

PIN:
08-08-202-062

ADDRESS:
1420 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 #21-1-130

ORDINANCE NO. 22 - _____

AN ORDINANCE APPROVING A CONDITIONAL USE AND
VARIANCES TO SECTION 6-7C-7:3, SECTION 6-2-14-1, AND 6-14-4:3.3.2 OF THE
NAPERVILLE MUNICIPLE CODE FOR AN AUTOMOBILE SERVICE
STATION AT 1420 E. OGDEN AVENUE (CASEY'S)

RECITALS

1. **WHEREAS**, Casey's Retail Company (Sole Member of Buchanan Energy (S)), LLC, 3305 SE Delaware Avenue, Ankeny, IA 50021 ("**Petitioner and Owner**") owns real property located at 1420 E. Ogden Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District); and is improved with a 765 square-foot convenience store, a gas canopy with eight fuel pumps, and a car wash ("hereinafter referred to as the "**Existing Improvements**"); and
3. **WHEREAS**, the Petitioner and Owner has requested approval of a conditional use for an automobile service station in the B3 District in order to demolish the Existing Improvements and develop a 4,748 square-foot convenience store and a 5,168 square-foot gas canopy with ten gas pumps; and

4. **WHEREAS**, the Petitioner and Owner has also petitioned the City of Naperville for approval of a variances to the following sections of the Naperville Municipal Code: (i) Section 6-7C-7:3 (Yard Requirements) to reduce the required side yard setback along the Middle Road property line from 30 feet to 15 feet; (ii) Section 6-2-14:1 (Major Arterial Setback Requirements) to reduce the required major arterial setback along the west property line from 20 feet to seven feet; and (iii) Section 6-14-4:3.3.2 (Performance Standards) to exceed the permitted average horizontal illuminance standards to allow an average footcandle level of 3.81 for paved area and an average footcandle level of 20.06 under the canopy; and
5. **WHEREAS**, on May 4, 2022, the Planning and Zoning Commission conducted a public hearing to consider the Owner and Petitioner's requests for the Subject Property, and recommended approval of the Owner and Petitioner's requests subject to the following conditions: (a) the gas canopy shall comply with the City's Building Design Guidelines; (b) the proposed 6' fence along the south and southeast lot lines shall be increased to 8' in height; and (c) the proposed fence shall be constructed along the south property line; and
6. **WHEREAS**, the Owner and Petitioner have updated their plans to reflect the conditions recommended by the Planning and Zoning Commission at their May 4, 2022 meeting; and
7. **WHEREAS**, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the requested conditional use to allow for an automobile service station on the Subject Property in accordance with Section 6-7C-3 of the Naperville

Municipal Code meets the Standards for Conditional Uses as provided in **Exhibit C** attached hereto; and

8. **WHEREAS**, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the requested variances to Sections 6-7C-7:3, 6-2-14-1, and 6-14-4:3.3.2 of the Naperville Municipal Code meet the Standards for Granting a Zoning Variance for the Subject Property as provided in **Exhibit D** attached hereto; and
9. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, the City Council of the City of Naperville has determined that a conditional use in the B3 (General Commercial District) zoning district, and the variances specified above should be approved for the Subject Property.

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 here.

All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A conditional use to allow for an automobile service station at the Subject Property pursuant to Section 6-7C-3 (B3 District: Conditional Uses) of the Municipal Code is hereby approved.

SECTION 3: The following variances to the Naperville Municipal Code are hereby approved:

- i. to reduce the required side yard setback along the Middle Road property line from 30 feet to 15 feet pursuant to Section 6-7C-7:3 (Yard Requirements) and as depicted on **Exhibit B**;

- ii. to reduce the required major arterial setback along the west property line from 20 feet to seven feet pursuant to Section 6-2-14:1 (Major Arterial Setback Requirements) and as depicted on **Exhibit B**; and,
- iii. to exceed the permitted average horizontal illuminance standards to allow an average footcandle level of 3.81 for paved area and an average footcandle level of 20.06 under the canopy pursuant to Section 6-14-4:3.3.2 (Performance Standards) and as depicted on **Exhibit E**.

SECTION 4: The Site Plan, attached to this Ordinance as **Exhibit B**, 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.

SECTION 6: The Landscape Plan attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 7: 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 8: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 9: 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 10: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk