



Legislation Details (With Text)

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Title:	Conduct the public hearing regarding the property located at 1351 E. Ogden Avenue (Bucky's) - PZC 18-1-108. (Item 1 of 3)		
Sponsors:			
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Attachments:	1. Development Petition, 2. Petitioner's Conditional Use Standards, 3. Petitioner's Variance Standards, 4. Before & After Renderings, 5. Plat of Subdivision, 6. Site Plan, 7. Building Elevations, 8. Canopy Elevations, 9. Landscape Plan, 10. Sign Elevations, 11. Preliminary Engineering		

Date	Ver.	Action By	Action	Result
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PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing regarding the property located at 1351 E. Ogden Avenue (Bucky's) - PZC 18-1-108. (Item 1 of 3)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Sara Kopinski, AICP

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 18-1-108 was published in the Naperville Sun on February 2, 2019.

BACKGROUND:

The subject property is located at 1351 E. Ogden Avenue, at the northwest corner of Ogden Avenue and Naper Boulevard. The Fair Oaks Ford Dealership previously operated on the site. The property is zoned B3 General Commercial District and is approximately 4.36 acres in size. The petitioner plans to demolish the existing building and subdivide the property into two lots, one of which would be redeveloped with a Bucky's gas station. To do so, the petitioner requests approval of: a plat of subdivision; a conditional use to permit an automobile service station in the B3 zoning district; and, several zoning variances as further described below.

The subject property is located within the [Ogden Avenue Corridor Enhancement Initiative \(2008\)](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-esp-aogden-avenue-corridor-enhancement-initiative.pdf) [<https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-esp-aogden-avenue-corridor-enhancement-initiative.pdf>](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-esp-aogden-avenue-corridor-enhancement-initiative.pdf) (Ogden Plan) study area, and is governed by the plan's specific goals and recommendations to enhance the Ogden corridor within the City. Staff finds the petitioner's proposal to be inconsistent with the recommendations of the Ogden Plan and is not

supportive of the petitioner's proposal.

DISCUSSION:

Preliminary Plat of Subdivision

The Fair Oaks Ford Dealership was previously the single user of the 4.36 acre subject property. At this time, the petitioner requests approval of a preliminary plat of subdivision to subdivide the subject property into two lots in the B3 zoning district. Lot 1 is proposed to be 2.191 acres in size and Lot 2 is 2.173 acres. A Bucky's gas station is planned for development on Lot 1, and no development plans have been identified for Lot 2.

While the proposed lots comply with the Code's minimum lot requirements, staff has concerns with the proposed subdivision layout and the feasibility of development on Lot 2 in the future. With no site plan or user identified, it is unknown how this property could be developed or what entitlements may be necessary. The Ogden Plan aims to integrate uses through redevelopment efforts and encourage sizable parcels with adequate parking and loading areas. The proposed configuration of Lot 2 and the lack of an intended user raises concern with staff that future integration between the uses could be a challenge. Staff also notes that cross access has not been platted to connect to the existing platted access on the Tartan property to the north. These concerns will be considered by City Council at a subsequent public meeting.

Conditional Use for an Automobile Service Station

The B3 zoning district classifies automobile service stations as a conditional use. Staff's consideration of the conditional use request considers zoning classifications and land uses in the surrounding area, as well as consistency with the Ogden Plan.

Relationship to the Ogden Plan

The Ogden Plan establishes the eastern end of Ogden Avenue as the retail anchor of the Ogden Avenue corridor, and recommends focusing redevelopment on large-scale retail anchors while maintaining a mix of service businesses, retail and restaurants.

The Ogden Plan identifies the intersection of Naper Boulevard and Ogden Avenue as a primary gateway that should be considered a catalyst site in guiding redevelopment along the corridor due to its high visibility and accessibility. It recommends that in addition to being redeveloped in an integrated manner, the corner also be improved with a gateway feature including ornamental trees and plantings, pedestrian amenities, and decorative paving to enhance the community image and increase the visibility of crosswalks to vehicular traffic.

The petitioner proposes an automobile service station with thirty-two fuel dispensers, a 2,390 sq. ft. car wash, and a 5,520 sq. ft. convenience store with an outdoor patio to be developed on Lot 1 of the subject property. No development plans have been identified for Lot 2. Upon review, staff does not feel that the size or design of Bucky's and the unknown future of Lot 2 achieve the gateway development envisioned for this location in the Ogden Plan. Furthermore, staff notes that no cross-access easement has been platted to connect to the property to the north, which staff finds critical in ensuring future circulation between the new developments. The parameters of the corner gateway feature are undefined at this time as well.

Surrounding Context

In 2016, City Council passed Ordinance 16-108, which amended the City's regulations for the B3 (General Commercial) zoning district and classified automobile service stations as a conditional use

(as opposed to being a permitted use as it was previously). This text amendment was approved based on the finding that while automobile service stations (amongst other uses) do serve customers and require commercial visibility to be successful, they also have the potential to adversely impact the intended retail nature of commercial corridors and adjacent properties.

The petitioner's conditional use request for an automobile service station provides the City the ability to review how the proposed development would relate to the surrounding area to determine if the use is appropriate for the proposed location based on the specifics of the case presented. Currently, there is an existing Mobil gas station at the southeast corner of Naper Boulevard and Ogden Avenue (catty-corner to the site); and, the City Council recently granted approval of a conditional use for a gas station on Lot 1 of the Tartan Point Subdivision located just north of the site. Though plans for a gas station within the Tartan Point Subdivision have not been finalized, the entitlement is approved for the property. Additionally, staff notes that the Mobil gas station is situated on a 1.434 acre property, and the recently entitled gas station in Tartan Point is for a 1.316 acre site. The proposed Bucky's is significantly larger than these two facilities with a 2.173 acre site.

Given the subject property's potential proximity to two other gas stations, as well as the overall size and design of the petitioner's proposal, staff finds that the establishment of a conditional use for Bucky's may adversely impact the improvement of adjacent properties and be inconsistent with the intentions of the Ogden Plan.

Findings of Fact

The petitioner's responses to the Standards for Granting a Conditional Use, as well as additional information regarding the proposed development, can be found in the attachments. Staff does not concur with the responses to the standards submitted by the petitioner. Staff's comments with respect to the proposed findings for the requested conditional use, based upon a review of the subject property, applicable Code provisions for the B3 Zoning District and standards for conditional use requests, and the Ogden Plan, are as follows:

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

Staff comments: Automobile service stations were categorized as a conditional use in the B3 district in 2016 following the determination that they have the potential to adversely impact the intended retail nature of commercial corridors and adjacent properties. The *Ogden Avenue Corridor Enhancement Initiative* designates the subject property as a primary gateway along the Ogden corridor and recommends focusing redevelopment on retail anchors while maintaining a mix of service businesses, retail and restaurants. It also emphasizes redevelopment occur in an integrated manner. A 2.173 acre automobile service station that is not part of a larger, integrated development in one of the City's primary gateway locations is not consistent with the City's long-range plans and is found to be detrimental to the retail nature being sought after along the Ogden Avenue corridor.

Conditional Use Standard #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.

Staff comments: Automobile service stations were categorized as a conditional use in the B3 district in 2016 following the determination that they have the potential to adversely impact the

intended retail nature of commercial corridors and adjacent properties. The *Ogden Avenue Corridor Enhancement Initiative* designates the subject property as a primary gateway along the Ogden corridor and recommends integrated redevelopment with a focus on retail anchors. As proposed, and given the subject property's potential proximity to two other gas stations, Bucky's is found to be inconsistent with the City's long-range planning efforts and to adversely impact surrounding properties.

Conditional Use Standard #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.

Staff comments: The *Ogden Avenue Corridor Enhancement Initiative* outlines clear development goals for the subject property and the surrounding area based on stakeholder input and an Oversight Advisory Committee; and, serves as a foundation for community policies and decision making as public and private improvements are made along the Ogden corridor. An automobile service station is found to be in conflict with the goals established for the site and detrimental to the retail nature being sought after in the area. The petitioner's proposal for a single, non-retail user lacking any planned integration with adjacent land uses is found to impede the normal and orderly development of the surrounding area.

Conditional Use Standard #4: The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

Staff comments: The *Ogden Avenue Corridor Enhancement Initiative* identifies the subject property as a primary gateway along the Ogden Avenue corridor, and recommends redevelopment with a focus on retail users and a gateway feature at the northwest corner of Ogden Avenue and Naper Boulevard. As proposed, the conditional use being requested is found to conflict with the City's long-range plans since it includes one non-retail user (Bucky's gas station), lacks cross access and integration with adjacent properties, and does not identify a user or site plan for Lot 2 of the subdivision.

Requested Variances

Four variances are proposed as part of the petitioner's request. Though staff does not find the development proposal as a whole to be consistent with the goals of the Ogden Avenue Plan and the City's vision for the east Ogden area, staff does not have concern with the specific variances requested. Should the Planning and Zoning Commission and City Council be supportive of the requested conditional use, staff finds the variances to be reasonable and appropriate for the development. The variances requested are detailed below.

Car Wash Bypass Lane Variance

The petitioner is requesting a variance to eliminate the drive-through bypass line required per [Section 6-9-6:2.2 \(Supplemental Standards for Drive-Through Stacking Lanes: Bypass Lanes\)](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-6SUSTDRROSTLA) of the Code. Per Code, a 10-foot wide bypass lane is required to be provided the entire length of the stacking lane for a car wash.

Bucky's proposes a car wash stacking lane located on the north and west sides of the building, adjacent to the convenience store. A twelve-foot-wide, permeable paver escape route is provided just before a vehicle would enter the carwash, but is not available the entire length of the stacking lane. This route will allow vehicles to quickly exit the stacking area should the car wash become

unavailable or undesired. Staff finds this escape route sufficient given the design of the facility and the minimal wait times and stacking anticipated.

Findings of Fact

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

Car Wash Stacking Lane Variance

The proposed Bucky's includes a car wash facility on the north side of the convenience store and a car wash stacking lane that wraps around the west side of the building and outdoor patio space.

[Section 6-9-3:5 \(Schedule of Off Street Parking Requirements/Stacking Requirements\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE)

[of the Municipal Code requires ten stacking spaces to be provided entering the car wash, and two stacking spaces exiting the car wash. The petitioner requests approval of a variance to eliminate one of the required stacking spaces entering the car wash, so that a total of nine stacking spaces are provided. To support the request, the petitioner has provided operation details outlining that the Bucky's car wash is designed to hold one car inside the building while washing three other cars, essentially functioning as an internal stacking space. Staff finds the variance request reasonable given the design of the facility and the minimal wait times and stacking anticipated.](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE)

Findings of Fact

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

Sign Variance

The purpose of the City's Sign Code is to establish balanced regulations for signage by promoting the optimum conditions for communication between people and their environment. [Section 6-16-5:2 \(Signs on Commercial and Institutional Property\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR)

[of the Code permits ground signs on roadways with a posted speed limit of 40 mph or less to install ground signs up to 45 square feet in size. The petitioner requests approval of a sign variance to increase the size of the proposed ground signs to 46.7 square feet in size.](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR)

The petitioner has agreed to comply with the City's approved East Ogden Monument Sign Standards and modify the sign base from a brown brick to a tan brick. The proposed signage complies with permitted signage allowances in terms of height and setbacks. The petitioner asserts that the slight increase in size is a result of manufacturing constraints, and emphasizes the need to maintain a certain size of lettering to adequately communicate fuel prices to vehicular passersby. Staff finds the variance request is reasonable and appreciates that the petitioner is utilizing the approved signage design for the east Ogden area.

Findings of Fact

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

Landscape Variance

Section 5-10-3:4.2.1 (Foundation Landscaping)

<[https://library.municode.com/il/naperville/codes/code_of_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT5BURE_CH10LASCTRPR_5-10-3LASC)

nodeId=TIT5BURE_CH10LASCTRPR_5-10-3LASC> of the Code requires foundation plantings to be located adjacent to all sides of buildings which face a public right-of-way. The petitioner requests approval of a variance to relocate the required foundation plantings to planters along the convenience store's Ogden Avenue and Naper Boulevard frontages. Staff concurs with the petitioner that the nature of a convenience store differs from other businesses in that there is high pedestrian traffic around the building itself, and foundation plantings may not be practical in these locations depending on the site design. Staff does not believe that relocating the required foundation plantings to planters will impact the essential character of the neighborhood, and finds the variance request to be reasonable. Staff also notes that the quantity of required plantings will remain the same, they are simply being provided in a different manner. Apart from the foundation plantings, the proposed landscaping meets the requirements of the City's Landscaping and Screening Ordinance.

Findings of Fact

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

Building Elevations

The petitioner proposes quality building elevations that exceed the City's masonry requirements. The convenience store/car wash, and canopy for Bucky's is to be constructed out of brick, cast stone masonry, and stone veneer. The buildings feature earth tone colors and metal roofing, and the canopy pillars will be constructed out of brick to match the main building.

Key Takeaways

- The petitioner requests approval of a preliminary plat of subdivision to subdivide the property into two lots in the B3 zoning district. Staff is not in support of the request. The proposed configuration of Lot 2 and the lack of an intended user raises concern with staff that future integration between the uses could be a challenge. This will be reviewed by City Council at a subsequent public meeting.
- The petitioner requests approval of a conditional use to allow an automobile service station in the B3 Zoning District. Staff is not in support of the request due to inconsistency with the Ogden Plan and a lack of integration with surrounding properties.
- The petitioner requests a car wash bypass lane variance from Section 6-9-36:2.2 of the Code to eliminate the bypass lane for the car wash. Staff is in support of the request based on the design of the facility, minimal wait times and stacking anticipated, and an escape route being provided before vehicles enter the car wash.
- The petitioner requests a variance from Section 6-9-3:5 to reduce the required stacking entering the car wash from ten spaces to nine spaces. Staff is supportive of the request given the design of the facility, minimal wait times and stacking anticipated, and the internal stacking space provided within the car wash terminal.
- The petitioner requests a variance from Section 6-16-5:2 to increase the permitted ground sign square footage from 45 square feet to 46.7 square feet. Staff is supportive of the request noting that the proposed sign design is consistent with the approved east Ogden sign standards and the petitioner finds the slight increase necessary to communicate with passersby.

- The petitioner requests a variance from Section 5-10-3:4 to relocate the required foundation plantings to planters. Staff is supportive of the request due to high pedestrian traffic volumes anticipated around the building and the fact that the total number of required plantings will continue to be provided.
- Staff is not supportive of the proposed use and layout of the subject property and finds it to be inconsistent with the Ogden Avenue Plan and the City's long-range planning efforts.

Related Files

The following agenda items are related to PZC 18-1-108:

- Consider a conditional use in the B3 District to permit an automobile service station for the property located at 1351 E. Ogden Avenue (Bucky's) - PZC 18-1-108 (Item 2 of 3);
- Consider variances to: eliminate the bypass lane for the carwash; reduce the required carwash stacking from ten spaces to nine spaces; increase the permitted square footage for the ground sign from 45 sq. ft. to 46.7 sq. ft.; and, relocate the required foundation plantings to planters for the property located at 1351 E. Ogden Avenue (Bucky's) - PZC 18-1-108 (Item 3 of 3).