

PINS:

07-13-418-004
07-13-418-005
07-13-418-006
07-13-418-007

ADDRESSES:

3 S. MAIN STREET
13 S. MAIN STREET
15 S. MAIN STREET
21 S. MAIN STREET

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 #20-1-016

ORDINANCE NO. 20 - _____

**AN ORDINANCE REVOKING MAIN STREET PROMENADE ADDITION ORDINANCES
08-221 AND 08-223 PERTAINING TO THE SOUTHWEST CORNER OF
MAIN STREET AND BENTON AVENUE**

RECITALS

1. **WHEREAS**, on December 2, 2008, the City Council of the City of Naperville passed Ordinances 08-221 and 08-223 which approved a preliminary/final plat of subdivision attached as **Exhibit A** and a preliminary/final planned unit development plat attached as **Exhibit B** for Main Street Promenade Addition as legally described on **Exhibit C**; and
2. **WHEREAS**, the property that was the subject of Ordinances 08-221 and 08-223, is now the subject of a new petition for development of Main Street Promenade Phase

III, legally described on **Exhibit C** and depicted on **Exhibit D** (“**Main Street Promenade Phase III PUD Plat**”); and

3. **WHEREAS**, RPAI Naperville Main North, LLC (“**Owner**” and “**Petitioner**”), has petitioned the City of Naperville for revocation of Ordinances 08-221 and 08-223 pertaining to the Subject Property; and
4. **WHEREAS**, following the approvals for the Main Street Promenade Addition, no plat of subdivision was ever recorded, no development fees were paid, and no further action with respect to the approvals granted by Ordinances 08-221 and 08-223 occurred with respect to the Subject Property; and
5. **WHEREAS**, the Subject Property is currently zoned B4 (Downtown Core) with a conditional use for a PUD; and
6. **WHEREAS**, the Petitioner now seeks to develop the Subject Property with a five-story, mixed-use development known as the Main Street Promenade Phase III Planned Unit Development; and
7. **WHEREAS**, on April 29, 2020, the Planning and Zoning Commission conducted a public hearing concerning PZC 20-1-016 to consider the Petitioner’s requests for the Subject Property, and recommended approval of the Petitioner’s requests; and
8. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving a preliminary/final plat of subdivision for Main Street Promenade Phase III, an ordinance approving a conditional use to allow for the establishment of the Main Street Promenade Phase III PUD within the B4 zoning district with deviations to Section 6-9-3 (Schedule of Off Street Parking Requirements), Section 6-7D-7 (Yard Requirements) of the Naperville Municipal

Code, Section 6-7D-4:5 (Required Conditions), and a resolution authorizing application of parking fee in-lieu provisions (hereinafter cumulatively referenced herein as the “**Main Street Promenade Phase III Ordinances**”); and

9. **WHEREAS**, the City Council 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: Ordinance 08-221, a Preliminary/Final Subdivision Plat for the Main Street Promenade Addition & Owner’s Acknowledgement and Acceptance agreement, is hereby revoked.

SECTION 3: Ordinance 08-223, a Major Change to the PUD and Preliminary/Final Plat for PUD for Main Street Promenade Addition, is hereby revoked.

SECTION 4: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

SECTION 5: 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