

**PIN:**  
**08-08-100-025**

**ADDRESS:**  
**1255 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 #20-1-087**

**ORDINANCE NO. 20 - \_\_\_\_**

**AN ORDINANCE GRANTING A FENCE VARIANCE FOR THE SUBJECT PROPERTY  
LOCATED AT 1255 E. OGDEN AVE. (COSTCO)**

**RECITALS**

1. **WHEREAS**, Costco Wholesale Corporation c/o TJ Design Strategies LTD, LLC. (“**Petitioner**”), has petitioned the City of Naperville for approval of a fence variance for real property located at 1255 E. Ogden Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Norcor Naperville Associates, LLC., c/o Newcastle Properties (“**Owner**”) is the owner of the Subject Property; and
3. **WHEREAS**, the Subject Property is zoned B2 (Community Shopping District) and is currently being redeveloped with a members-only Costco retail warehouse and gas station; and
4. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 5-10-

3:5.2.4.1 (Landscaping and Screening/Rear and Interior Side Yards) of the City Code to seek relief from installing a 6-foot fence along the entire length of the Subject Property's west lot line, and to instead maintain the existing trees as a visual screen along 490 feet of the northern portion of the west lot line as depicted on **Exhibit C**; and

5. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit D** attached hereto; and
6. **WHEREAS**, on October 21, 2020, the Planning and Zoning Commission considered PZC 20-1-087 and recommended approval of the Petitioner's requests; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's requests 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 5-10-3:5.2.4.1 (Landscaping and Screening/Rear and Interior Side Yards) of the City Code to seek relief from installing a 6-foot fence along the entire length of the west lot line, and to instead maintain the existing trees as a visual screen along 490 feet of the northern portion of the subject property's west property line as depicted on **Exhibit C**, 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 \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk