

PINs: 08-08-300-001

ADDRESS:
1032 E. OGDEN AVE.
SUITE 112
NAPERVILLE, IL 60563

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 #21-1-071

ORDINANCE NO. 21- __

**AN ORDINANCE APPROVING A CONDITIONAL USE
FOR AN AUTOMOBILE SERVICE STATION/REPAIR FACILITY
IN THE B3 DISTRICT FOR THE PROPERTY LOCATED AT
1032 E. OGDEN AVE (ALIANZA MUFFLERS AND BRAKES)**

RECITALS

1. **WHEREAS**, Alianza Mufflers and Brakes ("**Petitioner**"), has petitioned the City of Naperville for approval of a conditional use for an automobile service station/repair facility in B3 (General Commercial District) for the property located at 1032 E. Ogden Avenue, Suite 112, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the owner of the Subject Property is Sagar Kumar, 505 N. Roselle, IL 60172 ("**OWNER**"); and
3. **WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District) and is improved with a 1-story multi-tenant commercial building; and

4. **WHEREAS**, the Petitioner is requesting approval of a conditional use for an automobile service station/repair facility in order to locate Alianza Mufflers and Brakes at the Subject Property; and
5. **WHEREAS**, the B3 zoning district regulations were revised through Ordinance 16-108 to require a conditional use for automobile service stations/repair facilities, any existing establishments were permitted to continue to operate subject to the provisions of Section 6-10 (Zoning Regulations: Nonconforming Uses) of the Municipal Code; and
6. **WHEREAS**, the Subject Property was formerly occupied by an automobile service station/repair facility known as Meineke Car Care Center which was permitted to operate per Section 6-10 (Zoning Regulations: Nonconforming Uses); and
7. **WHEREAS**, per Section 6-10 (Zoning Regulations: Nonconforming Uses), a nonconforming use is not permitted to be renewed if the nonconformity is discontinued for a period longer than 6 months;
8. **WHEREAS**, Meineke Car Care Center left the location more than 6 months prior to submittal of an occupancy permit by Alianza Mufflers and Brakes triggering the need for conditional use approval; and
9. **WHEREAS**, the requested conditional use meets the standards for conditional uses as provided in **Exhibit C** attached hereto; and
10. **WHEREAS**, on August 18, 2021, the Planning and Zoning Commission conducted a public hearing to consider the requested conditional use and recommended approval of the Petitioner's request subject to conditions; and

11. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request 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 to allow for an automobile service station/repair facility in Suite 112 of the Subject Property pursuant to Section 6-7C-3:2 (B3 District: Conditional Uses) of the Municipal Code is hereby granted, subject to the following conditions:

1. All work is required to be performed indoors, no work is permitted to be performed outside of the building.
2. All noise levels must be in compliance with Chapter 14 (Performance Standards) of the Municipal Code.

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 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.

SECTION 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk