

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

ADDRESS:
NEC OF WESTINGS AV. & CITYGATE LN.
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 #19-1-020

ORDINANCE NO. 19 - _____

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE CITYGATE CENTRE PUD
IN ORDER TO PERMIT A CONDITIONAL USE FOR MULTI-FAMILY DWELLING UNITS
IN OCI AND APPROVING A PRELIMINARY PUD PLAT WITH CERTAIN DEVIATIONS
ON THE PROPERTY LOCATED AT THE
NORTHEAST CORNER OF WESTINGS & CITYGATE**

WHEREAS, CityGate Centre Ventures, LLC (herein "Petitioner") has petitioned the City of Naperville for approval of a major change to the PUD in order to permit a conditional use for multi-family units and approval of a preliminary PUD plat with deviations for certain property located at the northeast corner of Westings Avenue and CityGate Lane, Naperville, Illinois which property is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, CityGate Centre II, LLC ("Owner") is the owner of the Subject Property;
and

WHEREAS, on December 21, 2005, the City Council of the City of Naperville ("City") passed Ordinance No. 05-255, approving a conditional use for a planned unit development (PUD) and for a Preliminary Plat and Subdivision Plat for Calamos Town Centre in order to

subdivide the property into 3 lots and construct a 979,500 square foot mixed use development containing retail space, a full-service hotel, and a performing arts use; and

WHEREAS, on March 7, 2006, the Naperville City Council passed Ordinance 06-054, approving the Final Plat of PUD for CityGate Centre Phase 1 (f/k/a Calamos Town Center) in order to construct a 241,800 square foot mid-rise office building, 54,500 square feet of restaurant, retail and commercial space, and a 392,000 square foot parking structure; and

WHEREAS, the Petitioner requests a major change to the CityGate Centre PUD in order to permit a conditional use for multi-family dwelling units and a Preliminary PUD Plat with certain deviations in order to construct an approximately 482,358 square foot, 5-story multi-family residential apartment building and a 38,000 square foot roof level event center; and

WHEREAS, per Section 6-4-6 (Major Changes to a Final PUD), the request for a conditional use and deviations to the Municipal Code requires a major change to the PUD; and

WHEREAS, the Petitioner requests approval of a deviation to Section 6-7F-8 (OCI District: Height Limitations/Bulk Regulations) in order to increase the permitted building height from 43' to 77'2"; and

WHEREAS, the Petitioner requests approval of a deviation to Section 6-7F-5 (OCI District: Area Requirement) to reduce the required lot area from 2,600 square feet to 773 square feet per dwelling unit to allow 285 apartment units on the Subject Property; and

WHEREAS, the Petitioner requests approval of a deviation to Section 6-9-3:1 (Schedule of Off-Street Parking Requirements: Parking Class No. 1 — Residential Uses)

to reduce the amount of required off-street parking spaces for the residential component from 570 spaces to 429 spaces and guest parking from 72 spaces to 36 spaces; 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 conditional use to permit multi-family dwelling units meets the Standards for Granting a Conditional Use 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 August 7, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-020 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 CityGate Centre Planned Unit Development in order to construct a 482,358 square foot, 5-story multi-family residential apartment building consisting of 285 units and including a 38,000 square foot roof level event center and associated parking, as depicted on the Site Plan attached as **Exhibit D**, is hereby approved for the Subject Property.

SECTION 3: A conditional use to permit multi-family dwelling units in OCI (Office, Commercial and Institutional District) pursuant to Section 6-7F-3 (OCI District: Conditional Uses) of the Municipal Code is hereby approved for the Subject Property.

SECTION 4: The Preliminary Plat of Planned Unit Development for Lincoln at CityGate Centre, attached to this Ordinance as **Exhibit E**, is hereby approved for the Subject Property.

SECTION 5: A deviation to Section 6-7F-8 (OCI District: Height Limitations/Bulk Regulations) of the Naperville Municipal Code in order to increase the permitted building height from 43' to 77'2", as depicted on the Building Elevations attached to this Ordinance as **Exhibit F**, is hereby approved for the Subject Property.

SECTION 6: A deviation to Section 6-7F-5 (OCI District: Area Requirement) of the Naperville Municipal Code in order to reduce the required lot area from 2,600 square feet to 773 square feet per dwelling unit to allow 285 apartment units is hereby approved for the Subject Property.

SECTION 7: A deviation to Section 6-9-3:1 (Schedule of Off-Street Parking Requirements: Parking Class No. 1 — Residential Uses) of the Naperville Municipal Code to reduce the amount of required off-street parking from 570 spaces to 429 spaces and guest parking from 72 spaces to 36 spaces, as depicted on the Site Plan attached to this

Ordinance as **Exhibit D**, is hereby approved for the Subject Property conditioned upon the following:

1. In the event that the parking needs cannot be accommodated within the proposed parking supply on the Subject Property, the Petitioner and Owner shall take measures, such as constructing additional parking spaces or establishing an overflow parking location off-site, as necessary, to meet the parking demands of the Subject Property, subject to review and approval by the Zoning Administrator.
2. In the event the Petitioner and Owner can demonstrate to the Zoning Administrator through a formal parking study (including all current and proposed future City Gate Centre uses) that sufficient parking capacity is available in the existing City Gate Centre parking structures, Petitioner and Owner shall be permitted to utilize said parking structures to park the event center and guest parking area for the residential component in lieu of the surface parking area depicted on Lot #3. Said parking modification shall require City Council review and approval and be processed as a minor change to the City Gate Center Planned Unit Development.

SECTION 8: The Landscape Plan attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 9: 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 10: 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 11: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 12: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk