

PIN: 07-14-300-022

ADDRESS:  
1492 W OGDEN AVENUE  
NAPERVILLE, IL 60540

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 #23-1-082

**ORDINANCE NO. 23 -**

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR A CAR WASH IN THE B3 ZONING DISTRICT AND GRANTING A VARIANCE TO SECTION 6-9-6:2.2 (SUPPLEMENTAL STANDARDS FOR DRIVE-THROUGH STACKING LANES) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 1492 W OGDEN AVENUE (WOLF CAR WASH)**

**RECITALS**

1. **WHEREAS**, Penny D. Wolf, Daniel S. Wolf and Randall E. Wolf, as co-Trustees of the Declaration of Trust of Daniel A. Wolf, under a certain trust agreement dated December 23, 1992, 2251 Gulf of Mexico Drive, Suite 201, Longboat Key, FL 34228, are the owners ("**Owners**") of real property located at 1492 W Ogden Avenue, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, with the authorization of the Owners, Daniel S. Wolf, 1248 Oxford Lane, Naperville, IL 60540 ("**Petitioner**"), has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision to subdivide the Subject Property into two lots

(“**Lot 1**” and “**Lot 2**”) and a conditional use for a car wash on Lot 1 of the Subject Property and approval of a variance to Section 6-9-6:2.2 (Supplemental Standards For Drive-Through Stacking Lanes) granting relief from the bypass lane requirement for drive-through services as depicted on **Exhibit C** (“**Site Plan**”).

3. **WHEREAS**, the Petitioner’s conditional use request for a car wash and associated variance as outlined in Recital 2 are further detailed in Petitioner’s Response to Standards attached hereto as **Exhibit D**.
4. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with the ordinance approving a Preliminary/Final Plat of Subdivision for the 1492 West Ogden Avenue Subdivision.
5. **WHEREAS**, on December 6, 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
6. **WHEREAS**, notwithstanding the foregoing, the City Council finds that the requested variance and conditional use meets the standards for approval as provided in **Exhibit D** 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 conditional use for a car wash on Lot 1 of the 1492 West Ogden Avenue Subdivision pursuant to Section 6-7C-3:2 of the Naperville Municipal Code is hereby approved.

**SECTION 3:** A variance to Section 6-9-6:2.2 (Supplemental Standards for Drive-Through Stacking Lanes) to grant relief from the bypass lane requirement for drive-through services for Lot 1 as depicted on **Exhibit C** (“**Site Plan**”), is hereby approved.

**SECTION 4:** The Building Elevations, attached to this Ordinance as **Exhibit E**, are hereby approved.

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

**SECTION 6:** The Landscape Plan, attached to this Ordinance as **Exhibit F**, is hereby approved.

**SECTION 7:** 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 8:** 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 9:** 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 10:** The City Clerk is authorized and directed to record this Ordinance, along with the ordinance approving a Preliminary/Final Plat of Subdivision for the 1492 West Ogden Avenue Subdivision, with the DuPage County Recorder.

**SECTION 11:** 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