

PIN:
08-08-105-026

ADDRESS:
1126 E. OGDEN AVENUE
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 #20-1-050

ORDINANCE NO. 20 - _____

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR AN
AUTOMOBILE SERVICE AND REPAIR FACILITY
AND A CORNER SIDE YARD PARKING SETBACK VARIANCE ON THE
PROPERTY LOCATED AT 1126 E. OGDEN AVENUE (BELLE TIRE)**

RECITALS

1. **WHEREAS**, Christopher Enright of Enright Architects, 628 E. Parent Ave. #106, Royal Oak, MI 48067, ("**Petitioner**"), has petitioned the City of Naperville for approval of a conditional use for an automobile service and repair facility and a corner side yard parking setback variance for the real property located at 1126 E. Ogden Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Hancoop @ Naperville, LLC, 445 Broadway, Denver, CO 80203 is the owner of the Subject Property; and
3. **WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District); and is improved with a vacant 6,387 square-foot restaurant building and associated nonconforming parking areas; and

4. **WHEREAS**, the Petitioner has requested approval of a conditional use for an automobile repair facility in the B3 District and a corner side yard parking setback variance in order to develop a 10,000 square-foot automobile service and repair facility hereinafter referred to as “Belle Tire”; and
5. **WHEREAS**, the Petitioner requests approval of a variance from Section 6-2-9:4.3.1 (Off-Street Parking Facilities) of the Naperville Municipal Code to reduce the corner side yard parking setback from 30’ to 5’ from the Burlington Avenue property line on the Subject Property; and
6. **WHEREAS**, the requested conditional use meets the standards for granting a conditional use as provided in **Exhibit C** attached hereto; and
7. **WHEREAS**, the requested variance meets the standards for granting a variance as provided in **Exhibit C** attached hereto; and
8. **WHEREAS**, on September 16, 2020, the Planning and Zoning Commission conducted a public hearing to consider the requested conditional use and parking setback variance for the Subject Property, and recommended approval of the Petitioner’s requests subject to conditions; and
9. **WHEREAS**, the City Council 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 here.

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 and repair facility at the Subject Property pursuant to Section 6-7C-3 (B3 District: Conditional Uses) of the Municipal Code is hereby granted, subject to the following conditions:

- a) The approved conditional use shall be limited to the Belle Tire automotive service/repair facility. The petitioner shall adopt the recommendations of the Sound Propagation Report, attached to this Ordinance as **Exhibit D**, dated September 23, 2020 by Soundscape Engineering, LLC.

SECTION 3: A variance from Section 6-2-9:4.3.1 (Off-Street Parking Facilities) of the Naperville Municipal Code to allow for a reduction in the parking setback from 30' to 5' for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

SECTION 4: The Site Plan, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan for the Subject Property.

SECTION 5: The Building Elevations attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 6: The Landscape Plan attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 7: The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

SECTION 8: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 9: 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 10: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, PhD
City Clerk