



Legislation Details (With Text)

File #: 20-912 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/10/2020 **In control:** City Council

On agenda: 8/18/2020 **Final action:** 8/18/2020

Title: Pass the ordinance approving a minor change to the conditional use for an automobile repair facility approved by Ordinance 20-031 for the subject property located at 2643 Forgue Drive (Firestone - Naperville) - PZC 20-1-066

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - PUD Plat, 4. Exhibit C - Standards, 5. Development Petition, 6. Letter to Naperville, 7. Case # 20-1-066 - Public Comment, 8. Case #20-1-066 - Public Comment #2

Date	Ver.	Action By	Action	Result
8/18/2020	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a minor change to the conditional use for an automobile repair facility approved by Ordinance 20-031 for the subject property located at 2643 Forgue Drive (Firestone - Naperville) - PZC 20-1-066

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard

BOARD/COMMISSION REVIEW:

Not required.

BACKGROUND:

On April 7, 2020, City Council approved Ordinance 20-031, a major change to amend Lot 11 of the Cantore Place Planned Unit Development (PUD), a conditional use to permit an automobile repair facility, and a Final PUD plat in order to develop an approximately 6,425 square foot automobile repair facility located at 2643 Forgue Drive. Ordinance 20-031 included a condition that restricted the auto repair facility to 40 decibels as measured 5 feet from the service bay doors. The petitioner, Jason Horowitz from GBT Realty, requests a minor change to the conditional use to alter this condition.

DISCUSSION:

The petitioner submitted responses to the standards for amending a PUD and conditional use as a part of their original development petition. These standards stated that the proposed automobile repair facility would result in low noise generation, specifically 40dB outside the service bay doors.

As a result of this statement, staff included this metric as a condition of approval in the ordinance (Ordinance 20-031). Petitioner reviewed and approved the ordinance prior to approval by City Council.

The petitioner recently contacted staff to amend the condition. Prior to the transfer of the property, Firestone Tires notified the petitioner/property owner that they could not comply with the 40dB condition as noted in Ord. 20-031. Therefore, the petitioner/property owner requests to amend the Ord. 20-031 to strike the following language:

Section 2b) At no time shall Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property, generate noise in excess of 40dB as measured as a distance of five feet (5') from the service bay doors.

Petitioner proposes to add the following language:

Section 2b) At note time shall Firestone-Naperville, or any subsequent automobile repair facility located on the Subject Property generate noise in excess of 62 dB between 7:00am and 7:00pm and 55 dB between 7:00pm and 7:00am pursuant to the Standards in 6-14-4 of the Naperville Municipal Code.

As noted in the proposed condition, the noise level will comply with the requirements for commercial uses in the Code. It is also important to note that the use of the property is not changing as a result of this request. The petitioner will continue to comply with all other conditions as noted in Ordinance 20-031.

As required by code, the petitioner provided notice of the requested minor change to property owners located within 300' of the subject property and posted a sign on the subject property.

FISCAL IMPACT:

N/A