

PIN: 07-01-10-101-018

ADDRESS:
3320 S. IL ROUTE 59
NAPERVILLE, IL 60564

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 #24-1-077

ORDINANCE NO. 24 -

**AN ORDINANCE GRANTING A VARIANCE FROM SECTION 6-9-6:2.2
(SUPPLEMENTAL STANDARDS FOR DRIVE-THROUGH STACKING LANES) OF
THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT
3320 S. IL ROUTE 59**

[CHICK-FIL-A]

RECITALS

1. **WHEREAS**, John R. Properties, LLC, 8703 Shaffer Drive, Powell, OH 43065 (“**Owner**”), is the owner of real property located at 3320 S. IL Route 59, Naperville, IL 60564, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).
2. **WHEREAS**, HR Green Development, LLC (c/o Joseph Vavrina), 1391 Corporate Drive, Suite 203, McHenry, IL 60050 (“**Petitioner**”), has petitioned the City of Naperville for approval of a variance to Section 6-9-6:2.2 of the Naperville Municipal Code to reduce the length of the required bypass lane to redevelop the Subject Property with a drive-through only Chick-fil-a restaurant.

3. **WHEREAS**, the Subject Property is zoned B2 (Community Shopping Center District) and drive-through only eating establishments are a permitted use in the B2 zoning district.
4. **WHEREAS**, the site plan for the drive-through eating establishment, 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 Petitioner requests approval of a variance to Section 6-9-6:2.2 (Supplemental Standards For Drive-Through Stacking Lanes) of the Naperville Municipal Code to reduce the length of the required bypass lane and have the bypass lane end prior to order fulfillment as illustrated on **Exhibit C** (“**Site Plan**”).
6. **WHEREAS**, on October 16, 2024, the Planning and Zoning Commission considered the Petitioner’s variance request and recommended approval of Petitioner’s request.
7. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner’s requests meet the variance standards as provided in **Exhibit D** 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, subject to the following condition:

- i. If the City Engineer determines that the drive-through operations at the Subject Property are adversely impacting Lacrosse Lane or access to adjacent commercial properties, the owner of the Subject Property (or Owner’s successors, transferees, and assigns) shall promptly take adequate measures to adjust drive-through operations, including but not limited to restricting the hours of operation the drive-through may be used, and/or formally assigning/reserving parking spaces for pick-up orders, as necessary, and/or modifying vehicular circulation on the site. All measures shall be subject to the review and approval of the City Engineer. Failure to timely take adequate measures to adequately accommodate the drive-through needs on the Subject Property to the satisfaction of the City Engineer may result in the City’s revocation of the variance approved herein.

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

SECTION 4: The Building Elevations, attached to this Ordinance as **Exhibit E**, are hereby approved as the controlling building elevations 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: 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 Will County Recorder.

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

SECTION 9: 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