

1492 W. Ogden Avenue

**Standards for Granting or Amending a Conditional Use
Section 6-3-8:2**

Standards For Conditional Uses: The commission shall not recommend nor the city council grant a conditional use in a particular zoning district or districts unless it shall make findings based upon the evidence presented to it in each specific case that:

1. **The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare;**

The subject property and contiguous properties along Ogden Avenue have multiple automobile dealers, service and retail uses that have been in operation for years with no detrimental impact to the public health and safety. The proposed car wash use is consistent with the neighboring uses. Therefore, the establishment of the conditional use would not be detrimental to, or endanger the public health, safety and general welfare of the public; and,

2. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**

The surrounding neighborhood is entirely made up of retail and industrial uses within the B-3 and B-2 districts. The proposed conditional use, which is consistent with existing uses and therefore would not substantially diminish or impair property values within the neighborhood; and

3. **The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. (Ord. 80-5, 1-21-1980)**

The surrounding neighborhood is built out and well established. The proposed conditional use is consistent with current uses and would not negatively impact the use of the adjacent properties. Therefore, the petitioned for conditional use would not impede the normal and orderly development and improvement of the adjacent property.

4. **The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.**

The City of Naperville Master Plan designates that the Subject Property, and contiguous properties along Ogden Avenue as a "City Corridor" with applicable Zoning Districts to include B-2, B-3, OCI, TU, and PUD. The Subject Property is zoned B-3 which specifically allows for a car wash as a conditional. Therefore, the conditional use is not in conflict with the adopted comprehensive master plan.

1492 W. Ogden Ave.

Narrative for Zoning Variance on for failure to have a bypass lane along the length of the drive-through or stacking lanes.

City Code 6-9-6 Drive-Through Stacking Lanes, 2.2 Bypass Lane, provides that “A bypass lane shall be provided. The minimum width shall be ten (10) feet.” The code makes no reference to the length of the bypass lane; nor does it make any reference to the general location of same.

City Staff has interpreted the code to reflect that a bypass lane should run the entire length of a stacking lane. While the Petitioner does not share the same opinion as Staff, the interpretation of the Code is moot because we are asking for a variance regardless of interpretation of the Code. Therefore, we offer the following as a basis for support of our variance request:

The purpose of a bypass lane is to offer a patron an option to exit the establishment without using the services offered. In the instance of a car wash, if a patron does not have the funds for payment, or just changes their mind, they may exit the facility without going through the wash.

The Petitioner’s plans do offer a “bail-out” option just prior to the entrance to the car wash, that allows a patron to exit the facility without going through the wash.

If the Staff’s opinion is that a patron must have the ability to exit the stacking lane at any time, and not just at the end of the stacking lanes, such opinion runs counter to existing standard practices, and practical considerations in a multi-stacking lane scenario.

Currently, every bank drive-through facility that I am aware of, does not have a bypass lane which would allow a patron to exit from the stacking lane. A patron wanting to exit the stacking lane without using the bank’s facilities, would just proceed through the service point.

Additionally, Staff’s implied logic that a single bypass lane on the exterior of the proposed three (3) stacking lane configuration would be consistent with the code, such logic would only allow the patrons in the exterior stacking lane to exit the facility, while the two interior stacking lanes would have no ability to exit the facility. Also, with three (3) stacking lanes, it would be physically impossible to provide a bypass lane for each stacking lane.

Therefore, for the above reasons, we respectfully request that our requested variance for failure to have a bypass lane along the length of the drive-through or stacking lanes be granted.

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Standards for Granting a Zoning Variance

Section 6-3-6:2

Variance form Code Section 6-9-6.2.2 for failure to have a bypass lane along the length of the drive-through or stacking lanes.

- 1. The variance is in harmony with the general purpose and intent of this title and the adopted comprehensive master plan; and,**

The general purpose and intent of the Ordinance is to offer a patron an option to exit the establishment without using the services offered. The Petitioner's plans do offer a "bail-out" option just prior to the entrance to the car wash, that allows a patron to exit the facility without going through the wash which does not adversely impact the general area. Therefore, the requested variance would be in harmony with the general purpose and intent of the Ordinance.

- 2. Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and,**

A single bypass lane on the exterior of the proposed three (3) stacking lane configuration would be consistent with the code, such logic would only allow the patrons in the exterior stacking lane to exit the facility, while the two interior stacking lanes would have no ability to exit the facility. Also, with three (3) stacking lanes, it would be physically impossible to provide a bypass lane for each stacking lane thus creating an exceptional hardship..

- 3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.**

The requested variance is entirely within the Subject Property and would have no impact whatsoever with adjacent property, and would thus not be a substantial detriment to adjacent

properties. Therefore, the granting of the variance request would be consistent with, and not alter, the essential character of the neighborhood.