

PIN: 07-27-108-003

ADDRESS:  
1290 S. Route 59  
NAPERVILLE, IL60564

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 #21-1-079

**ORDINANCE NO. 23 - \_\_\_**

**AN ORDINANCE APPROVING A MAJOR CHANGE TO A CONDITIONAL USE  
FOR AN AUTOMOBILE SERVICE STATION FOR THE PROPERTY  
LOCATED AT 1290 SOUTH ROUTE 59 (CASEY'S)**

**RECITALS**

1. **WHEREAS**, Casey's Retail Company, 1 SE Convenience Blvd., Ankeny, IA ("**Owner and Petitioner**") is the owner of the property located at 1290 South Route 59, Naperville, IL and has petitioned the City of Naperville for approval of a major change to a conditional use for a Casey's automobile service station located at 1290 South Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping Center District) and is improved with an automobile service station; and
3. **WHEREAS**, a conditional use was approved to allow for an automobile service station on the subject property in accordance with Ordinance 96-049; and

4. **WHEREAS**, Owner and Petitioner is seeking approval to demolish the existing automobile service station and car wash and construct a new 1-story, 4,202 square foot convenience store; the existing gas pumps and canopy will remain in place; and
5. **WHEREAS**, in accordance with Section 6-3-8 of the Naperville Municipal Code, the requested changes require approval of a major change to the conditional use; and
6. **WHEREAS**, the requested major change to a conditional use meets the standards for conditional uses provided in Section 6-3-8:2 of the Municipal Code as provided in Exhibit C; and
7. **WHEREAS**, on February 15, 2013, the Planning and Zoning Commission conducted a public hearing to consider the requested major change to a conditional use and recommended approval of the Petitioner's request; and
8. **WHEREAS**, the City Council of the City of Naperville has determined that the Owner and 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A major change to a conditional use to allow for the demolition of the existing automobile service station and car wash, construction of a new 1-story, 4,202 square foot convenience store, and retention of the existing gas pumps and canopy on the Subject Property pursuant to Section 6-7B-3 (B2 District: Conditional Uses) of the Municipal Code is hereby granted.

**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 as the controlling landscape plan for the Subject Property.

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

**SECTION 6:** The Photometric Plan, attached to this Ordinance as **Exhibit F**, is hereby approved as the controlling photometric plan for the Subject Property.

**SECTION 7:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 8:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 9:** If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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