



Legislation Details (With Text)

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Title: Pass the ordinance approving a conditional use in the B3 district and variances for a Casey's automobile service station located at 1420 E. Ogden Avenue - PZC 21-1-130

Sponsors:

Indexes:

Code sections:

Attachments: 1. Caseys 1420 E Ogden Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Standards for CUP, 5. Exhibit D - Standards for Variances, 6. Exhibit E - Photometric Plan, 7. Exhibit F - Elevations, 8. Exhibit G - Landscape Plan, 9. Development Petition, 10. Sign Packet, 11. Location Map, 12. Stormwater Report, 13. Traffic Study, 14. PZC Meeting Minutes 5-4-22 DRAFT, 15. Public Comment - Perotti

Date	Ver.	Action By	Action	Result
7/19/2022	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a conditional use in the B3 district and variances for a Casey's automobile service station located at 1420 E. Ogden Avenue - PZC 21-1-130

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered the conditional use request and variances for Casey's at the May 4, 2022 meeting and recommended approval of the requests (approved 7-0). Staff concurs.

BACKGROUND:

The 1.4-acre subject property is currently occupied by an automobile service station with a car wash. The B3 zoning district classifies automobile service stations as a conditional use. The petitioner proposes to demolish the existing automobile service station and car wash and redevelop the property with a new convenience store and fueling station. The demolition triggers the requirement for the petitioner to seek and obtain conditional use approval for construction of the new automobile service station. The car wash will not be replaced.

The Land Use Master Plan (2022) identifies the future place type of the property as "Urban Center." Staff finds the petitioner's proposal to be consistent with this designation.

DISCUSSION:

Conditional Use

The B3 zoning district classifies automobile service stations as a conditional use. Staff's analysis of an automobile service station on the subject property considers zoning classifications and land uses in the surrounding area, the existing land use of the subject property, and consistency with the Land Use Master Plan. The Land Use Master Plan identifies the future place type of the property as "Urban Center." Gas stations are identified as an example of a primary use in Urban Centers.

Due to likely intense activity within an Urban Center, the Land Use Master Plan encourages appropriate screening and buffering to mitigate any negative impacts on adjacent properties. The Casey's proposal achieves this by providing substantial landscaping and fencing to separate the fueling station and convenience store from neighboring residential properties to the south and southeast.

Given the property's location along the Ogden Avenue corridor, the Land Use Master Plan future place type designation, and the existing land use of the subject property, staff finds the proposed automobile service station to be compatible with the surrounding area and an improvement to the existing conditions of the site.

Findings of Fact

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

Side Yard Setback Variance (Middle Road)

Per [Section 6-7C-7:3 \(Yard Requirements\)](#)

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of the Municipal Code, where the side lot line is across a right-of-way from property located in a residence district, a yard equal in depth to the minimum front yard on such residential lot shall be provided along such side lot line. In this case, the side lot line of the property along Middle Road is across from a property zoned R1 with a required front yard of 30', which results in the requirement of a 30' setback along Middle Road for the subject property.

The proposal maintains a 15' setback for the convenience store. A sidewalk, bike rack, transformer, and parking also encroach into the 30' setback.

Additional right-of-way to construct the cul-de-sac on Middle Road was dedicated in 2006. This dedication created a wider right-of-way than would be typically provided and has created unique constraints for the redevelopment of the site.

Staff is supportive of this request given the unique shape of the property and the incorporation of substantial landscaping and a 6' wood fence to buffer the improvements from the existing neighbors to the south and southeast.

Findings of Fact

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

Major Arterial Setback Variance (Naper Blvd)

Per [Section 6-2-14-1 \(Major Arterial Setback Requirements\)](#)

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of the Municipal Code, the minimum setback from any major arterial shall be 70 feet from the centerline or 20 feet from the edge of the right-of-way, whichever is greater. In this case, the greater setback for the Naper Blvd lot line is 20' from the edge of the right-of-way.

The proposal maintains a 20' setback except in the area between the existing two access points along Naper Blvd. The applicant is requesting to reduce this setback in this area from 20' to 7' to accommodate navigation of delivery vehicles on the site.

Staff is in support of this variance given the increased landscaping that will be provided within the Naper Blvd setback as part of the project.

Findings of Fact

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

Horizontal Illuminance Standards Variances

Per [Section 6-14-4:3.3.2 \(Performance Standards\)](#)

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of the Municipal Code, lighting shall be provided in accordance with the standards of the Illuminating Engineering Society of North America (IESNA) for all uses. For a high level of activity use, which staff would classify an automobile service station as being such, the IESNA sets an average maintained horizontal illuminance standard at 3.6 fc, a minimum at 0.9 fc, and a uniformity ratio at 4:1.

Although not specifically included in the code, IESNA recommends 10-15 fc for gas station canopies. The proposed lighting levels for Casey's exceed the code limits with an average fc level of 3.81 for paved areas and an average fc level of 20.06 under the canopy.

Staff recommends approval of this variance given the safety concerns with regards to this use and the activity level of Ogden Avenue. The fueling station is located toward the Ogden Avenue lot line and away from the residential uses to the south and southeast. The convenience store will buffer the fueling station from the residential uses. In addition, the proposed light levels will not exceed the maximum foot-candles at the property line along the entire site.

Findings of Fact

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

Building Elevations

The proposed single-story building is comprised primarily of antique red colored brick with buff colored soldier course details and stone columns. Currently a non-conforming ground sign is located near the northwest corner of the property; the petitioner proposes to replace the existing sign with a conforming sign along Ogden Avenue. The new sign would meet the East Ogden Avenue monument sign standards.

Staff finds that the proposed building elevations utilize four-sided architecture and high-quality materials and are consistent with the City's Building Design Guidelines.

Landscape Plan

The proposed landscaping would meet the requirements of the City's Landscaping and Screening Ordinance. The landscape plan includes preservation of trees along the south property line; parkway landscaping along Ogden Ave, Naper Blvd, and Middle Rd; perimeter landscaping along all lot lines; foundation plantings around the building; and landscaping to screen the parking lot.

The plan also includes additional landscaping along the south property line as well as a fence along the south and southeast property lines to provide a physical and visual buffer between the proposed development and the existing single-family homes.

Planning and Zoning Commission

The public hearing before the PZC was conducted on May 4, 2022. One member of the public spoke on the request and expressed concerns with the drainage, lighting, and the prevalence of crime that occurs presently on the site. He requested the fence that is proposed along the south lot lines be increased in height. Two additional comments in objection to the proposal were received in writing. The comments expressed concern about safety, light pollution, increased noise, foot traffic from the site onto adjacent streets, and impacts to their property value. Both commenters requested an increased height in the fence proposed along the south lot lines.

The PZC discussed drainage safety concerns with staff and the petitioner. The PZC was satisfied that drainage issues had been sufficiently addressed for the development. In response to concerns about safety from the neighbors, the PZC discussed shifting the proposed fence from ~10' from the lot line to along the light line to remove the gap between the proposed fence and the neighbor fence. The PZC also discussed increasing the height of the fence.

The Commission closed the public hearing and voted 7-0 to recommend approval of the request subject to three conditions:

1. The gas canopy shall comply with the City's Building Design Guidelines
2. The proposed 6' fence along the south and southeast lot lines shall instead be an 8' fence
3. The proposed fence shall be shifted to be directly along the south property line

The petitioner has amended their plans to comply with these conditions.

Key Takeaways

- The petitioner is requesting approval of the following: a conditional use to allow an automobile service station in the B3 Zoning District; a variance to reduce the required side yard setback along the Middle Road property line; a variance to reduce the major arterial setback along the west property line; and a variance to exceed the permitted horizontal illuminance standards.
- The Planning and Zoning Commission and staff are supportive of the proposed use and layout of the subject property. The proposed development is compatible with the surrounding area and the variances have been properly mitigated for through the use of landscaping and screening including incorporation of an 8' fence along the property lines that abut residential uses.

FISCAL IMPACT:

N/A