

**PINs:
08-08-101-007
08-08-101-008**

**ADDRESS:
1519 N. NAPER BOULEVARD
NAPERVILLE, ILLINOIS 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 #18-1-111

ORDINANCE NO. 18 -

**AN ORDINANCE APPROVING A CONDITIONAL USE IN THE B3 (GENERAL COMMERCIAL) DISTRICT TO ALLOW AN AUTOMOBILE SERVICE STATION AND VARIANCES TO SECTION 6-9-3, SECTION 6-9-6, SECTION 6-9-2, SECTION 6-16-3, AND SECTION 6-16-5 OF THE NAPERVILLE MUNICIPAL CODE
FOR TARTAN POINT SUBDIVISION**

WHEREAS, Great Lakes Credit Union (“Owner”) as the surviving credit union through a merger with Hawthorn Credit Union, owns property located at 1519 N. Naper Boulevard, Naperville, IL 60563, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, the Subject Property is zoned B3 (General Commercial) District in the City of Naperville; and

WHEREAS, TRG Acquisitions, LLC (“Petitioner”), an Illinois limited liability company, 350 W. Hubbard Street, Suite 640, Chicago, IL 60654, has petitioned the City of Naperville for approval of a conditional use in the B3 zoning district to allow for the

development of an automobile service station on the Subject Property in accordance with Section 6-7C-3 of the Naperville Municipal Code; and, variances to the following sections of the Naperville Municipal Code: (i) Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow a parking ratio of 13 spaces per 1,000 square feet for Culver's; (ii) Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) to eliminate the required bypass lane for the Circle K carwash; (iii) Section 6-9-2 (Off Street Parking Facilities) to reduce the front yard parking setback from 70' to 60' from the roadway centerline and from 20' to 10' from the right-of-way line; (iv) Section 6-16-3 (Prohibited Signs) to permit off-site monument signage on Lot 3 of the Subject Property; (v) Section 6-16-5 (Signs on Commercial and Institutional Property) to permit monument signage within 40' of an interior setback line on Lots 1 and 2 of the Subject Property; and

WHEREAS, on December 5, 2018, the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-111 to consider the Petitioner's requests for the Subject Property, and recommended approval of Petitioner's requests; and

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

WHEREAS, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the requested variances to Sections 6-9-3, 6-9-6, 6-9-2, 6-16-3, and 6-16-5 of the Naperville Municipal Code, as described herein, meet the Standards for Granting a Zoning Variance for the Subject Property as provided in **Exhibit D** attached hereto; and

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) 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 herein as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

SECTION 2: A conditional use to allow an automobile service station on the Subject Property, as depicted on **Exhibit E**, is hereby approved.

SECTION 3: The Site Plan for Lots 1, 2, and 3 of Tartan Point Subdivision, as depicted on **Exhibit E**, is hereby approved.

SECTION 4: Variances to the Naperville Municipal Code are hereby approved:

- i. Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow a parking ratio of 13 spaces per 1,000 square feet for Culver's, subject to the following condition:
 - a. In the event that the current and proposed tenants' parking needs cannot be accommodated within the proposed parking on the Subject Property as depicted on **Exhibit E**, the Petitioner and Owner shall take measures, such as requiring tenants to alter business hours, number of employees or other business operations, alter the tenant mix, or establish an overflow

parking location off-site, as necessary, to meet the parking demands of the tenants, subject to review and approval by the Zoning Administrator.

- ii. Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) to eliminate the required bypass lane for the Circle K carwash;
- iii. Section 6-9-2 (Off Street Parking Facilities) to reduce the front yard parking setback from 70' to 60' from the roadway centerline and from 20' to 10' from the right-of-way line;
- iv. Section 6-16-3 (Prohibited Signs) to permit off-site monument signage on Lot 3; and,
- v. Section 6-16-5 (Signs on Commercial and Institutional Property) to permit monument signage within 40' of an interior setback line on Lots 1 and 2.

SECTION 5: The Building Elevations and Ground Sign Elevations for Circle K, attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 6: The Building Elevations and Ground Sign Elevations for Culver's, attached to this Ordinance as **Exhibit G**, are hereby approved.

SECTION 7: The Preliminary Landscape Plan for Tartan Point Subdivision, attached to this Ordinance as **Exhibit H**, is hereby approved.

SECTION 8: This Ordinance is subject to all conditions and requirements set forth in Title 6 (Zoning) of the Naperville Municipal Code, as amended from time to time, and to all supporting documents and exhibits contained as a part of the record of the public hearing before the Planning and Zoning Commission.

SECTION 9: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

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

SECTION 11: 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 12: This Ordinance shall be in full force and effect from and after 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