

PIN: 07-27-300-016

ADDRESS:
1440 S ROUTE 59
NAPERVILLE, IL 60564

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

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

PZC Case #23-1-061

ORDINANCE NO. 23 - _____

AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION FOR THE
RESUBDIVISION OF LOT 8 OF THE BRACH BRODIE PROPERTY UNIT – 1
(TOMMY’S CAR WASH)

RECITALS

1. **WHEREAS**, Wash Holdings 23, LLC, 4609 33rd Avenue, Suite 400, Fargo, North Dakota, 58194 (“**Petitioner**”), has petitioned the City of Naperville for approval of a Preliminary Plat of Subdivision for the Resubdivision of Lot 8 of the Brach Brodie Property Unit – 1 for certain property located at the southeast corner of Route 59 and Beebe Drive, Naperville, Illinois, legally described on **Exhibit A**, and depicted on **Exhibit B** (“**Subject Property**”).
2. **WHEREAS**, Lowe’s Home Centers, LLC, 1000 Lowe’s Boulevard, Mooresville, North Carolina, 28117 (“**Owner**”), is the owner of the Subject Property.

3. **WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping Center District) with a conditional use for the Brach Brodie Lot 8 PUD.
4. **WHEREAS**, with the authorization of the Owner, the Petitioner has petitioned the City of Naperville for approval of a Preliminary Plat of Subdivision for the Resubdivision of Lot 8 of the Brach Brodie Property Unit – 1 in order to allow for the development of a car wash, known as Tommy’s Express.
5. **WHEREAS**, Petitioner has requested the City approve this Ordinance seeking approval of a Preliminary Plat of Subdivision for the Subject Property as described herein (“**Ordinance**”), along with an ordinance approving a major change to the Brach/Brodie Lot 8 PUD, a preliminary PUD plat for the Subject Property and deviations to permit a car wash in a B2 zoned PUD, to decrease the required parking for the existing Lowe’s store and for the proposed car wash, and reduce the amount of parking lot perimeter landscaping for the Subject Property, (hereinafter together referenced as the “**Tommy’s Express Ordinances**”).
6. **WHEREAS**, the Preliminary Plat of Subdivision for the Resubdivision of Lot 8 of the Brach Brodie Property Unit – 1 is in technical compliance with preliminary plat requirements.
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary Plat of Subdivision for the Resubdivision of Lot 8 of the Brach Brodie Property Unit – 1 should be approved 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: The Preliminary Plat of Subdivision for the Resubdivision of Lot 8 of the Brach Brodie Property Unit - 1, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: The City Clerk is authorized and directed to record this Ordinance and the Preliminary Plat of Subdivision, with the DuPage County Recorder.

SECTION 5: 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 6: 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:

Dawn C. Portner
City Clerk