

PIN: 07-16-207-006

ADDRESS:  
631 N. ROUTE 59  
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 #18-1-010

**ORDINANCE NO. 18 -**

**AN ORDINANCE GRANTING A SETBACK VARIANCE  
FROM SECTION 6-16-5:2.2.5.1 OF THE NAPERVILLE MUNICIPAL CODE  
FOR THE SPEEDWAY GAS STATION LOCATED AT 631 N. ROUTE 59**

**WHEREAS**, Eric Nuebling (“Petitioner”) on behalf of Speedway LCC, owner of real property located at 631 N. Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”), has petitioned the City of Naperville for approval of a setback variance for said property; and

**WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District) and is improved with a gas station; and

**WHEREAS**, the Petitioner requests approval of a setback variance from Section 6-16-5:2.2.5.1 (Signs on Commercial and Institutional Property: Ground Sign Setbacks) of the Naperville Municipal Code in order to install a monument sign that is located 2’ from Route 59 on the Subject Property; and

**WHEREAS**, Section 6-16-5:2.2.5.1. requires ground signs to be setback 10' from the property line when fronting a major arterial road; and

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

**WHEREAS**, on August 1, 2018, the Planning and Zoning Commission considered the requested setback 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 6-16-5:2.2.5.1 (Signs on Commercial and Institutional Property: Ground Sign Setbacks) of the Naperville Municipal Code to allow for a reduction in the setback requirement of a monument sign from a major arterial road from 10' to 2' for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

**SECTION 3:** 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 4:** 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 5:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 6:** 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 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

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