

PIN: 07-27-300-016

ADDRESS:
1440 S ROUTE 59
NAPERVILLE, IL 60564

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-061

ORDINANCE NO. 24 - ____

**AN ORDINANCE APPROVING
A FINAL PLANNED UNIT DEVELOPMENT PLAT FOR THE PROPERTY LOCATED AT
1440 S ROUTE 59 (TOMMY'S EXPRESS CAR WASH)**

RECITALS

1. **WHEREAS**, Wash Holdings 23, LLC, 4609 33rd Avenue, Suite 400, Fargo, North Dakota, 58104 ("**Petitioner**"), has petitioned the City of Naperville for approval of a Final PUD plat to allow for the development of a car wash, known as Tommy's Express, to be located at 1440 S Route 59, Naperville, Illinois, 60564, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, Lowe's Home Centers, LLC, 1000 Lowe's Boulevard, Mooresville, North Carolina, 28117 is the owner of the Subject Property ("**Owner**").
3. **WHEREAS**, on September 17, 2002, the City Council of the City of Naperville passed Ordinance 02-191 approving the Final Planned Unit Development Plat, the Final Plat

of Subdivision, and the development plans for the property known as the Brach Brodie Farm.

4. **WHEREAS**, on March 19, 2003, the City Council of the City of Naperville passed Ordinance 03-079 approving a final PUD plat to allow for the development of lot 8 of the Brach/Brodie property with a retail store (Lowe's).
5. **WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping Center District) with a Conditional Use for a Planned Unit Development.
6. **WHEREAS**, with the authorization of the Owner, the Petitioner has requested the City approve this Ordinance seeking approval of a Final PUD plat for the Subject Property as described herein ("**Ordinance**"), along with an ordinance approving a final plat of subdivision for the Subject Property (hereinafter together referenced as the "**Tommy's Express Ordinances**").
7. **WHEREAS**, the Petitioner requests approval of a Final PUD plat of Lot 8 of the Brach/Brodie property reflecting the proposed subdivision and new land use, as illustrated on **Exhibit B** ("**Final PUD Plat**").
8. **WHEREAS**, a Preliminary PUD plat was approved by the City Council on December, 5 2023.
9. **WHEREAS**, the Final PUD plat of Lot 8 of the Brach/Brodie property is in substantial conformance with preliminary PUD plat that was approved via Ordinance 23-171.
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request for a Final Planned Unit Development Plat 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: The Final Planned Unit Development Plat for Lot 8 of the Brach/Brodie Property Unit 1, attached to this Ordinance as **Exhibit C** (“**Final PUD Plat**”), is hereby approved.

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 and the Final Planned Unit Development Plat for Lot 8 of the Brach/Brodie Property Unit 1 with the DuPage County Recorder.

SECTION 5: Per Section 6-4-8 (Effective Period of a Planned Unit Development), construction on the Subject Property shall commence and proceed within two (2) years from the date of approval of this Ordinance approving the Final Planned Unit Development Plat for Lot 8 of the Brach/Brodie Property Unit 1.

SECTION 6: 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 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk