

PIN: 08-08-112-004

ADDRESS:  
1203 IROQUOIS AVENUE  
NAPERVILLE, IL 60563

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

RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #23-1-117

**ORDINANCE NO. 24 -**

**AN ORDINANCE GRANTING VARIANCES FROM SECTION 6-9-6:2.2  
(SUPPLEMENTAL STANDARDS FOR DRIVE-THROUGH STACKING LANES) AND  
SECTION 6-16-5:2.1 (SIGNS ON COMMERCIAL AND INSTITUTIONAL  
PROPERTY/WALL SIGNS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE  
PROPERTY LOCATED AT 1203 IROQUOIS AVENUE (7 Brew)**

**RECITALS**

1. **WHEREAS**, Naperville Ogden, LLC, an Illinois limited liability company, 445 Jackson Avenue, Naperville, IL 60540 ("**Owner**"), is the owner of real property located at 1203 Iroquois Avenue, Naperville, IL 60563, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, Who Brew IL I, LLC, a Delaware limited liability company, 100 Powell Place, #1230, Nashville, TN 37204 ("**Petitioner**"), has petitioned the City of Naperville for approval of variances to Section 6-9-6:2.2 of the Naperville Municipal Code to eliminate the required bypass lane and Section 6-16-5:2.1 of the Naperville Municipal

Code to increase the maximum permitted wall signage area in order to redevelop the Subject Property with a drive-through only coffee shop known as 7 Brew.

3. **WHEREAS**, the Subject Property is zoned B3 (General Commercial District) and drive-through only coffee shops are a permitted use in the B3 zoning district.
4. **WHEREAS**, the site plan for the drive-through coffee shop, attached hereto as **Exhibit C** (“**Site Plan**”), includes a dual lane drive-through which exceeds the City’s stacking requirements as outlined in Section 6-9-3:5 (Stacking Requirements For Use With Drive-Through Facilities).
5. **WHEREAS**, the drive-through only coffee shop’s business operations rely on the ability to move cars through drive-through lanes efficiently, and signage expressing the direction of traffic is important to keep cars circulating.
6. **WHEREAS**, the Petitioner requests approval of two variances, including: (a) a variance to Section 6-9-6:2.2 (Supplemental Standards For Drive-Through Stacking Lanes) of the Naperville Municipal Code to eliminate the required bypass lane as illustrated on **Exhibit C** (“**Site Plan**”); and, (b) a variance to Section 6-16-5:2.1 (Signs on Commercial and Institutional Property/Wall Signs) of the Naperville Municipal Code to increase the maximum permitted wall signage area to approximately 33 square feet, as illustrated on **Exhibit D** (“**Sign Plan**”).
7. **WHEREAS**, on February 21, 2024, the Planning and Zoning Commission considered the Petitioner’s variance requests and recommended approval of Petitioner’s requests.
8. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner’s requests meet the variance standards as provided in **Exhibit E** 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 variance to Section 6-9-6:2.2 (Supplemental Standards For Drive-Through Stacking Lanes) of the Naperville Municipal Code to eliminate the required bypass lane as illustrated on **Exhibit C** (“**Site Plan**”) is hereby approved.

**SECTION 3:** A variance to Section 6-16-5:2.1 (Signs on Commercial and Institutional Property/Wall Signs) of the Naperville Municipal Code to increase the maximum permitted wall signage area to approximately 33 square feet as illustrated on **Exhibit D** (“**Sign Plan**”), is hereby approved.

**SECTION 4:** The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 5:** The Building Elevations, attached to this Ordinance as **Exhibit F**, are hereby approved as the controlling building elevations for the Subject Property.

**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. 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 DuPage County Recorder.

**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 \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

\_\_\_\_\_  
Dawn C. Portner  
City Clerk