

PIN:
01-03-307-124

ADDRESS:
2643 Forgue Drive
NAPERVILLE, IL 60564

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 #19-1-111

ORDINANCE NO. 20 - _____

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE
OF LOT 11 OF CANTORE PLACE PUD,
A CONDITIONAL USE FOR AN AUTOMOBILE REPAIR FACILITY,
AND A FINAL PUD PLAT ON THE PROPERTY LOCATED AT
2643 FORGUE DRIVE (FIRESTONE-NAPERVILLE)**

RECITALS

1. **WHEREAS**, FS Naperville, LLC, 9010 Overlook Road, Brentwood, TN, ("**Petitioner**"), has petitioned the City of Naperville for approval of a major change to a planned unit development, a conditional use for an automobile repair facility, and approval of a final PUD plat for the real property located at 2643 Forgue Lane, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Mutual Federal Bankcorp, 2212 Cermak Road, Chicago, IL 60608 is the owner of the Subject Property; and
3. **WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping Center District) with a Conditional Use for a Planned Unit Development; and

4. **WHEREAS**, on August 4, 2003, the City Council of the City of Naperville passed Ordinance 03-166 approving a preliminary/final subdivision plat, a preliminary/final PUD plat, and a letter of development requirements to allow for the development of an eleven (11) lot mixed use project generally located on the east side of Route 59, north of Cantore Road and south of Leverenz Road; and
5. **WHEREAS**, on November 5, 2008, the City Council passed Ordinance 08-194 approving a major change to the Cantore Place PUD, and a final PUD plat to allow for the development of a bank (“Great American Bank”) with a drive-through on the Subject Property; and
6. **WHEREAS**, the Petitioner has requested approval of a conditional use for an automobile repair facility in the B2 District, a major change to the PUD, and a final PUD plat to establish development details in order to develop a 6,425 square foot automobile repair facility on Lot 11 (Subject Property) hereinafter referred to as “Firestone-Naperville”; and
7. **WHEREAS**, the requested major change to the PUD and the conditional use meet the standards for amending a planned unit development and the standards for granting a conditional use as provided in **Exhibit C** attached hereto; and
8. **WHEREAS**, on January 15, 2020, the Planning and Zoning Commission conducted a public hearing to consider the requested major change to the PUD, conditional use, and preliminary/final PUD plat for the Subject Property, and recommended approval of the Petitioner’s requests; 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 major change to the Lot 11 of Cantore Place Planned Unit Development for a conditional use in the B2 district to allow for an automobile repair facility on the Subject Property pursuant to Section 6-7B-3 (B2: Conditional Uses) of the Municipal Code, and as depicted on the Site Layout Plan attached hereto as **Exhibit D**, is hereby granted to Firestone-Naperville, and to subsequent automobile facilities on the Subject Property, subject to strict compliance with the following conditions:

- a) At no time shall Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property, exceed the noise limitations established in Section 6-14-4 (Performance Standards: Noise) of the Naperville Municipal Code, as amended from time to time.
- b) At no time shall Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property, generate noise in excess of 40dB as measured at a distance of five feet (5') from the service bay doors.
- c) At no time shall Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property, perform any of the following services: heavy engine repair; major transmission work; body work or painting; or towing. Notwithstanding the foregoing, nothing herein prohibits a tow truck operated by another business from bringing a car to the Subject Property for repair.
- d) At no time shall Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property, utilize external speaker systems or amplifiers.
- e) At no time shall Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property, store service vehicles, equipment, or parts outside of the building, except as follows:
 - o Used tires may be temporarily stored within the dumpster enclosure located on the Subject Property until such time that they can be removed from the Subject Property and properly disposed of/recycled at an off-site location. At no time shall said used tires be stacked in a manner that they exceed the height of the dumpster enclosure or be stored outside of the limits of the dumpster enclosure.

- f) At no time shall underground storage tanks be installed and/or utilized at the Subject Property.

SECTION 3: If Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property requests modification of any of the conditions set forth in Section 2 above, said request shall be processed in accordance with Section 6-3-8:5 (Conditional Uses: Changes to an Approved Conditional Use) of the Naperville Municipal Code, as amended from time to time.

SECTION 4: If Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property, seeks modification of the Site Layout Plan attached hereto as Exhibit D, the building elevations attached hereto as Exhibit E, or the landscape plan attached hereto as Exhibit F, as the same are approved by this Ordinance, said request shall be processed in accordance with Section 6-3-8:5 (Conditional Uses: Changes to an Approved Conditional Use) of the Naperville Municipal Code, as amended from time to time.

SECTION 5: The Final PUD Plat for Lot 11 – Cantore Place Lot 1 Resubdivision, attached to this Ordinance as **Exhibit B**, is hereby approved

SECTION 6: The building elevations attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 7: The landscape plan attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 8: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time, and to all supporting documents and exhibits contained as a part of the record of the public hearing before the Planning and Zoning Commission.

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 Will 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, Ph. D.
City Clerk