

PIN: 08-08-100-029

ADDRESS:  
1291-1295 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 #21-1-126

## ORDINANCE NO. 22 -

**AN ORDINANCE GRANTING VARIANCES FROM SECTION 6-16-5:2.2.2 (GROUND SIGNS/SIGN AREA), SECTION 6-16-5:2.2.4 (GROUND SIGNS/HEIGHT), AND SECTION 6-16-3:7 (PROHIBITED SIGNS) OF THE NAPERVILLE MUNICIPAL CODE; AND DENYING VARIANCES FROM SECTION 6-9-6:2 (SUPPLEMENTAL STANDARDS FOR DRIVE-THROUGH STACKING LANES) AND SECTION 6-9-3:5 (STACKING REQUIREMENTS FOR USE WITH DRIVE-THROUGH FACILITIES) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 1291-1295 E OGDEN AVENUE (EASTGATE OUTLOT)**

## RECITALS

1. **WHEREAS**, James Sean Devine (Norcor Naperville Associates), 1030 W. Higgins Road Ste. 360, Park Ridge, Illinois 60068 ("**Owner and Petitioner**"), is the owner of real property located at 1291-1295 E Ogden Avenue, Naperville, IL 60563, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is zoned B2 (Community Shopping Center District) and the Petitioner plans to construct a new commercial outlot on the Subject Property, within the Eastgate Crossing Shopping Center; and

3. **WHEREAS**, the Petitioner requests approval of three signage variances, including variances to: (a) Section 6-16-5:2.2.2 (Ground Signs/Sign Area) to allow an increase in sign area from 45 square feet to 50.2 square feet for the main shopping center entrance sign, as illustrated on **Exhibit C** (“**Sign Plan**”); (b) Section 6-16-5:2.2.4 (Ground Signs/Height) to allow an increase in sign height from 10 feet to 15 feet for the main shopping center entrance sign, as illustrated on **Exhibit C** (“**Sign Plan**”); and, (c) Section 6-16-3:7 (Prohibited Signs) to allow ground signage within the Eastgate Crossing shopping center to display off-premises signage for all tenants within Eastgate Crossing, regardless of which lot they are located on; and
4. **WHEREAS**, the ground signs depicted on **Exhibit C** (“**Sign Plan**”) have been designed consistent with the East Ogden Avenue Monument Sign Standards; and
5. **WHEREAS**, the Petitioner also requests approval of two drive-through variances for a specific restaurant tenant, Kura Sushi, including variances to: (a) Section 6-9-6:2 (Supplemental Standards For Drive-Through Stacking Lanes) to eliminate the required bypass lane for a drive-through, as illustrated on **Exhibit D** (“**Site Plan**”); and, (b) Section 6-9-3:5 (Stacking Requirements For Use With Drive-Through Facilities) to reduce the number of required stacking spaces for a drive-through from twelve (12) spaces to three (3) spaces, as illustrated on **Exhibit D** (“**Site Plan**”); and
6. **WHEREAS**, the proposed development consists of a new, four-tenant building to be built in the center of an established commercial area which reduces parking availability in the surrounding shopping center, despite adding new commercial space and changing on-site traffic flow; and

7. **WHEREAS**, there is lacking operational data available on Kura Sushi to support such a significant variance request and drive-through operations are found to be tenant-specific; and
8. **WHEREAS**, the long-term functionality of the pick-up window is limited should tenants change in the future or business operations be modified, since the proposed drive-through does not meet the stacking requirements for any restaurants or coffee shops as provided in Section 6-9-3:5 (Stacking Requirements For Use With Drive-Through Facilities) of the Naperville Municipal Code; and
9. **WHEREAS**, on June 15, 2022, the Planning and Zoning Commission considered the Petitioner's variance requests and recommended approval of Petitioner's requests, subject to conditions; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's sign variance requests meet the variance standards as provided in **Exhibit E** attached hereto and should be granted as provided herein.
11. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's drive-through requests do meet the variance standards as provided in **Exhibit F** attached hereto and should be denied.

**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 variance to Section 6-16-5:2.2.2 (Ground Signs/Sign Area) to allow an increase in sign area from 45 square feet to 50.2 square feet for the main shopping center entrance sign, as illustrated on **Exhibit C** (“**Sign Plan**”), is hereby approved.

**SECTION 3:** A variance to Section 6-16-5:2.2.4 (Ground Signs/Height) to allow an increase in sign height from 10 feet to 15 feet for the main shopping center entrance sign, as illustrated on **Exhibit C** (“**Sign Plan**”), is hereby approved.

**SECTION 4:** A variance to Section 6-16-3:7 (Prohibited Signs) to allow ground signage within the Eastgate Crossing shopping center to display off-premises signage for all tenants within Eastgate Crossing, regardless of which lot they are located on, is hereby approved.

**SECTION 5:** Variances to Section 6-9-6:2 (Supplemental Standards For Drive-Through Stacking Lanes) to eliminate the required bypass lane for a drive-through and Section 6-9-3:5 (Stacking Requirements For Use With Drive-Through Facilities) to reduce the number of required stacking spaces for a drive-through from twelve (12) spaces to three (3) spaces for a restaurant, as illustrated on **Exhibit D** (“**Site Plan**”), are hereby denied.

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

**SECTION 10:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk