

PINs:
07-03-104-005
07-03-104-003

ADDRESS:
2415 & 2416 CORPORATE LANE
NAPERVILLE, IL 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 #18-1-029

ORDINANCE NO. 18 - _____

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE MONARCH
LANDING PUD AND APPROVING A PRELIMINARY/FINAL PUD PLAT WITH
CERTAIN DEVIATIONS ON THE PROPERTY
LOCATED AT 2415 & 2416 CORPORATE LANE**

WHEREAS, CityGate Centre North LLC (herein "Petitioner" or "Owner") owns certain property located at 2415 and 2416 Corporate Lane, Naperville, Illinois which property is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, on March 15, 2005, the City Council of the City of Naperville ("City") passed Ordinance No. 05-042 approving a conditional use for a planned unit development and for a Preliminary PUD and Subdivision Plat for Erickson Retirement Community to allow for the development of a continuing care retirement community (CCRC) on the Subject Property to include 1,650 independent living units and 160 assisted-living units; and

WHEREAS, on April 6, 2005, the Naperville City Council passed Ordinance 05-058, approving the Final Plat of Subdivision for Monarch Landing (f.k.a. Erickson Retirement Community) to subdivide the Subject Property into Lot 1 and Lot 2; and

WHEREAS, on June 3, 2014, the City Council of the City of Naperville passed Ordinance 14-072, approving a Final Plat of Subdivision to subdivide Lot 1 into Lot 1A, Lot 1B, and Lot 1C; and

WHEREAS, also on June 3, 2014, the City Council of the City of Naperville passed Ordinance 14-073, approving an amendment to the Monarch Landing Annexation Agreement to remove Lot 1B and Lot 2 from the Monarch Landing Planned Unit Development in order to convey Lot 1B and Lot 2 to an independent buyer for future development; and

WHEREAS, the Amended Annexation Agreement approved by Ordinance 14-073 required that the Owner seek a major change to the PUD for any proposed development of Lot 1B and Lot 2; and

WHEREAS, in compliance with the Amended Annexation Agreement, the Petitioner has requested a major change to the Monarch Landing Planned Unit Development and a Preliminary/Final PUD Plat in order to permit an event center and associated parking on the Subject Property; and

WHEREAS, the Petitioner is additionally requesting approval of a deviation from Section 6-9-3:7 (Schedule of Off-Street Parking Requirements: Parking Class No. 6 — Cultural, Entertainment, And Sports Facilities) to reduce the amount of required off-street parking spaces from 2096 to 1119; and

WHEREAS, Petitioner anticipates that certain events will be held on the Subject Property which, when taken together with regular parking space demands for the Subject Property, will require provision of more than the 1119 on-site parking spaces which will be available if the parking deviation referenced above is granted (“Large-Scale Events”), and therefore shall provide off-site parking and shall also provide pedestrian traffic management as provided herein; and

WHEREAS, the Petitioner is also requesting approval of a deviation to Section 6-9-2:4.5 (Off Street Parking Facilities: Yard Requirements) to reduce the setback requirement for the parking lot of the Subject Property from thirty (30) feet to twenty (20) feet in the required yard along Corporate Lane; and

WHEREAS, the requested amendment to the PUD meets the Standards for Amending a Planned Unit Development as provided in **Exhibit C** attached hereto; and

WHEREAS, the requested PUD deviations meet the Standards for Deviation from a Planned Unit Development as provided in **Exhibit C** attached hereto; and

WHEREAS, on June 20, 2018, the Planning and Zoning Commission conducted a public hearing to consider PZC 18-1-029 and recommended approval of the petitioner’s requests; and

WHEREAS, the City Council has determined that the Petitioner’s requests should be granted as provided herein; and

WHEREAS, the terms and conditions set forth herein shall be binding upon the Owner and Owner’s successors, assigns, and transferees, and shall constitute a covenant running with the land.

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 major change to the Monarch Landing Planned Unit Development in order to construct an event center with an eating and drinking establishment and associated parking is hereby approved for the Subject Property.

SECTION 3: The Preliminary/Final Plat of Planned Unit Development for Monarch Landing Lot 1B - Lot 1A and Lot 1B Resubdivision, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: A deviation to Section 6-9-3:7 (Schedule of Off-Street Parking Requirements: Parking Class No. 6 — Cultural, Entertainment, And Sports Facilities) of the Naperville Municipal Code to reduce the amount of required off-street parking from 2,096 spaces to 1,119 spaces, as depicted on the Overall Site and Pavement Plan attached to this Ordinance as **Exhibit D**, is hereby approved conditioned upon:

1. **Off-Site Parking.**

1.1 The Owner shall provide off-site parking for 1000 vehicles for Large Scale Events, as defined herein, in the parking garage located across Ferry Road south of the Subject Property having a common address of 2191 CityGate Lane (“Off-Site Garage Parking”) by means of a permanent parking easement agreement “Parking Easement Agreement” approved by the City Attorney. Said Parking Easement Agreement shall be recorded against the Subject

Property and the Off-Site Garage Parking property prior to issuance of the first building permit pertaining to the major change to the Monarch Landing Planned Unit Development granted herein.

If the Owner produces evidence which demonstrates, to the Zoning Administrator's satisfaction, that less than 1000 off-site parking spaces are required for one or more Large Scale Events, the Zoning Administrator may approve a reduction of said number in writing.

If the Off-Site Garage Parking (or any portion thereof) ceases to be available to provide off-site parking for the Subject Property during Large-Scale Events, the Owner shall immediately notify the City Zoning Administrator in writing explaining why said Off-Site Garage Parking (or portion thereof) will no longer be available, and when it will no longer be available. Until an alternate parking plan ("Alternate Plan") is agreed upon as provided below, no Large-Scale Events shall take place on the Subject Property.

- 1.2 If the Off-Site Parking Garage Parking becomes unavailable, in whole or in part as described above, the Owner may submit an Alternate Plan to the City Zoning Administrator. Said Alternate Plan shall provide documentation of alternative off-site parking and/or include measures to reduce parking demand on the Subject Property to ensure sufficient parking supply during Large Scale Events. Such measures may include, but are not limited to:

alteration of event hours, limitation on the number of individuals permitted to attend events, reducing business operations before and during Large Scale Events, altering the tenant mix on the Subject Property, and providing shuttle services to the Subject Property. The Alternate Plan shall require the written approval of the City Zoning Administrator who shall have the discretion to require modifications to said Alternate Plan even after approval if, after one or more Large Scale Events have taken place, she determines that the Alternate Plan has not resulted in provision of adequate parking for Large-Scale Events.

2. **Pedestrian Traffic Management Plan.** Not less than sixty (60) days prior to a Large-Scale Event, the Owner shall have prepared and shall submit to the City Engineer a pedestrian traffic management plan setting forth specific measures to provide for the safety of pedestrians crossing to and from the Subject Property and the Off-Site Parking property to attend such events (a "Traffic Plan"). Said Traffic Plan shall be prepared by an individual or entity having experience and expertise in traffic management and pedestrian safety, and its implementation must effectively control pedestrian crossings so as to provide for the safety of both pedestrians and motor vehicle traffic on Ferry Road. Owner shall have the option to submit a general Traffic Plan to the City for regular use in connection with Large Scale Events; and if approved by the Zoning Administrator, and if adhered to by the Owner, an event-specific Traffic Plan as noted above, will not be required.

3. **Remedies.** Notwithstanding any of the provisions listed above, if either the Zoning Administrator and/or the City Engineer find that the Off-Site Garage Parking, the Alternate Plan and/or the Traffic Plan are not functioning in a reasonably efficient manner, he/she may require reasonable measures to reduce parking demand on the Subject Property and to ensure sufficient parking supply during Large-Scale Events. Such measures may include, but are not limited to: alteration of event hours, limitation on the number of individuals permitted to attend events, reducing business operations before and during Large Scale Events, altering the tenant mix and providing shuttle services to the Subject Property. Nothing herein shall require eviction of a current tenant or early termination of a tenant lease on the Subject Property.

If the Owner fails to comply with the provisions set forth above, or if despite Owner's efforts to take measures to address parking shortage, the Zoning Administrator or City Engineer determine that such measures are not sufficient, the City may notify the Owner that further Large-Scale Events on the Subject Property shall not take place until the Owner becomes fully compliant with the provisions of this Ordinance or until additional parking measures are taken by the Owner as deemed sufficient by the Zoning Administrator and City Engineer to meet the parking needs for the Subject Property. Any dispute as to whether the determinations of the Zoning Administrator or the City Engineer are reasonable shall be decided by the City Council. Until a determination is made by the City Council, any determination by the Zoning Administrator and/or the City Engineer

that Large-Scale events may not continue due to public welfare and safety concerns shall be enforced.

SECTION 5: A deviation to Section 6-9-2:4.5 (Off Street Parking Facilities: Yard Requirements) of the Naperville Municipal Code to reduce the setback for the parking lot along Corporate Lane from 30' to 20', as depicted on the Overall Site and Pavement Plan attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 6: The landscape plan attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 7: The building elevations attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 8: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time, and to all supporting documents and exhibits contained as a part of the record of the public hearing before the Planning and Zoning Commission.

SECTION 9: 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 10: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk