 and attached to this Ordinance as **Exhibit C**, depicted a pedestrian bridge that connected the proposed building, specifically the event center, with the existing CityGate campus; and
6. **WHEREAS**, due to the high cost of construction of the pedestrian bridge and the current financial climate, the Petitioner requests to amend the controlling building elevations in order to remove the obligation to construct the pedestrian bridge; and
7. **WHEREAS**, should the financial climate improve, the Petitioner maintains the right to construct the pedestrian bridge; and
8. **WHEREAS**, per Section 6-4-6:2 (Changes to a Final Planned Unit Development: Minor Changes), the request to amend the controlling building elevations requires a minor change to the conditional use; and
9. **WHEREAS**, the requested amendment to the PUD meets the Standards for Amending a PUD as provided in **Exhibit D** attached hereto; and
10. **WHEREAS**, the City Council has determined that the Petitioner's requests should be granted as provided herein; and

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 the CityGate Centre III PUD as approved by Ordinance 20-044 in order to allow the Petitioner the right, but not the obligation to construct the pedestrian bridge as depicted on **Exhibit C**, is hereby approved for the Subject Property, conditioned upon the following:

1. The building permit plans submitted for the apartment building and event center located on the Subject Property shall include the interior building components needed to facilitate the construction and attachment of the pedestrian bridge in the future. The future construction of the pedestrian bridge (if feasible) shall require submittal of a separate building permit at the time that the bridge improvement is requested to be constructed.

SECTION 3: Should the Petitioner move forward with the pedestrian bridge as depicted on **Exhibit C**, at a later date, it will not require an additional Minor Change approval from City Council. The Petitioner will be required to update the building permit plans to depict the pedestrian bridge and all components.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

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: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its 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