

PIN: 07-12-303-028

ADDRESS:
991 W OGDEN AVENUE
NAPERVILLE, IL 60563

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 #DEV-0026-2025

ORDINANCE NO. 25 -

AN ORDINANCE APPROVING A CONDITIONAL USE FOR AN AUTOMOBILE SERVICE STATION IN THE B3 ZONING DISTRICT FOR THE PROPERTY LOCATED AT 991 W OGDEN AVENUE (MARATHON)

RECITALS

1. **WHEREAS**, Henry Patel, 6N232 Dinah Rd., Medinah, IL 60157, is the owner ("**Owner**") of real property located at 991 W Ogden Avenue, Naperville, IL 60563, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, with authorization from the Owner, Javier Altamirano, P.O. Box 3221, Barrington, IL 60011 ("**Petitioner**"), has petitioned the City of Naperville for approval of a conditional use for an automobile service station on the Subject Property, to allow a nonconforming automobile service station to expand the existing pavement to accommodate a U-Haul business.

3. **WHEREAS**, the Subject property is currently zoned B3 (General Commercial District) and improved with a Marathon gas station and service center including a convenience store, gas station canopy and gas pumps.
4. **WHEREAS**, on August, 16, 2016, Ordinance 16-108 was approved to amend Title 6 (Zoning Regulations), Chapter 7 (Business Districts), Article C (B3 General Commercial District) of the Municipal Code to reclassify automobile service stations, repair facilities, and car washes when used in conjunction with the automobile service station as conditional uses while allowing those which were established prior to the ordinance to continue to operate subject to compliance with Title 6, Chapter 10 (Nonconforming Uses) of the Municipal Code.
5. **WHEREAS**, the existing automobile service station is a nonconforming use as it was established prior to the passing of Ordinance 16-108.
6. **WHEREAS**, Section 6-10-3:3 of the Naperville Municipal Code states that the nonconforming use of land which does not involve a building or structure or which is accessory to the nonconforming use of a building or structure shall not be expanded or extended beyond the area it occupies.
7. **WHEREAS**, with authorization from the Owner, the Petitioner requests approval of a conditional use pursuant to Section 6-7C-3:2 (Conditional Uses) of the Naperville Municipal Code for an automobile service station on the Subject Property, to allow a nonconforming automobile service station to expand the pavement area north of the commercial building as depicted on **Exhibit C** ("**Site Plan**").
8. **WHEREAS**, the requested conditional use meets the standards for conditional uses as provided in **Exhibit D** ("**Response to Standards**") attached hereto.

9. **WHEREAS**, on April 16, 2025, the City's Planning and Zoning Commission conducted a public hearing regarding the Petitioner's requests and recommended denial of the Petitioner's requests.

10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's requests should be granted 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 pursuant to Section 6-7C-3:2 of the Naperville Municipal Code for an automobile service station is hereby approved subject to the following conditions:

- i. Petitioner shall install all fencing and landscaping depicted on **Exhibit E** ("**Landscape Plan**"). Petitioner shall install perimeter fencing and landscaping by no later than September 1, 2025; Petitioner shall install fencing and landscaping immediately adjacent to the new paved surface behind the commercial building within 30 days of completion of the pavement installation or by no later than October 1, 2025, whichever comes first. All landscape materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance; shall be replaced when dead or dying; and shall be kept free of refuse and debris. Fences, walls and other barriers, including refuse disposal areas, shall be maintained in good repair.
- ii. Code-required parking for the gas station, convenience store and service center shall be maintained on-site at all times. U-Haul parking on-site shall be restricted to a maximum of 13 trucks which shall only be permitted in the designated areas depicted on **Exhibit C** ("**Site Plan**"). U-Haul parking shall not be permitted in any code required parking space. All drive aisles on the property and all access points to the site shall remain free and clear of parked vehicles.

- iii. All exterior lighting on-site must comply with Section 6-14-4:3 (Exterior Lighting) of the Code, including the removal or modification of the spotlights directed towards the residential properties to the north of the Subject Property.

SECTION 3: The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property. Any modifications proposed to the Site Plan shall be subject to Section 6-3-8:5 (Conditional Uses: Changes to Approved Conditional Uses) of the Naperville Municipal Code.

SECTION 4: The Landscape Plan, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 6: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: 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 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk