

**PIN:**  
**08-07-309-005**  
**08-07-309-006**  
**PT OF 08-07-308-018**

**ADDRESS:**  
**215-231 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 #17-1-006**

**ORDINANCE NO. 17 - \_\_\_\_**

**AN ORDINANCE GRANTING VARIANCES FROM SECTION 6-9-3 (SCHEDULE OF OFF-STREET PARKING REQUIREMENTS), SECTION 6-2-14 (MAJOR ARTERIAL SETBACK), SECTION 6-9-2 (OFF-STREET PARKING FACILITIES), SECTION 6-9-6 (SUPPLEMENTAL STANDARDS FOR DRIVE-THROUGH STACKING LANES), AND SECTION 6-16-5 (SIGNS: SIGNS ON COMMERCIAL AND INSTITUTIONAL PROPERTY) OF THE NAPERVILLE MUNICIPAL CODE AND SECTION 1.3.2 (COMMERCIAL SITE DESIGN: PARKING LOTS) OF THE NAPERVILLE DESIGN MANUAL FOR PUBLIC IMPROVEMENTS FOR THE PROPERTY AT 215-231 E. OGDEN AVENUE**

**WHEREAS**, Vequity ("Petitioner") has requested approval of variances from Section 6-9-3 (Schedule of Off-Street Parking Requirements), Section 6-2-14 (Major Arterial Setback), Section 6-9-2 (Off Street Parking Facilities), Section 6-9-6 (Supplemental Standards for Drive-through Stacking Lanes), and Section 6-16-5 (Signs: Signs on Commercial and Institutional Property) of the Naperville Municipal Code and Section 1.3.2 (Commercial Site Design: Parking Lots) of the City's Design Manual in order to renovate the existing multi-tenant shopping center on the property commonly known as 215-

231 E. Ogden Avenue, Naperville IL, which is legally described in **Exhibit A**, and depicted on **Exhibit B** (“Subject Property”); and

**WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District) and is improved with a single-story concrete and stucco building and an associated asphalt parking lot; and

**WHEREAS**, the Petitioner proposes to remove the western 20.5’ of the existing multi-tenant building in order to accommodate a drive-through, update the building façade from stucco to face brick and fiberboard, remove the western access point on Ogden Avenue, and remove the existing non-conforming pole sign; and

**WHEREAS**, the Petitioner requests a variance to reduce the number of required off-street parking spaces from 32 spaces to 22 spaces on the Subject Property; and

**WHEREAS**, the Petitioner requests a variance to reduce the minimum 60’ required major arterial setback for parking facilities to permit parking to be located approximately 58.5’ from the centerline of the Ogden Avenue right-of-way on the Subject Property; and

**WHEREAS**, the Petitioner requests a variance to reduce the minimum 5’ required setback for parking facilities to permit parking to be located approximately 1.5’ from the west property line and the drive-through bypass lane to be located approximately 1’ from the north property line of Subject Property; and

**WHEREAS**, the Petitioner requests a variance to reduce the minimum 40’ required setback for a drive-through facility from a residential area to permit a drive-through facility to be located approximately 8.5’ from the residential area to the east of Subject Property; and

**WHEREAS**, the Petitioner requests a variance to allow a bypass lane that does not extend the full length of the drive-through; and

**WHEREAS**, the Petitioner requests a variance to reduce the minimum 40' required setback for a ground sign from an interior property line to permit a ground sign to be located approximately 32.2' from the east from property line of the Subject Property; and

**WHEREAS**, the Petitioner requests a variance to reduce the minimum 26' required parking lot aisle width to permit an aisle width of 24' at the Subject Property; and

**WHEREAS**, on June 7, 2017, the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-006, and recommended approval of the Petitioner's requests; and

**WHEREAS**, the requested variances meet the Standards for Granting a Variance as provided in **Exhibit C** attached hereto; and

**WHEREAS**, the City Council of the City of Naperville has determined that the variance should be granted to the extent set forth in this Ordinance.

**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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance to 6-9-3 (Schedule of Off-Street Parking Requirements) of the Naperville Municipal Code is hereby granted to reduce the required number of parking spaces from 32 spaces to 22 spaces located at the Subject Property subject to the following:

1. In the event that the current and proposed tenants' parking needs cannot be accommodated within the existing parking on the Subject Property, 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.

2. Additional parking variances shall not be required to be processed by the Petitioner and Owner provided that future tenants are operationally similar to the existing tenants, subject to review and approval by the Zoning Administrator. Furthermore, no future tenants shall have a parking requirement, per Title 6 (Zoning Ordinance) of the Naperville Municipal Code, which exceeds 4.5 parking spaces per 1,000 square feet of gross floor area.

**SECTION 3:** A variance to Section 6-2-14 (Major Arterial Setback) of the Naperville Municipal Code is hereby granted to allow parking to be located 58.5' from the centerline of the Ogden Avenue right-of-way, as depicted on the Site Dimensional Plan attached hereto as **Exhibit D.**

**SECTION 4:** A variance to Section 6-9-2:4.3.2 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities) of the Naperville Municipal Code is hereby granted to allow parking to be located 1.5' from the west property line, as depicted on the Site Dimensional Plan attached hereto as **Exhibit D.**

**SECTION 5:** A variance to Section 6-9-2:4.3.2 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities) of the Naperville Municipal Code is hereby granted to allow the drive-through bypass lane to be located 1' from the north property line, as depicted on the Site Dimensional Plan attached hereto as **Exhibit D.**

**SECTION 6:** A variance to Section 6-9-6:2.1.1 (Supplemental Standards for Drive-through Stacking Lanes: Setbacks and Landscaping) of the Naperville Municipal Code is hereby granted to allow the drive-through to be located 31.75' from the residential area to the east, as depicted on the Site Dimensional Plan attached hereto as **Exhibit D.**

**SECTION 7:** A variance to Section 6-9-6:2.1.1 (Supplemental Standards for Drive-through Stacking Lanes: Setbacks and Landscaping) of the Naperville Municipal Code is

hereby granted to allow a bypass lane that does not extend the full length of the drive-through on the Subject Property as depicted on the Site Plan attached hereto as **Exhibit E**.

**SECTION 8:** A variance to Section 6-16-5:2.2.5.3 (Signs on Commercial and Institutional Property: Ground Signs: Setbacks) of the Naperville Municipal Code is hereby granted to allow the ground sign to be located 32.2' from the east property line, as depicted on the Site Plan attached hereto as **Exhibit D**.

**SECTION 9:** A deviation to Section 1.3.2 (Commercial Site Design: Parking Lots) of the Design Manual for Public Improvements is hereby approved to allow a reduction in the parking lot drive aisle width from 26' to 24', as depicted on the Site Dimensional Plan attached hereto as **Exhibit D**.

**SECTION 10:** The variances 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 11:** The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

**SECTION 12:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Steve Chirico

Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk