

PINs: 07-26-201-005

ADDRESS:
1295 RICKERT DRIVE
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #16-1-029

ORDINANCE NO. 17- __

AN ORDINANCE APPROVING A MAJOR CHANGE TO THE TOWN SQUARE PUD FOR A CONDITIONAL USE IN THE B2 (COMMUNITY SHOPPING CENTER DISTRICT) TO ALLOW A GAS STATION AND CAR WASH, AND A DEVIATION TO MUNICIPAL CODE SECTION 6-7B-7 (B2: YARD REQUIREMENTS) TO REDUCE THE INTERIOR SIDE YARD SETBACK AT 1295 RICKET DRIVE

WHEREAS, Ambrose Design Group LLC ("Petitioner") has petitioned the City of Naperville for approval of a Major Change to the Town Square Planned Unit Development (PUD) for a conditional use in the B2 (Community Shopping Center District) to allow a gas station and car wash, and a Deviation to reduce the interior side yard setback on the subject property legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the petitioner proposes to improve the Subject Property with a new approximately 3,600 square foot convenience store, a new car wash building, and additional gas pumps; and

WHEREAS, the property was rezoned from R3 (Medium Density Multiple-family Residence District) to B2 (Community Shopping Center District), and a gas station and car wash require a conditional use in the B2 district; and

WHEREAS, the petitioner also requests a Deviation to Municipal Code Section 6-7B-7 (B2: Yard Requirements) to reduce the interior side yard setback for the car wash building from 12' to 10'; and

WHEREAS, the Municipal Code of the City of Naperville requires that a conditional use and a Deviation be subject to a Major Change to the PUD; and

WHEREAS, on June 21, 2017, the Planning and Zoning Commission conducted a public hearing to consider the Petitioner's requests for the Subject Property, and recommended approval of the request; and

WHEREAS, the requested major change to the PUD, conditional use, and deviation meet the standards as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that the Major Change to the Town Square PUD for a conditional use to allow a gas station and car wash, and a deviation to reduce the interior side yard setback on the Subject Property should be approved.

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 and made part hereof.

SECTION 2: A Major Change to the Town Square PUD for a conditional use in the B2 district to allow for a gas station and car wash, as depicted on the Final PUD Plat for Town Square Lot 4 attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: A Major Change to the Town Square PUD for a deviation to reduce the interior side yard setback for the car wash building from 12' to 10', as depicted on the Final PUD Plat for Town Square Lot 4 attached to this Ordinance as Exhibit B, is hereby approved.

SECTION 4: The Final Landscape Plan for Town Square Lot 4, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 5: The Building Elevations for Town Square Lot 4, attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 6: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder at the direction of the City Attorney.

SECTION 7: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk