

**PIN:**  
**08-08-105-011**

**ADDRESS:**  
**1150 EAST 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 #18-1-072**

**ORDINANCE NO. 18 -**

**AN ORDINANCE APPROVING VARIANCES TO SECTION 6-9-6;  
SECTION 6-2-14; SECTION 6-16-5; AND, SECTION 5-10-3 OF THE  
NAPERVILLE MUNICIPAL CODE AT 1150 E. OGDEN FOR WASH-U**

**WHEREAS**, SDO Fund II D33, LLC, 2600 Douglas Road, Suite 901, Coral Gables, Florida 33134 (“Owner”) is the owner of real property located at 1150 E. Ogden Avenue, Naperville, IL, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

**WHEREAS**, Car Wash Development, LLC, 3220 Lapp Lane, Naperville, Illinois 60564 (“Petitioner”) has petitioned the City of Naperville for approval of variances to the following sections of the Naperville Municipal Code: Section 6-9-6 (Supplemental Standards to Drive-Through Stacking Lanes) to reduce the required setback for a drive-through facility adjacent to a residential property from 40 feet to 5 feet; Section 6-2-14 (Major Arterial Setback Requirements) to reduce the required major arterial setback from twenty feet to five feet for the subject property; Section 6-16-5 (Signs on Commercial and Institutional Property) to reduce the required interior side yard setback for a monument sign from 40 feet to 22.97 feet; and, Section 5-10-3 (Landscaping and Screening) to

reduce the required five-foot setback around the perimeter of a parking lot as depicted on **Exhibit B** in order to accommodate the development of a car wash facility on the Subject Property; and

**WHEREAS**, on September 19, 2018, the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-072 to consider the Petitioner's requests for the Subject Property, and recommended approval of Petitioner's requests; and

**WHEREAS**, the City Council finds that the requested variances to Sections 6-9-6; 6-2-14; 6-16-5; and, 5-10-3 of the Naperville Municipal Code meet the Standards for Granting a Zoning Variance as provided in **Exhibit C** attached hereto; and

**WHEREAS**, subject to the terms and conditions set forth and referenced herein, the City Council of the City of Naperville has determined that the variances specified above should be approved.

**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 herein as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

**SECTION 2:** Variances to the Naperville Municipal Code are hereby approved:

- i. Section 6-9-6 (Supplemental Standards to Drive-Through Stacking Lanes) to reduce the required setback for a drive-through facility adjacent to a residential property from 40 feet to 5 feet subject to the continued maintenance of a six-foot fence and continuous landscaping adjacent to the residential uses as depicted on **Exhibit D** ("Landscape Plan"), and noise

levels remaining compliant with Section 6-14-4 of the Naperville Municipal Code along property lines shared with residential uses;

- ii. Section 6-2-14 (Major Arterial Setback Requirements) to reduce the required major arterial setback from twenty feet to five feet for the subject property;
- iii. Section 6-16-5 (Signs on Commercial and Institutional Property) to reduce the required interior side yard setback for a monument sign from 40 feet to 22.97 feet subject to the proposed ground sign remaining consistent with the City's approved East Ogden Monument Sign Standards as depicted on **Exhibit E** ("Ground Sign Rendering"); and,
- iv. Section 5-10-3 (Landscaping and Screening) to reduce the required five-foot setback around the perimeter of a parking lot subject to the continued maintenance of a six-foot fence adjacent to the reduced setback area as depicted on **Exhibit D**.

**SECTION 3:** This Ordinance is subject to all conditions and requirements set forth in Title 6 (Zoning) of the Naperville Municipal Code, as amended, 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 4:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 5:** The City Clerk is authorized and directed to record this Ordinance and its Exhibits with the DuPage County Recorder.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk