

PIN: PT OF 08-08-102-012

CURRENT ADDRESS:
PT OF 1163 E. OGDEN AVE
NAPERVILLE, IL 60563

ADDRESS AFTER RECORDATION:
1159 E. OGDEN AVE
NAPERVILLE, IL 60563

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-110

ORDINANCE NO. 24 -

AN ORDINANCE APPROVING A MAJOR CHANGE TO A PLANNED UNIT DEVELOPMENT, A FINAL PLANNED UNIT DEVELOPMENT PLAT, AND A DEVIATION TO SECTION 6-9-6:2.2 OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 1163 E. OGDEN AVE. (CHICK-FIL-A)

RECITALS

1. **WHEREAS**, HR Green Development, LLC with offices at 1391 Corporate Drive, Suite 203, McHenry, Illinois 60050 (“**Petitioner**”), has petitioned the City of Naperville (“**City**”) for approval of a major change to the Iroquois Center Planned Unit Development (“**PUD**”), a final PUD plat for Chick-fil-a, and a bypass lane deviation in order to develop a 5,025 square foot drive-through restaurant at the real property located at 1159 E. Ogden Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).

2. **WHEREAS**, IRC Iroquois Center, LLC with offices at 40 Skokie Blvd, Northbrook, IL 60062 (“**Owner**”) is the owner of the Subject Property and has authorized the Petitioner to submit the request.
3. **WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District) is currently improved with the 123,931 square foot Iroquois Shopping Center (“**Shopping Center**”).
4. **WHEREAS**, the Petitioner proposes to demolish approximately 29,000 square feet of the existing Shopping Center in order to accommodate the proposed drive-through restaurant and associated parking lot improvements on the Subject Property.
5. **WHEREAS**, on October 5, 1981, the City Council of the City of Naperville passed Ordinance 81-119, approving a Preliminary Planned Unit Development (PUD) Plat to allow for the development of the Shopping Center on the Subject Property.
6. **WHEREAS**, on July 6, 1982, the City Council passed Ordinance 82-069, approving a final PUD plat on Subject Property.
7. **WHEREAS**, on February 22, 1983, the City Council passed Ordinance 83-20, approving a minor change to the PUD to permit a change in the size of building A on the Subject Property.
8. **WHEREAS**, on June 2, 1992, the City Council passed Ordinance 92-91, approving a minor change to the PUD to permit façade remodeling, parking lot reconfiguration, and landscaping modification on the Subject Property.
9. **WHEREAS**, with the authorization of the Owner, Petitioner has requested approval of a Major Change to the Iroquois Center Planned Unit Development and Final PUD Plat for Chick-fil-a, attached hereto as **Exhibit B**, to permit a change in the

designation of land use and significant changes to the parking location and access plan to allow the construction of a restaurant with a drive-through on the Subject Property.

10. **WHEREAS**, the Petitioner also requests approval of a deviation to Section 6-9-6:2.2 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code to grant relief from the bypass lane requirement.

11. **WHEREAS**, the proposed restaurant will have dual drive-through lanes and a partial drive-through bypass lane as depicted on the site plan attached hereto as **Exhibit C** (“**Site Plan**”).

12. **WHEREAS**, on March 20, 2024, the Planning and Zoning Commission considered the requested major change to the Iroquois Center PUD, final PUD plat for Chick-fil-a, and bypass lane deviation, and recommended approval of the requests.

13. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s requested major change to the Iroquois Center PUD, final PUD plat for Chick-fil-a and bypass lane deviation meet the required standards for approval as provided in **Exhibit D** attached hereto and 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: A major change to the Iroquois Center Planned Unit Development to permit a change in the designation of land use and significant changes to the parking

location and access plan to allow the construction of a restaurant with a drive-through is hereby approved conditioned upon:

1. Petitioner or Owner shall pay the Northeast Water Works boosted pressure zone fee of \$3,006.39 (\$1,761.00 per acre) prior to recordation of the Major Change to the Iroquois Center PUD and Final Planned Unit Development Plat for Chick-Fil-

SECTION 3: The Major Change to Iroquois Center PUD and Final Planned Unit Development Plat for Chick-Fil-A, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: A deviation to Section 6-9-6:2.2 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code to reduce the required drive-through bypass lane as depicted on the Site Plan attached hereto as **Exhibit C** is hereby approved.

SECTION 5: The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property.

SECTION 6: The Landscape Plan for Chick-Fil-A, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 7: The Building Elevations for Chick-Fil-A, attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 8: The deviation approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

SECTION 9: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 10: The deviation shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 11:The City Clerk is authorized and directed to record this Ordinance and the Major Change to Iroquois Center PUD and Final Planned Unit Development Plat for Chick-Fil-A with the DuPage County Recorder.

SECTION 12: 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

SECTION 13:This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk