

PINs:

07-04-204-013
07-03-102-007
07-04-204-007
07-04-400-011
07-04-204-008

ADDRESSES:

ALL IN NAPERVILLE, IL 60563:
-3440 ODYSSEY COURT
-VACANT LAND EAST OF ODYSSEY COURT AND SOUTH OF FERRY ROAD
-VACANT LAND AT THE NWC OF ROUTE 59 AND FERRY RD.
-VACANT LAND AT THE SWC OF ODYSSEY COURT AND FERRY ROAD

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 #20-1-022

ORDINANCE NO. 21 -

AN ORDINANCE APPROVING REZONING FOR CITY GATE WEST FROM I (INDUSTRIAL) TO OCI (OFFICE, COMMERCIAL, AND INSTITUTIONAL); A PRELIMINARY SUBDIVISION PLAT; A CONDITIONAL USE FOR A PLANNED UNIT DEVELOPMENT AND PRELIMINARY PUD PLAT; CONDITIONAL USES FOR RETAIL, RESTAURANTS, RESIDENTIAL, AND FULL-SERVICE HOTELS; AND VARIOUS DEVIATIONS

RECITALS

1. **WHEREAS**, the following entities, (collectively referenced herein as the "**Owner**") own the real property which is the subject of this Ordinance located at 3440 Odyssey Court,

Naperville, IL 60563 and vacant real property as generally described above, all legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”):

- (i) Chicago Title Land Trust Company, as successor Trustee to Republic Bank of Chicago, not personally but as Trustee under Trust Agreement dated April 24, 1996 and known as Trust Number 1364, c/o Inter-Continental Real Estate & Development Corporation, 2221 Camden Court, Suite 200, Oak Brook, IL 60523;
 - (ii) Chicago Title Land Trust Company, as successor Trustee to Republic Bank of Chicago, not personally, but as Trustee under Trust Agreement dated July 22, 1997 and known as Trust Number 1391, c/o Inter-Continental Real Estate & Development Corporation, 2221 Camden Court, Suite 200, Oak Brook, IL 60523; and
 - (iii) the Halikias Family Partnership and the Halikias Family Company, LLC, c/o Inter-Continental Real Estate & Development Corporation, 2221 Camden Court, Suite 200, Oak Brook, IL 60523.
2. **WHEREAS**, the Subject Property is zoned I (Industrial District) and is comprised of approximately 60.226 acres located in the City of Naperville at 3440 Odyssey Court (the site of the former Odyssey Fun World) and on vacant property as generally described herein; and
3. **WHEREAS**, the Owner has authorized Inter-Continental Real Estate & Development Corporation, 2221 Camden Court, Suite 200, Oak Brook, IL 60523 to act as petitioner (“**Petitioner**”) on its behalf to seek entitlements for the City Gate West Development (“**City Gate West Development**” or “**Development**”) on the Subject Property per PZC 20-1-022; and
4. **WHEREAS**, as the Owner’s authorized representative for all entitlements sought with respect to the Subject Property for the City Gate West Development, the terms “Petitioner” and “Owner” are used interchangeably herein; and

5. **WHEREAS**, the provisions set forth and referenced herein run with the land and shall be binding on all successors in interest to the Property. This Ordinance shall inure to the benefit of and be binding upon the City and the Owner, Petitioner, and their successors, assigns, heirs, affiliates, and transferees.
6. **WHEREAS**, Petitioner sought certain entitlements before the City's Planning and Zoning Commission ("**PZC**"), including rezoning the Subject Property from I (Industrial) to OCl (Office, Commercial and Institutional); a Preliminary Subdivision Plat; a Conditional Use for a Planned Unit Development and Preliminary PUD plat; Conditional Uses for Retail, Restaurants, Residential and Hotels; and various deviations ("**PZC City Gate West Requested Entitlements**"); and
7. **WHEREAS**, on November 18, 2020 and December 16, 2020, the City's Planning and Zoning Commission conducted a public hearing regarding the PZC City Gate West Requested Entitlements for the proposed City Gate West Development; and
8. **WHEREAS**, at the conclusion of the public hearing, the PZC recommended approval of all of the PZC City Gate West Requested Entitlements with the exception of the hotel proposed on Lot 11 finding that the hotel proposed on Lot 11 neither satisfied the intent nor the definition of the City's full-service hotel requirements; and
9. **WHEREAS**, subsequent to the PZC hearing and following input from City Council at the City Council meeting held on February 2, 2020, Petitioner submitted revised plans for the City Gate West Development to eliminate the proposed retail building on Lot 12 and to combine Lot 12 with Lot 11 to accommodate a banquet facility and additional parking for a full service hotel on Lot 11 and also agreed to various conditions as set forth herein; and

10. **WHEREAS**, the City Gate West entitlements requested, **as revised**, are as follows:

1. Rezoning the Subject Property from I (Industrial District) to OCI (Office, Commercial, and Institutional District).
2. Approval of a Preliminary Plat of Subdivision for City Gate West.
3. Approval of a conditional use for a Planned Unit Development and Preliminary Planned Unit Development Plat ("**Preliminary PUD Plat**") for City Gate West.
4. Approval of a conditional use in accordance with Section 6-7F-3:2 (OCI: Conditional Uses) and deviations (set forth below) to permit four hundred and ten (410) multi-family residential units on Lot 4 of City Gate West:
 - a. A deviation from Section 6-7F-5:2 (OCI: Area Requirements) to reduce the required lot area from 2,600 square feet to 760 square feet per dwelling unit.
 - b. A deviation from Section 6-7F-8:1 (OCI: Height Limitations/Bulk Regulations) to allow the buildings to exceed the maximum permitted height of forty-three (43) feet and measure sixty-six (66) feet in height.
 - c. A deviation from Section 6-9-3 (Schedule of Off-Street Parking Requirements) to reduce the required parking ratio for multi-family residential from 2.25 parking spaces per dwelling unit to 1.66 parking spaces per dwelling unit.
5. Approval of a conditional use in accordance with Section 6-7F-3:3 (OCI: Conditional Uses) to permit retail uses on Lots 4, and 13 of City Gate West.
6. Approval of a conditional use in accordance with Section 6-7F-3:12 (OCI: Conditional Uses) and a deviation from Section 6-7F-4 (OCI: Required Conditions for All Uses) to permit a full-service hotel on Lot 11 which is less than 150,000 square feet in size and does not have a restaurant within the physical confines of the hotel.
7. Approval of a conditional use in accordance with Section 6-7F-3:12 (OCI: Conditional Uses) and deviations from Section 6-7F-4 (OCI: Required Conditions for All Uses) and Section 6-9-3 (Schedule of Off-Street Parking Requirements) to permit a full-service hotel on Lot 15 which is less than 150,000 square feet in size; does not have a restaurant within the physical confines of the Hotel; and reduces required parking for the full-service Hotel and associated uses from seven hundred fifty two (752) parking spaces to six hundred sixteen (616) parking spaces.
8. Approval of a conditional use in accordance with Section 6-7F-3:14 (OCI: Conditional Uses) to permit eating establishments on Lots 1, 2, 3, 6, 7, 8, 9, 13 and 16 of City Gate West.
9. Approval of the following deviations to permit the City Gate West monument signs:
 - a. Deviation from Section 6-16-5:2.2.2 to increase the permissible sign area from 90 square feet to 315.5 square feet.

- b. Deviation from Section 6-16-5:2.2.3 to increase the permissible changeable signage area from 45 square feet to 120 square feet.
 - c. Deviation from Section 6-16-3.7 to permit off-premises signage.
10. Approval of the following deviations to permit the City Gate West development signs:
- a. Deviation from Section 6-16-5:2.2.2 to increase the permissible sign area from 90 square feet to 191 square feet.
 - b. Deviation from Section 6-16-5:2.2.3 to increase the permissible changeable sign area from 45 square feet to 81 square feet.
 - c. Deviation from Section 6-16-5:2.2.4 to increase the permissible sign height from 10 feet to 25 feet.
 - d. Deviation from Section 6-16-3.7 to permit off-premises signage.
11. Approval of the following deviations to permit the City Gate West tollway signs:
- a. Deviation from Section 6-16-5:2.2.8.2 to increase the total amount of permissible signage from 120 square feet to 248.8 square feet and to increase the permissible square footage for a changeable copy sign from 60 square feet to 180 square feet.
 - b. Deviation from Section 6-16-5:2.2.8.3 to increase the permissible height from 25 feet to 30 feet.
 - c. Deviation from Section 6-16-3.7 to permit off-premises signage.
12. Approval of a deviation from Section 6-16-3 (Prohibited Signs) to permit an LED panel on Lots 4 and 16 of City Gate West.
13. Approval of a deviation from Section 6-16-5.2.2.3 to increase the permissible height of the ground sign on Lot 15 from twenty-five (25) feet to forty-five (45) feet.
14. Approval of a deviation from Section 6-4-8:1 (Planned Unit Development: Effective Period of a Planned Unit Development) to increase the time period to file for final Planned Unit Development plat to five (5) years from two (2) years; increase the time period to commence construction after approval of the final Planned Unit Development Plat to three (3) three years from two (2) years; and increase permitted extensions to up to three (3) years from one (1) year.

11. **WHEREAS**, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the City Gate West Development meets the standards for approval as provided herein and in **Exhibit C** attached hereto and should be approved for the Subject Property 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 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 entitlements set forth in Recital 10 above are hereby approved for the City Gate West Development subject to the following conditions:

- A. Compliance with City Code. Compliance with the requirements of the Naperville Municipal Code, as amended from time to time, (also referenced herein as the “**Naperville Municipal Code**”, “**City Code**” or “**Code**”), including but not limited to conditional use and planned unit development requirements.
- B. Final Subdivision Plat. A final plat of subdivision for the entire Subject Property must be approved by the City and recorded prior to consideration of any final planned unit development plat (“**Final PUD Plat**”) for any Phase (“**Phase**”) of the Subject Property as those Phases are specified on the Phasing Plan described in Recital E below. An overall Owner’s Acknowledgment and Acceptance Agreement which may include additional provisions and requirements, but which shall not be inconsistent with the terms and conditions of this Ordinance (“**OAA**”) approved by the City Attorney for the Development shall be incorporated as an exhibit to the ordinance approving the final subdivision plat. In addition, unless otherwise determined to be unnecessary by the City Zoning Administrator, an OAA shall be required for approval of each Final PUD Plat for each Phase of the Subject Property.
- C. Final PUD Plat Requirements. The following shall be included with submission of the Final PUD Plat for each Phase of the City Gate West Planned Unit Development: (i) a final landscape plan; (ii) a final open space exhibit; (iii) location and timing of Century Walk improvements; (iv) a refuse plan; (v) final building elevations in compliance with the Citywide Building Design Guidelines then in effect and also consistent with the design intent of the approved Preliminary PUD Plat; (vi) a final signage plan; and (vii) a detailed design schedule per proposed building which includes final building square footage, final residential unit counts/Hotel rooms (as applicable), tenant data needed to determine required parking, and parking spaces to be provided to satisfy Code requirements.
- D. Shared Parking and Cross-Access. Shared parking cross-access easements over the entire City Gate West Planned Unit Development shall be submitted for approval to the City Attorney and recorded prior to recordation of the first Final PUD Plat for any portion of the Subject Property. For each Phase, if required parking cannot be provided wholly with the parameters of that Phase, parking available on other Phases provided may

be relied upon with the approval of the Zoning Administrator if such parking complies with the requirements of Section 6-9-2:1-3 of the Code as determined by the Zoning Administrator.

- E. Phasing Plan. Petitioner has submitted a conceptual phasing plan for the Development. A final phasing plan for the entire City Gate West Development shall be submitted for review and approval by the City with the first Final PUD Plat for the Subject Property. Said final phasing plan shall specify the timeframe by which each Phase will be completed ("**Phasing Plan**"). The Phasing Plan shall include access points, driveways and utilities, which shall be subject to review and approval by the City Engineer, that will be required to be constructed prior to issuance of an occupancy permit for any use contained within the first Final PUD Plat. The City Engineer shall review each subsequent Final PUD Plat to determine additional access points, driveways and utilities which shall be required to be constructed prior to issuance of an occupancy permit for that portion of the Development.

Financial surety, in an amount approved by the City Engineer, and in a form and from a source approved by the City Attorney, shall be submitted with for each Final PUD Plat.

While Petitioner may seek approval of a Final PUD plat for Lot 4, no permits may be issued for vertical construction on Lot 4 until construction of another Phase of the Development has been completed.

- F. Submission of Final PUD Plats. The City will accept Final PUD Plats in Phases for the Development as described herein subject to the requirement that the final PUD Plat for each Phase must be approved within five (5) years from approval of the Preliminary PUD Plat. Any portion of the Subject Property for which a Final PUD Plat has not been approved by City Council within five (5) years from the date of approval of the Preliminary PUD Plat shall be subject to revocation in whole or in part by the City Council in accordance with Section 6-4-8:2 through 3 of the City Code. The structures on Lot 4 shall be submitted for Final PUD Platting together as one Phase. The Lot 15 Hotel and the Lot 15 Hotel Event Venue (as those terms are defined herein) shall also be submitted for Final PUD Platting as one Phase.
- G. Timeframe for Construction. Construction of each Phase shall commence within three (3) years of the date of approval of the Final PUD Plat for each respective Phase of the Development and shall be completed in the timeframe stipulated on the Phasing Plan. Failure to complete construction within that timeframe may result in the City's refusal, as determined appropriate by the City Zoning Administrator, to issue additional construction or occupancy permits on other portions of the Development until an amendment to the overall OAA and/or the OAA applicable to the specific Phase in question has been approved by the City Council.

- H. Development of Lot 4. The two apartment buildings on Lot 4 shall each also include retail and office uses on the first floor. The first floor may contain work space affiliated with a residential live-work rental unit; however, said first floor space shall not include any bedroom units.

The number of residential units on Lot 4 may not be increased over two hundred and five (205) per each structure and the unit mix (i.e., studio, one-bedroom and two-bedroom units) approved on the Preliminary PUD Plat shall not be altered without prior approval of the City Council.

As set forth in Condition E above, while Petitioner may seek approval of a Final PUD plat for Lot 4, no permits may be issued for vertical construction on Lot 4 until construction of another Phase of the Development has been completed.

- I. Land/Cash Donations. Any land/cash donation required under the Code for the City Gate West Development shall not be paid under objection. Prior to the approval of a Final PUD Plat for Lot 4, Petitioner shall designate which payment option under Section 7.3.5:5.2 of the City's Subdivision Regulations is selected. The apartment structures on Lot 4 of the Development shall each receive a single permit.

- J. Full Service Hotels on Lot 11 and Lot 15.

The Naperville Municipal Code requires that a full service hotel include banquet facility and/or meeting space for not less than five hundred (500) persons. Said banquet and/or meeting space must, at all times, be operational when the hotel is operational.

The Lot 11 Hotel and the Lot 15 Hotel, as those terms are defined and described herein, are approved as full-service hotels with the deviations approved herein subject to compliance with terms and conditions which may be included in the OAA for the Phase in which each hotel shall be included, and subject to the following provisions:

- a. Lot 11 Hotel and Hotel Banquet Facility. The Lot 11 full service hotel shall include: (i) a hotel (the "**Lot 11 Hotel**") and (ii) a banquet facility (the "**Lot 11 Hotel Banquet Facility**"). The Lot 11 Hotel Banquet Facility shall be large enough to accommodate at least five hundred (500) persons as depicted on **Exhibit L**.

The Lot 11 Hotel and Lot 11 Hotel Banquet Facility shall be constructed and simultaneously operational. Said Lot 11 Hotel and Lot 11 Hotel Banquet Facility shall at all times remain under unified ownership to facilitate ongoing compliance with the City Code full-service hotel requirements unless otherwise approved based on alternative measures approved through an amendment to the OAA for that Phase. An occupancy permit for the Lot 11 Hotel shall not be issued until or concurrent with issuance of an occupancy permit for the Lot 11 Hotel Banquet Facility. In addition, at least one restaurant

must be operational within the Development at the time an occupancy permit is issued for Lot 11 Hotel. A restaurant within the Development must be operational at all times in order to provide room service to the guests of the Lot 11 Hotel.

- i. Upon submittal of a Final PUD Plat which includes the Lot 11 Hotel Petitioner will provide details regarding the proposed Lot 11 Hotel Banquet Facility intended to fulfill the full-service hotel requirements set forth in the City Code and the provisions set forth herein. The City Zoning Administrator will determine whether what is submitted satisfies City Code requirements and the provisions set forth herein.
 - ii. The preliminary elevations submitted by the Petitioner for the Lot 11 Hotel and Lot 11 Hotel Banquet Facility are not in compliance with the Citywide Building Design Guidelines. Elevations shall be submitted with the Final PUD for the Lot 11 Hotel and Lot 11 Hotel Banquet Facility and shall be reviewed for compliance with all City Code requirements then in effect.
- b. Lot 15 Hotel and Lot 15 Hotel Event Venue. A full-service hotel which includes: (i) a hotel (the “**Lot 15 Hotel**”) and (ii) a banquet facility (the “**Lot 15 Hotel Event Venue**”) are planned for Lot 15 of the Development. The Lot 15 Hotel Event Venue shall be large enough to accommodate at least five hundred (500) persons.

Petitioner has submitted plans for Lot 15 of the Development which include: (i) a hotel (the “**Lot 15 Hotel**”); (ii) an event venue (the “**Lot 15 Hotel Event Venue**”); and (iii) a banquet facility (the “**Lot 15 Banquet Facility**”). Because the Lot 15 Hotel Event Venue, as depicted on **Exhibit L**, will have space for in excess of five hundred (500) persons as required by Code for a full-service hotel (while the Lot 15 Hotel Banquet Facility will not), the Lot 15 Hotel and Lot 15 Hotel Event Venue shall be constructed and simultaneously operational. The Lot 15 Hotel Banquet Facility may have capacity for less than five hundred (500) persons, so long as the Lot 15 Hotel Event Venue is operational with space for at least five hundred (500) persons.

The Lot 15 Hotel and the Lot 15 Hotel Event Venue shall at all times remain under unified ownership to facilitate ongoing compliance with the City Code full-service hotel requirements unless otherwise approved based on alternative measures approved through an amendment to the OAA for that Phase.

An occupancy permit for the Lot 15 Hotel shall not be issued until or concurrent with issuance of an occupancy permit for the Lot 15 Hotel Event Venue. In addition, at least one restaurant must be operational

within the Development at the time an occupancy permit is issued for the Lot 15 Hotel. A restaurant within the Development must be operational at all times in order to provide room service to the guests of the Lot 15 Hotel.

- i. Upon submittal of a Final PUD Plat which includes the Lot 15 Hotel, Petitioner will provide details regarding the Lot 15 Hotel Event Venue intended to fulfill the full-service hotel requirements set forth in the City Code and the provisions set forth herein. The City Zoning Administrator will determine whether what is submitted satisfies City Code requirements and the provisions set forth herein.
 - ii. The preliminary elevations submitted by the Petitioner for the Lot 15 Hotel, the Lot 15 Hotel Event Venue and the Lot 15 Banquet Facility are not in compliance with the Citywide Building Design Guidelines. Elevations shall be submitted with the Final PUD plat for all structures on Lot 15 and shall be reviewed for compliance with all City requirements then in effect.
- K. Odyssey Fun World. Within eighteen (18) months of approval of the Preliminary PUD plat for the City Gate West Development Petitioner will have completed improvements to the exterior of the existing Odyssey Fun World building and site located on Lot 15 (“**OFW**”) as set forth below (“**OFW Required Improvements**”):
- a. The old paint ball course and dirt hill on west side of the building (fencing, structures, netting) shall be removed, and the area including the bare soil areas immediately west of the old paint ball course shall be restored with a temporary seed mix or sod.
 - b. The old fencing on the south side of the building shall be repaired or removed, and the old staged materials outside of the fencing shall be removed and discarded.
 - c. The dead trees and shrubs around building perimeter and in the vehicular areas shall be removed.
 - d. The shrubs and groundcovers immediately around the building perimeter shall be maintained (weed beds and remove dead plants).
 - e. The existing turf in the parking lot islands, and any other grass on the OFW site shall be maintained and mowed, or replaced with suitable non-turf vegetation.
 - f. The exterior of OFW shall at all times be maintained in a clean condition, free from odor and debris, including but not limited to: (i) removal of weeds from the vehicular paved areas on an ongoing basis; (ii) removal of litter and garbage; and (iii) cleaning the existing dumpster enclosure on a timely basis.

- g. The existing OFW freestanding pylon sign that is included in Petitioner's petition may remain provided it is reasonably repaired and painted. The existing sign panel shall be covered with new interim sign paneling that may be used by the future user. None of this work shall impact the pole sign deviation granted through this Ordinance.
- h. The existing circular building sign panels on the north and south façade shall be covered with new interim sign paneling.
- i. The existing internally lighted OFW sign letters on the east façade shall be removed.
- j. Signage on exterior doors shall be removed.

After the **OFW Required Improvements** above have been completed, and within the eighteen (18) month timeframe, City staff and an authorized representative of the Owner shall meet on site to determine whether power washing and/or painting the exterior of the building to remove dirt and stains will be necessary subject to final determination by the Zoning Administrator.

The OFW Required Improvements shall be subject to the reasonable review and approval of the Deputy Director of TED, and OFW shall continue to be maintained in good order and condition by the Owner.

- L. Selection of Option re: Perimeter Restaurant and Retail. On the first of any Final PUD Plat submitted for a Phase of the PUD which includes a perimeter restaurant or retail pad, Owner shall elect which of the two options presented at preliminary PUD will be used.
- M. Parking Deviations. Following approval of the parking deviations set forth herein, if the City's Zoning Administrator determines that the current and/or future tenants' parking needs cannot be accommodated within the parking on the Subject Property, the Owner of the Subject Property shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each unit, restricting the number of leasable units, or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take measures to adequately 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 deviations approved herein.
- N. Stormwater Detention and Open Space. The properties identified on the conceptual phasing plan as Sheet L1.2 (other than those portions designated as hotel/retail/restaurant and retail/MOB) and L1.3 are reserved for stormwater detention and open space.
- O. Substantial Conformance. Any Final PUD Plat for any Phase, as "Phase" is defined herein, of the Development which does not meet required conditions set forth or referenced herein, or which is not in compliance with the

Naperville Municipal Code then in effect (unless variances or deviations therefor have been approved), shall not be considered to be substantially in conformance with the Preliminary PUD Plat. Revisions which are proposed which are not in substantial conformance with the Preliminary PUD Plat, and any new deviations sought, shall be referred to the PZC for consideration.

P. Impact of Reconfigured Lots.

- a. Lot 4 as reconfigured and identified in the final version of the Petition, (previously Lot 4, 5, and a portion of Lot 16) shall not result in, or justify, any new zoning deviations for the remaining lots impacted by this reconfiguration.
- b. Lot 11 as reconfigured and identified in the final version of the Petition, (previously Lot 11 and Lot 12) shall not result in, or justify, any new zoning deviations for the remaining lots impacted by this reconfiguration.
- c. If any proposed building or lot within the Development does not meet minimum zoning requirements as a result of being reconfigured as described above, other than those deviations specifically granted for those lots in conjunction with the Preliminary PUD, said buildings and/or lots shall be adjusted at time of Final PUD submittal to comply with all other applicable zoning requirements then in effect.

Q. Sign Copy. The sign exhibits submitted in conjunction with the sign area deviations approved for the Subject Property shall not limit the sign copy to use of the City Gate West development name. Any final Development name shall be permitted for said signs provided that said signage does not exceed the sign area deviations approved herein.

R. Affordable Housing. Petitioner shall make a cash contribution to the City prior to approval of a Final PUD Plat for any part of the Subject Property, in the amount of two hundred thousand dollars (\$200,000), for the sole purpose of helping fund affordable or attainable housing in the City of Naperville. If Petitioner's contribution is not expended for these purposes within ten (10) years of the contribution pursuant to an affordable housing program adopted by the City, the funds will be refunded to Petitioner.

SECTION 3: The Preliminary Subdivision Plat for the City Gate West Development, as depicted on **Exhibit D**, is hereby approved.

SECTION 4: The Preliminary PUD Plat for the City Gate West Development, as depicted on **Exhibit E**, is hereby approved.

SECTION 5: The Commercial Buildings and Architectural Standards for the City Gate West Development, attached to this Ordinance as **Exhibit F**, are preliminary. Final building elevations in general conformity with **Exhibit F** and in compliance with the Citywide Building Design Guidelines then in effect shall be processed for approval with the Final PUD Plat for each Phase of the Development.

Building elevations for the buildings proposed on Lot 11 and Lot 15 of the Development are not included in **Exhibit F**. Building elevations for the buildings on Lot 11 and Lot 15 shall comply with the Citywide Building Design Guidelines then in effect and shall be processed for approval with the Final PUD Plat that includes Lot 11 and Lot 15. Capacity for the Lot 11 Hotel Banquet Facility, the Lot 15 Hotel Event Venue, and the Lot 15 Banquet Facility are set forth on **Exhibit L**.

SECTION 6: The Signage Plan for the City Gate West Development, attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 7: The Preliminary Landscape Plan for the City Gate West Development, attached to this Ordinance as **Exhibit H**, is hereby approved.

SECTION 8: The Open Space Plan for the City Gate West Development, attached to this Ordinance as **Exhibit I**, is hereby approved.

SECTION 9: A conceptual phasing plan for the City Gate West Development is attached to this Ordinance as **Exhibit J**. A final Phasing Plan shall be submitted and processed as provided herein.

SECTION 10: The Mixed-use/residential Building Elevations for the City Gate West Development, attached to this Ordinance as **Exhibit K**, are hereby approved.

SECTION 11: The City Clerk is authorized and directed to record this Ordinance and its Exhibits with the DuPage County Recorder.

SECTION 12: If any section, paragraph, or provision of this Ordinance shall be held by any court of competent jurisdiction 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 13: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk