



Legislation Details (With Text)

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**File created:** 9/21/2020      **In control:** City Council

**On agenda:** 10/20/2020      **Final action:** 10/20/2020

**Title:** Pass the ordinance approving a conditional use and variance to permit an automobile service and repair facility in the B3 District at 1126 E. Ogden Avenue (Belle Tire) - PZC 20-1-050

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Belle Tire Ordinance, 2. Exhibit A. Legal Description, 3. Exhibit B. Site Plan, 4. Exhibit C. Standards, 5. Exhibit D. Sound Study, 6. Exhibit E. Building Elevations, 7. Exhibit F. Landscape Plan, 8. PZC Meeting Minutes 9-16-20 DRAFT, 9. Location Map, 10. Development Petition, 11. Disclosure of Beneficiaries, 12. Public Comment & Petitioner Response, 13. Photometric Plan, 14. Sign Packet, 15. Autoturn Exhibit

Date	Ver.	Action By	Action	Result
10/20/2020	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a conditional use and variance to permit an automobile service and repair facility in the B3 District at 1126 E. Ogden Avenue (Belle Tire) - PZC 20-1-050

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on September 16, 2020 and voted to recommend approval of the request (Approved 9-0). Staff concurs.

**BACKGROUND:**

The property is located on the corner, east of the intersection of Ogden Avenue and Burlington Avenue, and is zoned B3 (Community Shopping Center District). The property is approximately 1.26 acres and has been vacant for several years. It is located across from, and directly abuts, commercial properties except for an unincorporated single family residential lot to the east. Approximately 50' of the easternmost frontage on Burlington Avenue is also located across from the R1A (Low Density Single Family Residence District). The property was consolidated from two lots into one lot with document R2015-113311.

**DISCUSSION:**

***Conditional Use***

The petitioner, Christopher Enright of Enright Architects, on behalf of the owner,

Hancoop@Naperville, LLC, is requesting a conditional use to permit an automotive service/repair facility in the B3 District per [Section 6-7C-3 \(B3 District: Conditional Uses\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTCB3GECODI_6-7C-3COUS) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH7BUDI\\_ARTCB3GECODI\\_6-7C-3COUS](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTCB3GECODI_6-7C-3COUS). The proposed Belle Tire facility would be a single-story 10,000 square-foot building with an FAR of 0.182, in compliance with the maximum permitted FAR of 0.325 in the B3 district. Belle Tire would sell and install passenger vehicle tires and various automotive parts, as well as perform minor automotive repair. No major engine, transmission repair, or body work would be conducted at the facility. The hours of operation are Tuesday, Wednesday, 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. The facility will have ten overhead service doors with eight facing north. The remaining two will face the abutting residential area to the east. No outdoor storage or displays are proposed.

Access to the property will be reduced to one full-access point from both Ogden and Burlington Avenues. The existing driveway on Burlington Avenue, located closest to the intersection, will be removed. Per the Code, 45 parking spaces are required, and 46 parking spaces are provided. A drive aisle circumnavigates the building which provides access to parking areas located around three sides of the building and the service bays located on two sides of the building.

The proposed automotive service/repair facility is a conditional use in the B3 zoning district. Staff finds the proposed use is appropriate for the commercial and service character in the east end of the Ogden Avenue Corridor and is compatible with the Regional Commercial & Office Mix Land Use Designation in the East Sector Plan. Staff also finds that the proposed facility is consistent with the blend of nearby automotive-oriented service and retail uses.

The redevelopment of 1126 E. Ogden meets the Ogden Avenue Corridor Enhancement Initiative (East Subarea) through the following measures:

- access consolidation reduces traffic movement and points of conflict;
- consolidation of lots and clustering of similar uses;
- screening residential areas;
- parkway landscaping and increased parking setbacks allows for more plantings;
- monument sign meets the East Ogden Avenue Sign Standards;
- redevelopment instead of reuse of the existing site; and
- pedestrian amenities such as decorative pavers, benches, and bike parking.

The petitioner's response to the standards for granting a conditional use are attached. Upon review, staff is in agreement with the petitioner's findings and recommends their adoption by City Council.

### ***Building Design & Landscape Plan***

The proposed building incorporates four-sided architecture and the primary material is brick, thus meeting the Citywide Building Design Guidelines. Elements include masonry and cast stone detailing, pilasters, and cornices. A tower is placed on the front elevation over the main entrance. These features combine to break-up the massing of the building with changes in façade depth. The rooftop mechanical unit is completely screened on all four sides of the building.

Landscaping is provided around the entire building and parking areas. A mix of evergreen trees and shrubs, as well as shade trees, will be planted along all property lines to provide a buffer and screening. The property line abutting the residential property will be 100% screened and augmented

by a 6' tall wooden fence. Additional right-of-way trees on two sides of the site are also shown. The proposed landscape plan meets all technical requirements for approval.

### **Parking Setback Variance**

The petitioner also requests variances to reduce the corner side setback for the proposed parking spaces. Per [Section 6-9-2 \(Off Street Parking Facilities: Yard Requirements for Off Street Parking Facilities <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodet=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodet=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA), parking facilities cannot be located within the required 30' corner side yard (Burlington Avenue). In the B-3 District, this setback is determined by the abutting residential district. No parking spaces are proposed directly adjacent to the residential property, and the drive aisle is setback 5' thus improving upon the existing condition.

The closest parking space in the corner side yard is setback approximately 56' from the property line that is shared with the abutting residential property. At this point, the setback from the Burlington Avenue right-of-way is approximately 21' and tapers down to 5' at two points as the property line angles to the northwest towards Ogden Avenue. This creates an angular lot line which makes it difficult to establish rectangular parking areas.

The reduced setbacks allow the petitioner to accommodate additional parking onsite while improving upon the site configuration. Staff is supportive of the variance request because it is an improvement over the existing parking setbacks, allows for larger landscape areas, and buffers the abutting residential lot. Furthermore, the points closest to Burlington Avenue are located directly across the street from a commercial property (1120 E. Ogden Avenue) and is consistent with its parking setback from Burlington Avenue.

The petitioner's responses to the standards for granting a variance for the parking setback variance are attached. Staff is in general agreement with the petitioner's Findings of Fact and recommends adoption by City Council.

### **Performance Standards & Sound Propagation Study**

The petitioner is required to meet the performance standards set forth in [Title 6, Section 14 \(Performance Standards\) <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodet=TIT6ZORE\\_CH14PEST>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodet=TIT6ZORE_CH14PEST) of the Municipal Code regarding both exterior lighting and noise. The petitioner has submitted a photometric plan which demonstrates compliance with the City's exterior lighting standards contained in Section 6-14-4:3 (Performance Standards: Exterior Lighting). The petitioner has indicated the proposed store will maintain a decibel level of the commercial maximums permitted by Section 6-14-4:1 (Performance Standards: Noise) as measured at the property line shared with the residential property.

The petitioner provided a sound propagation report modeling the sound levels of the proposed use. The following recommendations are presented and will be utilized by the petitioner at the subject property. These measures have also been incorporated into the ordinance approving the conditional use:

- The two service bays facing eastward are reserved for alignments and shall be partitioned off by interior walls;
- Construct a 14' exterior wall extension at the northeast corner of the building as a sound deterrent. Said wall shall be attached to and consistent with the rest of the building's façade as depicted in the architectural elevations;
- A solid 6' fence with a STC rating of 33 or higher will be constructed on the east property line

- and screen much of the property; and
- Battery operated equipment shall be used.

### ***Planning & Zoning Commission Action***

The Planning and Zoning Commission (PZC) considered this matter at their meeting on September 20, 2020. No member of the public spoke on the matter. Chairman Hanson asked for background on the conditional use requirement for this type of business in the Ogden Avenue Corridor. Staff responded that it was a recommendation of the Ogden Avenue Enhancement Initiative as a way to protect the corridor and provide for the review of such requests on a case-by-case basis. Commissioner Bansal inquired about the business operations. The PZC closed the Public Hearing and moved to adopt the Findings of Fact as presented by the petitioner and approve PZC 20-1-050 (approved 9-0). Staff concurs with the PZC recommendation.

### ***Additional Correspondence***

The following noise mitigation measures were proposed after PZC review to help address concerns with the northern property line sound levels, nighttime noise generation, and to factor in the presence of a trash enclosure:

- Extending the fence to provide a noise barrier at the northern property line;
- Prohibiting the use of the grinder after 7:00 p.m.; and
- Install acoustical panels in the ceiling.

While the petitioner has proposed to utilize fiberglass fencing for the required acoustical barrier, staff will continue to work with the petitioner to determine if wood fencing could alternatively be used. Staff finds that wood fencing would be more consistent with the recommendations of the Ogden Avenue Enhancement Initiative; however, staff will not require its use if it cannot provide the same level of sound protection. It should be noted that a change in materials can be administratively approved and will not require any additional City Council action following approval of the ordinance.

### ***Key Takeaways***

- The petitioner is requesting a conditional use and corner side yard parking setback variance to permit an automotive service/repair facility.
- Staff finds the proposed facility use is complimentary with the nearby auto-oriented uses, is appropriate for the commercial and service character of Ogden Avenue, and consistent with the Ogden Avenue Corridor Enhancement Initiative.
- Staff is in support of PZC 20-1-050, subject to the condition noted above.

### **FISCAL IMPACT:**

N/A