

**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 A CONDITIONAL USE IN THE B3 (GENERAL COMMERCIAL) DISTRICT TO ALLOW AN AUTOMOBILE SERVICE STATION 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 a conditional use in the B3 (General Commercial) zoning district to allow an automobile service station on the Subject Property in accordance with Section 6-7C-3 of the Naperville Municipal Code; 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 request for the Subject Property, and recommended approval of Petitioner’s request subject to noise

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

**WHEREAS**, the City Council finds that subject to the terms and conditions set forth and referenced herein, the requested conditional use to allow an automobile service station in accordance with Section 6-7C-3 of the Naperville Municipal Code meets the Standards for Conditional Uses 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 a conditional use for an automobile service station in the B3 (General Commercial) zoning district 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:** A conditional use to allow an automobile service station on the Subject Property, as depicted on **Exhibit B**, is hereby approved, subject to the condition that noise levels remain compliant with the limits established in Section 6-14-4 of the Naperville Municipal Code along property lines shared with residential uses. Should noise levels be determined to be in excess of these limitations, the Petitioner shall take measures, such as modifying business operations or increasing screening and buffering along the applicable property lines, in order to reach compliance with the permissible noise limitations established in Section 6-14-4 of the Naperville Municipal Code. Failure to comply with the noise

limitations may result in the revocation of the conditional use in accordance with Section 6-3-8:4 (Conditional Uses: Effective Period of a Conditional Use) of the Naperville Municipal Code.

**SECTION 3:** The Building Elevations for Wash-U, attached to this Ordinance as **Exhibit D**, are hereby approved.

**SECTION 4:** The Landscape Plan for Wash-U, attached to this Ordinance as **Exhibit E**, is hereby approved.

**SECTION 5:** 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 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 and its Exhibits with the DuPage County Recorder.

**SECTION 8:** 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