



Legislation Details (With Text)

**File #:** 17-587      **Version:** 2

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 7/13/2017      **In control:** City Council

**On agenda:** 8/15/2017      **Final action:** 8/15/2017

**Title:** Pass the Ordinance approving a variance from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code for the property located at 950 E. Ogden Avenue (Portillo's) - PZC 17-1-058.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance.pdf, 2. Exhibit A- Legal Description.pdf, 3. Exhibit B -Subject Property.pdf, 4. Exhibit C - Standards.pdf, 5. Exhibit D -Landscape Plan.pdf, 6. 7.19.17 PZC Minutes.pdf, 7. Location Map.pdf

Date	Ver.	Action By	Action	Result
8/15/2017	2	City Council	passed	
7/19/2017	1	Planning and Zoning Commission	approved and referred	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the Ordinance approving a variance from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code for the property located at 950 E. Ogden Avenue (Portillo's) - PZC 17-1-058.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on July 19, 2017 and voted to recommend approval of the case (Approved 9-0). Staff concurs.

**BACKGROUND:**

The petitioner, Portillo's Hot Dogs, LLC, has submitted a variance request for 950 E. Ogden in order to accommodate drive-through lane modifications along the southern border of the building. This request will require approval of two variances; a variance from Section 6-9-2 (Off Street Parking Facilities) for the setback off of Wisconsin Street and a variance from Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) for the elimination of the by-pass lane requirement. The property is zoned B3 (General Commercial District) and is approximately 1.89 acres. It is currently improved with a drive-through restaurant and parking lot and is generally located at the northeast corner of Ogden Avenue and Wisconsin Street.

In 2010, the City Council adopted Ordinance 10-096 in order to permit improvements to the drive-through lane located along Ogden Avenue at the subject property. As approved, variances were

granted to Section 6-2-14 (Major Arterial Setback Requirements) and Section 6-9-6 (Supplemental Standards for Drive-through Stacking Lanes) to eliminate the by-pass lane requirement along Ogden Avenue and to permit the drive-through facility to be located in the required major arterial setback. The drive-through lane as currently constructed along Ogden Avenue is in compliance with the 2010 approvals.

### **DISCUSSION:**

The proposed improvements for the property will include the continuation of the existing drive-through lane abutting Ogden Avenue along Wisconsin Street. Currently, two drive-through lanes exist off of Ogden Avenue and then merge into one drive-through lane off of Wisconsin Street. The petitioner seeks the following variances from the Naperville Municipal Code: A variance from Section 6-9-2 (Off Street Parking Facilities) to permit a parking facility to be located less than 5' from the western property line (i.e., along Wisconsin Street); and a variance from Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) for the elimination of a by-pass lane requirement for the drive-through facility.

#### ***Variances***

Section 6-9-2 (Off Street Parking Facilities) prohibits parking facilities in any business district to be located less than 5' from any property line. The petitioner requests to reduce the required setback from 5' to 1.9' in order to construct the additional drive-through lane. Additionally, the petitioner requests a variance from Section 6-9-6 (Supplemental Standards for Drive-through Stacking Lanes) to eliminate the requirement of a bypass lane for a drive-through facility. The petitioner has stated that the purpose of the additional drive-through lane is to reduce the traffic congestion that results from the double drive-through lane merging into one lane and to provide a safer work environment for drive-through employees. In 2010, the petitioner indicated that employees will take and deliver orders to customers in the stacking line, lessening the congestion on the site. This proposal will help to further diminish this congestion and will make site circulation more efficient.

In addition to the screening requirements, staff had requested that the petitioner provide a fence along Wisconsin Street in order to reduce the impact of the setback variance. The petitioner is not agreeable to providing the requested fence as they have stated that it would interfere with the screening material achieving full growth and that there is limited opportunity on the lot to place both the required screening as well as the fence.

#### ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Zoning Variance are attached. Upon review, the Planning and Zoning Commission and staff agree with the petitioner's Findings and recommends their adoption by the City Council.

#### ***Key Takeaways***

- The petitioner is requesting a variance from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code in order to install an additional drive-through lane adjacent to the existing drive-through lane off of Wisconsin Street.
- Staff supports the proposed variances as the improvements to the site will improve site circulation and provide a safer work environment for drive-through employees. In addition, the new landscaping proposed along Wisconsin Street will help to reduce the impact and visibility of the additional drive-through lane.

#### ***Planning and Zoning Commission Action***

The Planning and Zoning Commission conducted the public hearing for PZC 17-1-058 at their meeting on July 19, 2017. No members of the public provided testimony. Following brief discussion regarding the fence requested by staff in order to reduce the impact of the setback variance on site (this fence was not a requirement by code), the Planning and Zoning Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 17-1-058 (approved 9-0). Staff concurs with the Planning and Zoning Commission's recommendation.

**FISCAL IMPACT:** N/A