

PIN: 07-03-302-005-0000

ADDRESS:
1671 N. IL ROUTE 59
NAPERVILLE, IL 60563

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 #22-1-010

ORDINANCE NO. 23 -

**AN ORDINANCE GRANTING VARIANCES TO
SECTION 6-9-3 (OFF-STREET PARKING REQUIREMENTS),
SECTION 6-16-5:2.2.5 (SIGNS ON COMMERCIAL AND INSTITUTIONAL
PROPERTY), AND SECTION 6-9-2:4.6 (OFF-STREET PARKING FACILITIES) OF
THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT
1671 N. IL ROUTE 59 (DUNKIN' GO)**

RECITALS

1. **WHEREAS**, Prakash Patel, 352 Jennifer Lane, Roselle, IL 60172 ("**Owner**" and "**Petitioner**"), is the owner of real property located at 1671 N. IL Route 59, Naperville, IL 60563, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Owner has petitioned the City of Naperville for approval of multiple variances to develop the Subject Property with Dunkin' Go, drive-through coffee shop, including:

- (a) A variance to Section 6-9-3 (Off-Street Parking Requirements) of the Municipal Code to decrease the number of required parking spaces from 11 spaces to 8 spaces;
- (b) A variance to Section 6-16-5:2.2.5 (Signs on Commercial and Institutional Property) of the Municipal Code to decrease the required ground sign setback from 10 feet to 7 feet along a major arterial;
- (c) A variance to Section 6-9-2:4.6 (Off-Street Parking Facilities) of the Municipal Code to allow off-street parking areas to encroach up to 15 ft. into the required 20 ft. major arterial setback; and

- 3. **WHEREAS**, the Owner's variances requests as outlined in Recital 2 are further detailed in Petitioner's Response to Standards attached hereto as **Exhibit C**;
- 4. **WHEREAS**, on May 3, 2023, the City's Planning and Zoning Commission conducted a public hearing regarding the Petitioner's requests and recommended approval of the Petitioner's requests; and
- 5. **WHEREAS**, notwithstanding the foregoing, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the Petitioner's variance requests meet the standards for approval as provided in **Exhibit C** attached hereto and should be approved for the Subject Property 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 6-9-3 (Off-Street Parking Requirements) of the Municipal Code to decrease the number of required parking spaces from 11 spaces to 8 spaces as depicted on **Exhibit D** (“**Site Plan**”), is hereby approved.

SECTION 3: A variance to Section 6-16-5:2.2.5 (Signs on Commercial and Institutional Property) of the Municipal Code to decrease the required ground sign setback from 10 feet to 7 feet along a major arterial as depicted on **Exhibit D** (“**Site Plan**”), is hereby approved.

SECTION 4: Section 6-9-2:4.6 (Off-Street Parking Facilities) of the Municipal Code to allow off-street parking areas to encroach up to 15 ft. into the required 20 ft. major arterial setback as depicted on **Exhibit D** (“**Site Plan**”), is hereby approved.

SECTION 5: The Site Plan, attached to this Ordinance as **Exhibit D**, is hereby approved as the controlling site plan for the Subject Property.

SECTION 6: The Sign Elevations, attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 7: The Landscape Plan, attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 8: 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 9: The variances approved by this Ordinance 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 10: 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 office of the Recorder in which the Subject Property is located within.

SECTION 11: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 12:If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 13:This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk