

PIN: 08-29-104-025

**ADDRESS:
1090 75TH STREET
NAPERVILLE, IL 60565**

**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 #19-1-084

ORDINANCE NO. 19 -

**AN ORDINANCE GRANTING A MAJOR CHANGE TO THE PUD IN ORDER TO
GRANT A SETBACK DEVIATION FOR THE PROPERTY LOCATED AT
1090 75TH STREET (FINISH LINE CAR WASH)**

WHEREAS, Karen Dodge ("Petitioner") has petitioned the City of Naperville to grant a major change to the PUD in order to grant a setback deviation for a ground sign for the real property located at 1090 75th Street, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Wash Werks Enterprises/Bill Loumbardias ("Owner") is the owner of the Subject Property; and

WHEREAS, the Subject Property is zoned B2 PUD (Community Shopping Center District PUD) and is improved with an approximately 5,500 square foot car wash and motor vehicle sales facility; and

WHEREAS, on September 16, 1985, the City Council of the City of Naperville passed Ordinance 85-171, approving a Final Plat of Planned Unit Development to permit a car wash to operate on the Subject Property; and

WHEREAS, on June 17, 2014, the City Council of the City of Naperville passed Ordinance 14-089, approving a conditional use to permit motor vehicle sales on the Subject Property; and

WHEREAS, the Petitioner proposes to remodel the existing car wash and replace the existing ground sign with a new ground sign in the same location; and

WHEREAS, the Petitioner requests a deviation to reduce the required setback from a major arterial for the ground sign from 10' to 0'; and

WHEREAS, motor vehicle sales will no longer occur on the Subject Property; and

WHEREAS, the requested deviation requires approval of a major change to the PUD per Section 6-4-6 (Changes to a Final PUD: Major Change); and

WHEREAS, the requested major change to the PUD meets the Standards for Amending a PUD and the Standards for Granting a Deviation as provided in **Exhibit C** attached hereto; and

WHEREAS, on August 21, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-084 and recommended approval of the petitioner's request; and

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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A major change to the Stenger Subdivision Planned Unit Development in order to grant a deviation to reduce the required major arterial setback for a ground sign from 10' to 0', as shown on **Exhibit B** and **Exhibit D**, is hereby approved.

SECTION 3: Any additional encroachments into the zoning setback other than those approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate deviation to be processed.

SECTION 4: The deviation approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

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 authorized and directed to record this Ordinance with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk