

# Standards for Granting or Amending a Conditional Use

*Municipal Code Section 6-3-8:2*

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

RESPONSE:

- Our proposed project is the building and site demolition of an existing restaurant located at 1126 East Ogden Avenue and subsequent construction of a new Belle Tire Store and site. Our proposed facility is approximately 10,000 s.f which includes a 2,000 s.f showroom / waiting area, 10 service bays and associated inventory areas. Our proposal is a complete redevelopment of the property that addresses and improves all aspects of the site.

Belle Tire is a more than 90 year-old company privately owned by the Barnes family headquartered in Allen Park, Michigan. The company was started by Mr. Sam Waze in 1922 who named the business after his wife, Belle. The Waze family eventually partnered with the Barnes family, who purchased the interests in the early 60's and is now in the third generation of ownership. Currently, Belle employs more than 2,000 people and has just under 150 locations in Michigan, Ohio, Indiana and soon to be in Naperville, Illinois.

Belle sells and installs passenger vehicle tires, various automotive parts and offers minor automotive repairs such as brakes, alignments, batteries, shocks and struts and oil changes. No major engine, transmission repair or body work is conducted in the facility. All repair and installation work will take place inside the building and though rare, if vehicles are left overnight they are stored inside. All scrap tires are stored in a specifically designated area inside the facility and are picked up by Belle vehicles on a regular basis. All floor drains in the service area are connected to an oil / water separator to prevent any unapproved chemicals from reaching the sanitary system. No outdoor displays are used.

Sales staff and porters handle all customer vehicles for service and customers are discouraged from entering the service area. Since the service doors are clear glass, staff will not use vehicle horns to alert staff to open doors. There are no outdoor annunciators, PA systems or other noxious exterior noise sources. Belle Tire has created a significant in-house Property Management group that is responsible for all maintenance, repair and care of the property and building after construction. Should the city require to contact Belle for any reason, staff at headquarters is available 24 hours a day, seven days a week.

Hours of operation in all stores is Tuesday, Wednesday and Friday – 8:00 a.m. to 6:00 p.m., Monday and Thursday – 8:00 a.m. to 8:00 p.m., Saturday – 8:00

a.m. to 5:00 p.m. and closed on Sunday. This location anticipates maximum employee shift of 10 employees on staff in various capacities.

The exterior of the facility is comprised of brick veneer, cast stone detailing, small continuous EIFS cornice, clear glazing and aluminum frame at the showroom, striated clear glazing and aluminum frame at the remaining inventory areas, and wall washing feature lighting at the perimeter of the building. All landscape, lighting and site elements meet or exceed Naperville standards. One HVAC roof top unit is proposed and will be obscured by parapet walls and the proposed entry tower. All other roof elements such as plumbing vents, exhaust fans and the like will be obscured by the parapet walls at the rear portion of the building. The interior of the facility is completely suppressed with a NFPA approved sprinkler system.

- Future Development will meet all engineering, public health, safety and general welfare standards of the city.
- Building will be fully fire suppressed and meet all aspects of NFPA as well as provide visual and audible security systems.
- Development will not require and special security of safety support from the City other than standard emergency services.
- Proposed multi-million dollar development on vacant parcel will increase surrounding property values.
- Belle has a very active Property Management department that services and maintains their buildings on a scheduled basis so quality is maintained.
- Belle is a substantial, long standing entity that will provide constant support to the proposed facility and area.
- Proposed use is similar to surrounding Commercial Uses and neighbors. The following are Automotive based uses are within ½ Mile of our site that are also directly abutting Residential uses (City border is ½ of a mile east):

- Car-X Tire & Auto – 1156 E. Ogden – Adjacent to Residential
- Discount Tire – 1117 E. Ogden
- Budget Car Rental – 1115 E. Ogden
- Enterprise Rent –A-Car 1097 E. Ogden
- National Car Rental – 1095 E. Ogden
- Advance Auto Parts – 925 E. Ogden
- NTB Tire and Battery – 915 E. Ogden
- Midas Auto Repair – 800 E. Ogden
- Hertz Car Agency – 910 E. Ogden
- Gerber Collision & Glass – 900 E. Ogden
- Merlin 200,000 Miles Shop – Auto Repair 920 E. Ogden
- Bucky's Store – 1420 Ogden

Within a mile of the site –to our west only, as the City of Lisle is ½ Mile east:

- Spirit of America Car Wash – 659 E. Ogden
- Shell Gas Station – 515 E. Ogden
- Bill's Car Wash – 311 E. Ogden
- Acorn Tire – 275 E Ogden
- Bucky's Store – 20 E. Ogden

**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.**

RESPONSE:

- Proposed building is a single story, 10,000 s.f. facility, similar in use, size and quality of the surrounding Commercial properties
- Hours of operation are either similar or more restrictive to those of our Commercial neighbors.
- Proposed Use has very limited peak hour vehicular trips and will not create traffic congestion.
- Proposed building layout reduces visual / audio impact to residential neighbors. Residential properties and zoning are to the east of the site. The east side of our proposed facility contains two bays permanently designated for alignments. The work within the alignment bays is of low intensity, and utilizes equipment that is electronic and mostly emits no sound. With the swapping of battery operated hand tools versus compressed air, there is expected to be almost no noxious sound of any kind emanating from the Alignment area. The bays are specifically designed such that the slabs are depressed to accommodate the alignment equipment. No other services can occur in these bays without major construction renovation. I have never seen an alignment bay be modified for accommodate other services in 25 years of my time with Belle. Belle is committing to using battery operated hand tools and electric tire equipment in their new stores going forward. As such, we are anticipating almost no noise emanating from these two bays.

The alignment bays are positioned 90 degrees from the other service bays and is separated by a concrete block wall. Our sound study will bear it out but, there will be very little sound or disruption emanating from the east side of the building.

We have added additional masonry detailing per the Building Elevation review.

- All illumination shall be full “cut-off” to limit any light pollution

**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.**

RESPONSE:

- Our proposed use and development is consistent with other commercial uses in our surrounding area, and nothing that we are proposing will impede, hamper, affect or otherwise create issues for any future development.

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

RESPONSE:

- Master Plan calls for “Regional Commercial & Office Mix” at our site.
- Sidewalks provided.
- Street landscape provided –hedge row to block headlights at parking areas
- Access limited through drive reduction on Burlington.
- Redevelopment instead of Reuse.
- Decorative pavers added flanking entry drive
- Benches added in paver area.
- Natural Screening from neighbors
- Belle would like to add streetscape lighting per the Enhancement initiative, however given the amount of utilities in the Right of Way and the limited area for light poles, we look to the city for guidance. If the city deems there is appropriate area in the ROW for light pole, we will gladly add them. Further, if there is a fund or alternate location in the downtown that would benefit from “our” poles being placed there instead of our site, we are open to that idea as well.
- We have engaged Soundscape Engineering to provide sound studies at the Naperville location as well as the existing New Hudson, Michigan that is quite similar to the proposed Ogden Avenue location. The sound study is not yet complete, but we are currently testing electrical tire machines and battery operated hand tools versus the existing compressed air operated tools. Belle is committed to meeting the requirements of the City of Noblesville sound ordinance.
- Our office sent out an information package to the surrounding neighbors that were identified as meeting the requirements of notification for the Conditional Use hearing. We sent out 25 Fed Ex packages to each of the neighbors. To date we have received two responses. One phone call from a Mr. Cory Covaric, and one written correspondence from the Pure Land Condo Association. I have included our written response to the Pure Land Condo Association in the Second Submission upload file. We have been advised that an in-person meeting would not be well accepted based on the issues with the Covid virus.

# Standards for Granting a Zoning Variance

*Municipal Code Section 6-9-2:4.3.1, CSY defied by 6-6a-7*

Belle Tire  
1126 Ogden Avenue  
Naperville, IN

Request for variance from section 6-2-2: Yard Requirements, Number 4.

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

**RESPONSE:**

Variance request is consistent with commercial properties along Ogden Avenue adjacent to residential developments and maintains a reasonable greenspace setback from Burlington Avenue. We have located the building as far north as possible to create as much green space as possible along Burlington. The existing parking at the abandoned restaurant is essentially right on the ROW. Our proposed parking will be approximately 8' away from the ROW at to "points" where the spaces then angle back. Moving east around the curve of Burlington towards the residential area, the front edge of the parking is as far away from the ROW as 21'. In this area we have improved the existing buffer with the proposal of continuous low shrubbery to block vehicle headlights.

- 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.**

**RESPONSE:**

Imposing the strict enforcement of the ordinance would result in eliminating a significant portion of parking that is critical to the function of the proposed facility. The elimination of the parking would result in a greater negative result to the surrounding neighborhood versus granting the greenbelt setback. Additionally, the angled shape of the property along Burlington Avenue creates a practical difficulty in establishing a required orthogonal parking layout.

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

**RESPONSE:**

Granting the variance will not negatively affect the character of the neighborhood as the greenbelt setback requirement of the ordinance would not provide significant value versus the negative impact of the parking loss. Granting of the variance will improve the proposed condition, especially along Burlington by adding 5,000 square feet of landscaping and green space, creating 30' of more open space by locating our building north by and additional 30' and eliminating approximately 6,000 square feet of "building mass" due to our planned orientation.