

PIN: 07-14-102-009

PROPERTY ADDRESS:
1532 NORTH AURORA ROAD
NAPERVILLE, IL 60563

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #DEV-0100-2025

ORDINANCE NO. 26- ____

AN ORDINANCE APPROVING A CONDITIONAL USE FOR AN AUTOMOTIVE SERVICE STATION AND A VARIANCE TO THE BYPASS LANE REQUIREMENT FOR THE PROPERTY LOCATED AT 1532 NORTH AURORA ROAD (BP)

RECITALS

1. **WHEREAS**, CIMA Developers, LP., 30W180 Butterfield Road, Warrenville, IL 60555 ("**Petitioner**"), has petitioned the City of Naperville for approval of a conditional use for an automotive service station in the B3 (General Commercial District) zoning district and a variance to the bypass lane requirement for the property located at 1532 North Aurora Road, Naperville, Illinois, 60563, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, River West Plaza LLC, 1 E. 22nd Street, Suite 201, Lombard, IL 60148 ("**Owner**") is the owner of the Subject Property and has authorized the Petitioner, as defined herein, to submit a petition to the City seeking the relief described herein.

3. **WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District) and is improved with an approximately 3,660 square-foot BP To Go convenience store, a BP fueling canopy structure, and ten (10) fueling stations.
4. **WHEREAS**, the gas station on the Subject Property pre-dates a text amendment approved in 2016 to revise the B3 zoning district and require conditional uses for automobile service stations and is therefore considered an existing non-conforming use.
5. **WHEREAS**, the Petitioner proposes to add a drive-through lane for a quick service restaurant to the existing automobile service station on the Subject Property.
6. **WHEREAS**, the addition of the drive-through lane to the Subject Property triggers the requirement for the petitioner to seek and obtain conditional use approval pursuant to Section 6-7C-3:2 (B3 District: Conditional Uses) of the Naperville Municipal Code.
7. **WHEREAS**, the Petitioner requests approval of a conditional use for an automobile service station in the B3 District pursuant to Section 6-7C-3:2 (B3/Conditional Uses) of the Naperville Municipal Code to add a drive-through lane to the Subject Property.
8. **WHEREAS**, the requested conditional use meets the Standards for Conditional Uses as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.
9. **WHEREAS**, the Petitioner requests approval of a variance to Section 6-9-6:2.2 (Supplemental Standards for Drive-Through Stacking Lanes: Bypass Lane) of the

Naperville Municipal Code to provide a partial bypass lane for approximately 66-feet of length of the approximately 170-foot-long drive-through.

10. **WHEREAS**, the requested variance meets the Standards for Granting a Zoning Variance as provided in **Exhibit C** attached hereto.

11. **WHEREAS**, on December 17, 2025, the Planning and Zoning Commission conducted a public hearing to consider the requested conditional use and variance and recommended approval of the Petitioner's requests subject to a condition.

12. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request 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 conditional use for an automobile service station in the B3 District pursuant to Section 6-7C-3:2 (B3/Conditional Uses) of the Naperville Municipal Code is hereby granted.

SECTION 3: A variance to Section 6-9-6:2.2 (Supplemental Standards for Drive-Through Stacking Lanes: Bypass Lane) of the Naperville Municipal Code to provide a partial bypass lane is hereby granted, subject to the following condition:

1. The City shall not issue a certificate of occupancy until drive-through stacking has been verified as sufficient for the proposed fast service restaurant user (User). Once a User has been identified, the petitioner shall submit a stacking evaluation for the proposed User that provides stacking data based on existing User locations (or equivalent restaurant types if the User is the first of its kind) to confirm that stacking needs for the proposed User can be met with the twelve (12) available on-

site stacking spaces. If staff determines that the on-site stacking spaces are insufficient for the proposed User, the petitioner shall request a major change to the approved conditional use to be reviewed by the Planning and Zoning Commission and City Council.

SECTION 4: The Site Plan for the Subject Property, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 5: The Final Landscape Plan for the Subject Property, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 6: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: 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 9: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk