



## Legislation Text

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File #: 19-581B, Version: 1

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### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the ordinance approving a conditional use to permit an automobile service station in the B3 (General Commercial) District at the subject property located at 991 W. Ogden Av., Naperville - PZC 19-1-031

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on June 5, 2019 and voted to recommend approval of the request (Approved 7-0). Staff concurs.

#### **BACKGROUND:**

Located at the northeast corner of Ogden Avenue and Royal Saint George Drive, the subject property has a common address of 991 W. Ogden Avenue. The property is approximately 1 acre in size, is zoned B3 (General Commercial District), and is currently improved with an automobile service station which includes a convenience store, an automotive repair shop, a rental truck facility, and 4 gas pump stations with 8 total pumps. The East Sector Plan (1998) identifies the future land use of the subject property as commercial; the proposed development is compatible with this designation.

The petitioner, Vequity LLC, is requesting to demolish the existing automobile service station and construct a new station on the subject property. An automobile service station requires a conditional use in B3 pursuant to Section 6-7C-3 (B3 District: Conditional Uses).

#### **DISCUSSION:**

In 2016, the B3 District was amended to include automobile service stations as a conditional use. Previously service stations were a permitted use in B3. Services stations operating at the time of the amendment, such as the existing station on the subject property, were considered nonconforming uses. Per [Section 6-10 \(Nonconforming Uses\)](#) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH10NOUS](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH10NOUS), a non-conforming use may be continued during the remainder of the normal life of the building in which the nonconforming use is conducted. The petitioner is proposing to demolish the existing building and therefore, a conditional use for the new service station is required.

The proposed automobile service station includes 6 gas pump stations with 12 total pumps and a 3,036 square foot convenience store. The proposed site plan complies with all setback, parking, and landscape requirements. Redevelopment of the site will eliminate both the existing body shop and

truck rental facilities. The existing station has 1 full access point on Royal Saint George and 2 full access points on Ogden Avenue. As a part of the redevelopment, 1 access point along Ogden Avenue will be eliminated.

Staff finds the proposal is less intense than the prior improvement which included an auto body shop and truck rental. The visible nature of the subject property is well suited for an automobile service station and staff is in support of the request for a conditional use. The petitioner's responses to the standards for granting a conditional use are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

### ***Building Design***

The proposed single story building is comprised primarily of light brown colored brick with dark brown nichia (fiber cement) accent panels. A cast stone knee wall will wrap the building. Dark bronze metal canopies will be placed over the storefront windows and entrance doors. Currently a non-conforming ground sign is located near the southeast corner of the property; the petitioner proposes to replace the existing sign with a conforming sign. 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 & Lighting Plan***

The subject property is bordered on the north and east by residentially zoned property. Commercial property that is adjacent to residential property is subject to stricter Municipal Code requirements. A landscape buffer containing shrubs and shade trees will be located along the north and east property lines. A 6' tall board on board fence will provide additional screening along those property lines. The petitioner's proposed lighting plan provides adequate lighting of the site, while restricting any spillover onto surrounding properties. The landscape and lighting plans met all the technical requirements of the City's Code.

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

The Planning and Zoning Commission considered this matter at their meeting on June 5, 2019. Ivan Nockov with Vequity spoke on behalf of the petitioner. 5 members of the public provided testimony, raising concerns regarding the hours of operation (note: the Municipal Code does not restrict hours of operation in any zoning district), as well as the lighting and landscaping. Following brief discussion, the Planning and Zoning Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-031 (approved 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner is demolishing the existing automobile service station on the subject property in order to construct a new station. A conditional use is required.
- Staff supports the conditional use due to the location of the property.

**FISCAL IMPACT:** N/A