

PIN:
07-12-303-028

ADDRESS:
991 W. 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 #19-1-031

ORDINANCE NO. 19- __

**AN ORDINANCE APPROVING A CONDITIONAL USE TO PERMIT AN
AUTOMOBILE SERVICE STATION IN THE B3 DISTRICT FOR THE PROPERTY
LOCATED AT 991 W. OGDEN AVENUE**

WHEREAS, Vequity, LLC. ("Petitioner"), has petitioned the City of Naperville for approval of a conditional use to permit an automobile service station in the B3 (General Commercial) district for the property located at 991 W. Ogden Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Subject Property is zoned B3 (General Commercial District) and is currently improved with an automobile service station including an auto body shop, a convenience store, and a truck rental facility; and

WHEREAS, the Petitioner is requesting to demolish the existing improvements in order to construct a new automobile service station and associated convenience store; and

WHEREAS, on August 16, 2016, the City Council of the City of Naperville passed Ordinance 16-108, approving a text amendment to the B3 District in order to move automobile service stations from a permitted use to a conditional use; and

WHEREAS, Ordinance 16-108 included a provision that permitted automobile service stations established prior to August 16, 2016, including the existing station on the Subject Property, to continue to operate as nonconforming uses under Section 6-10 (Nonconforming Uses) of the City's Municipal Code; and

WHEREAS, per Section 6-10 (Nonconforming Uses), a non-conforming use may be continued during the remainder of the normal life of the building in which the nonconforming use is conducted; and

WHEREAS, the Petitioner proposes to demolish the building therefore removing the nonconforming use status; and

WHEREAS, the Petitioner intends to construct a new automobile service station on the Subject Property and requests approval of a conditional use per Section 6-7C-3 (B3 District: Conditional Uses); and

WHEREAS, the requested conditional use meets the standards for conditional uses as provided in **Exhibit C** attached hereto; and

WHEREAS, on June 5, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-031 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 conditional use to permit an automobile service station on the Subject Property pursuant to Section 6-7C-3 (B3 District: Conditional Uses) of the Municipal Code, and as depicted on the Geometric Plan attached hereto as **Exhibit B**, is hereby granted.

SECTION 3: The building elevations, attached to this Ordinance as **Exhibit D**, are hereby approved.

SECTION 4: The landscape plan, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 5: The photometric plan, attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 6: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: 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 9: 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