

PIN: 08-07-407-013

ADDRESS:  
950 E. OGDEN AVENUE  
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 #17-1-058

**ORDINANCE NO. 17 -**

**AN ORDINANCE GRANTING VARIANCES FROM SECTION 6-9-2 (OFF STREET PARKING FACILITIES) AND SECTION 6-9-6 (SUPPLEMENTAL STANDARDS FOR DRIVE-THROUGH STACKING LANES) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PORTILLO'S LOCATED AT 950 E. OGDEN AVENUE**

**WHEREAS**, Portillo's Hog Dogs, LLC ("Petitioner"), has petitioned the City of Naperville for approval of variances for the purpose of constructing an additional drive-through lane for the real property located at 950 E. Ogden Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the owner of the Subject Property is Richport Property LLC; and

**WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District) and is improved with a drive-through restaurant and parking lot; and

**WHEREAS**, the Petitioner is requesting a variance from 6-9-2 (Off Street Parking Facilities) to permit a parking facility to be located 1.9' from the western property line (Wisconsin Street); and

**WHEREAS**, Section 6-9-2 (Off Street Parking Facilities) requires the parking facility to be located 5' from the property line; and

**WHEREAS**, the Petitioner is requesting a variance from Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) to remove the requirement of a bypass lane for a drive-through facility; and

**WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of variances from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code to allow provision of an additional drive-through lane for the existing Portillo's restaurant on the Subject Property; and

**WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and

**WHEREAS**, on July 19, 2017, the Planning and Zoning Commission considered the requested parking variance and recommended approval of the Petitioner's request; and

**WHEREAS**, the City Council of the City of Naperville 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 herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville

Municipal Code to allow for the construction of an additional drive-through lane for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

**SECTION 3:** The Site Plan, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 4:** The Landscape Plan, attached to this Ordinance as **Exhibit D**, is hereby approved for the Subject Property.

**SECTION 5:** The variance 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 6:** This variance 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 7:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 8:** 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 9:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk