

PIN:
07-01-03-307-124

ADDRESS:
2643 FORGUE DRIVE
NAPERVILLE, ILLINOIS 60564

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 #20-1-066

ORDINANCE NO. 20 - _____

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE CONDITIONAL USE FOR
AN AUTOMOBILE REPAIR FACILITY APPROVED BY ORDINANCE 20-031
FOR THE SUBJECT PROPERTY LOCATED AT
2643 FORGUE DRIVE (FIRESTONE)**

RECITALS

1. **WHEREAS**, Jason Horowitz with GBT Realty, 9010 Overlook Blvd, Brentwood, Tennessee, 37027 ("**Petitioner**") has petitioned the City of Naperville for a minor change to the conditional use for an automobile repair facility as approved by Ordinance 20-031 for property located at 2643 Forgue Drive, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Mutual Federal Bankcorp, 2212 W. Cermak Road, Chicago, Illinois, 60608 ("**Owner**") is the owner of the Subject Property; and
3. **WHEREAS**, on April 7, 2020, the City Council of the City of Naperville ("**City**") approved Ordinance 20-031, a major change to amend Lot 11 of the Cantore Place Planned Unit Development, a conditional use to permit an automobile repair facility, and a Final

PUD Plat in order to develop an approximately 6,425 square-foot automotive repair facility; and

4. **WHEREAS**, Ordinance 20-031 included a condition in Section 2b that limited Firestone-Naperville or any future automobile repair facility, to 40dB as measured five feet (5') from the service bay doors; and
5. **WHEREAS**, the Petitioner requests that Section 2b be struck from Ordinance 20-031 and replaced with language limiting Firestone-Naperville or any future automobile repair facility to 62 dB between 7:00am and 7:00pm and 55 dB between 7:00pm and 7:00am pursuant to the Standards in 6-14-4 of the Naperville Municipal Code; and
6. **WHEREAS**, per Section 6-3-8:5.2.4 (Conditional Uses: Minor Changes), the request to alter the approved conditions applicable to a conditional use requires a minor change to the conditional use; and
7. **WHEREAS**, the requested amendment to the Conditional Use meets the Standards for Amending a Conditional Use as provided in **Exhibit C** attached hereto; and
8. **WHEREAS**, the City Council has determined that the Petitioner's requests should be granted as provided herein; and

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 minor change to Ordinance 20-031 in order to strike Section 2b and replace it with the following text:

Section 2b) At no time shall Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property, generate noise in excess of 62 dB between 7:00am and 7:00pm and 55 dB between 7:00pm and 7:00am pursuant to the Standards in 6-14-4 of the Naperville Municipal Code.

SECTION 3: All other provisions of Ordinance 20-031 shall remain in full force and effect.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

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.

SECTION 6: The City Clerk is directed to record this Ordinance and its exhibits with the Will County Recorder.

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

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk