



## Legislation Text

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File #: 18-1045B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Receive the staff report for Tartan Point Subdivision (PZC 18-1-111) located at 1519 N. Naper Boulevard (Item 1 of 3).

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

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

The Planning and Zoning Commission considered this matter on December 5, 2018 and voted to recommend approval of the request (Approved 7-0). Staff concurs.

#### **BACKGROUND:**

The subject property is located at 1519 N. Naper Boulevard, south of the Naper Boulevard and Naperville/Wheaton Road intersection and north of the former Fair Oaks Ford Dealership. The property is zoned B3 General Commercial District and is approximately 3.2 acres in size. The petitioner plans to demolish the existing Great Lakes Credit Union building and redevelop the property with a Culver's and Circle K gas station. To do so, the petitioner requests approval of: a plat of subdivision to re-subdivide the property; a conditional use to permit a gas station in the B3 zoning district; and several zoning variances, as further described below.

The East Sector Update (1998) identifies the future land use of the property as "Commercial". Staff finds the petitioner's proposal to be consistent with this designation.

#### **DISCUSSION:**

##### ***Preliminary Plat of Subdivision***

The subject property currently consists of two lots totaling approximately 3.2 acres. The petitioner requests approval of a preliminary plat of subdivision to re-subdivide the subject property into three lots in the B3 zoning district. A Circle K gas station is planned on Lot 1 of the subject property, and Culver's is planned to develop on Lot 2. Lot 3 includes a shared access drive and open space areas that will be conveyed to a business owner's association responsible for open space maintenance. The proposed lots comply with the B3 zoning district's minimum lot width and area requirements. Staff finds the proposed preliminary plat of subdivision meets all technical requirements for approval.

##### ***Conditional Use for an Automobile Service Station***

The B3 zoning district classifies automobile service stations as a conditional use. Staff's analysis of the appropriateness of an automobile service station in this location considers zoning classifications and land uses in the surrounding area, as well as consistency with the Ogden Avenue Corridor Enhancement Initiative ("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. Despite the subject property's frontages along two key traffic corridors (Naper Boulevard and Naperville/Wheaton Road), the Ogden Plan does not identify it as a primary gateway, making it an appropriate site to redevelop with a service business or non-retail use. Furthermore, the subject property is surrounded by commercially zoned properties, ensuring that an automobile service station will not impact any residential properties.

The petitioner proposes a site design with decorative landscaping and elevations that exceed the recommendations of the Citywide Building Design Guidelines. The elevations for the convenience store, car wash, and canopy are predominantly masonry materials. The site will have full access from both Naper Boulevard and Naperville/Wheaton Road, including signalized access from Naper Boulevard. At the City's request, the petitioner has additionally platted cross-access to the former Fair Oaks Ford property located south of the subject property; staff finds this cross-access critical to facilitate future circulation between the new uses on both properties. Staff finds that the establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property and is supportive of the petitioner's request.

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Conditional Use can be found in the attachments. Upon review, staff and the Planning and Zoning Commission agree with the petitioner's Findings and recommend their adoption by the City Council.

#### **Requested Variances**

Five variances are proposed as part of the petitioner's request, as are further described below. While staff is supportive of each request based on its own merit, it is important to note that the development proposal as a whole is consistent with the goals of the Ogden Avenue Plan and the City's vision for the east Ogden area. Staff finds the development package to be well thought out and harmonious with the Ogden Plan due to the following: consolidated access points in the public rights-of way; a shared-access drive; provision of a cross-access easement to the property to the south; signage that is consistent with the City's approved East Ogden Monument Sign Standards; and, building elevations that exceed the requirements of the City's Building Design Guidelines. The specific variances requested are detailed below.

#### ***Culver's Parking Variance***

The proposed Culver's is approximately 4,459 square feet in size, which is generally consistent with its other Chicagoland locations. Section 6-9-3:4 of the Code requires fast food restaurants to have a parking ratio of 17 parking spaces per 1,000 square feet of gross floor area, which requires 76 parking spaces for the proposed Culver's. The purpose of this requirement is to ensure that adequate parking is provided to meet demand. Culver's is requesting approval of a parking variance that would allow the establishment to have 13 parking spaces per 1,000 square feet of gross floor area, for a total of 60 parking spaces.

To support the requested variance, the petitioner has submitted a detailed parking study that compares the City's parking requirements to national parking data and other Chicagoland Culver's locations. For a fast food restaurant with a drive through window, the Institute of Transportation Engineers (ITE) recommends a weekday parking ratio of 9.98 parking spaces per 1,000 square feet, and a Saturday ratio of 8.7 parking spaces per 1,000 square feet. Parking counts conducted at other

Chicagoland Culver's locations (Grayslake, Palatine, and Lincolnshire) revealed that during peak hours, a parking ratio of only 7.7 parking spaces per 1,000 square feet was utilized, which is noted as typical of a fast-food restaurant when much of sales are made at the drive through lanes. This data indicates that Culver's proposed parking ratio of 13 parking spaces per 1,000 square feet significantly surpasses the parking needs of the average fast-food restaurant with a drive through. Based on the data provided, staff believes the requested parking variance is appropriate and is supportive of the request.

#### *Findings of Fact*

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

#### **Circle K 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?nodetd=TIT6ZORE\\_CH9OFSTPA\\_6-9-6SUSTDRROSTLA](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodetd=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.

Circle K proposes a car wash stacking lane located on the north side of the property, behind the convenience store. A bypass 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 site should the car wash become unavailable or undesired. Staff finds this abbreviated bypass lane sufficient given the design of the facility and the minimal wait times and stacking anticipated. The petitioner has additionally exceeded the required stacking for the car wash (10 cars entering the wash, two exiting). For these reasons, staff finds the petitioner's request reasonable and supports the reduced length of a drive-through bypass lane for the car wash.

#### *Findings of Fact*

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

#### **Major Arterial Setback Variance**

[Section 6-2-14 \(Major Arterial Setback Requirements\)](#) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodetd=TIT6ZORE\\_CH2GEZOPR\\_6-2-14MAARSERE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodetd=TIT6ZORE_CH2GEZOPR_6-2-14MAARSERE) requires a minimum setback of seventy feet from the centerline or twenty feet from the edge of the right-of-way, whichever is greater, to be maintained on properties adjacent to a major arterial. Adjacent to the subject property, Naper Boulevard is classified as a major arterial roadway. The petitioner requests approval of a variance to reduce the required front yard setback along a major arterial by approximately ten feet, so a setback of sixty feet from the centerline and ten feet from the edge of the right-of-way is maintained.

The proposed site plan for the subject property maintains a significant landscape buffer along the site's Naper Boulevard frontage, including a 26,316 square foot stormwater management area on the southern half. The landscape buffer is more than ten feet wide at its narrowest point, and is improved

with landscaping that exceeds code requirements. To achieve optimal vehicular circulation on the Circle K property by way of drive aisles and a car wash stacking lane, eight parking spaces have been positioned to encroach into the required major arterial setback.

Staff is supportive of the requested variance noting that the enhanced landscape buffer is consistent with the intentions of the major arterial setback requirement and still maintains ample separation from Naper Boulevard traffic. Additionally, the proposed parking area setback is an improvement over the site's current setbacks and similar to the parking lot setbacks on the adjacent property to the north (Buona Beef).

*Findings of Fact*

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

**Off-premises Signage 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. The Sign Code allows commercial properties to install permanent ground signs so long as the property on which they are located has more than 100 feet of frontage. Section 6-16-3:7 prohibits off-premises signs displaying commercial speech to reduce the potentially distracting influence of signs, and to enable fair and consistent enforcement of signs.

As part of the development proposal, the petitioner proposes subdividing the subject property into three lots. One of these lots (Lot 3) is to be conveyed to a business owner's association responsible for open space maintenance. Lot 3 includes a stormwater management/open space area that will not be buildable in the future. Since the stormwater management facilities are in the southeast corner of the development, Culver's (Lot 2) does not have any lot frontage along Naper Boulevard where an opportunity for a ground sign would exist. The petitioner is seeking to erect an off-premises sign for Culver's on Lot 3 of the development to achieve visibility for passersby on Naper Boulevard.

The proposed monument sign is consistent with permitted signage allowances in terms of square footage, height, and setbacks. With consideration given to the unique subdivision layout and the fact that Lot 3 is not a buildable lot, staff feels that the requested variance is reasonable. Staff also notes that the proposed Culver's sign is consistent with the City's approved East Ogden Monument Sign Standards and will be consistent with future enhancements along the Ogden corridor.

*Findings of Fact*

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

**Ground Sign Setback Variance**

The City's Sign Code specifies specific setbacks and design standards to ensure that adequate site identification is provided without creating distractions, obstructions, and hazards. The Sign Code requires ground signs on commercial property to maintain a forty-foot setback from interior property lines to ensure effective communication between signs and the public, and to avoid sign clutter. The petitioner is requesting a variance to reduce the required interior property line setback for ground

signs on lots 1 and 2 from forty feet to ten feet.

The proposed development features a shared, centralized drive-aisle that provides direct access to both Lot 1 (Circle K) and Lot 2 (Culver's). This access drive is part of Lot 3 and will be maintained by a business owner's association. This unique platting approach results in three monument signs being located within the required 40-foot interior side yard setback, even though the side yard in question is actually internal to the development and does not impact any adjacent properties. Reducing the interior property line setback to ten feet will allow both Circle K and Culver's to place signage near their shared access point, while effectively communicating their locations to customers. Furthermore, all ground signs proposed are consistent with the City's approved East Ogden Monument Sign Standards and will be consistent future enhancements along the Ogden corridor.

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

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

### ***Landscape Plan***

The proposed landscaping meets the requirements of the City's Landscaping and Screening Ordinance. Where possible, existing, mature trees along the southern portion of the site are being preserved, and additional landscaping amenities along the shared access drive have been incorporated to beautify the site.

### ***Building Elevations***

The petitioner worked closely with staff to ensure high quality building elevations were proposed to comply with the City's Building Design Guidelines and improve the character of the east Ogden area. Upon review, staff finds that both the Circle K and Culver's elevations exceed City requirements. The convenience store, car wash, and canopy for Circle K is to be constructed out of architectural brick and architectural block, and Culver's will be constructed out of manufactured stone and hardieplank. Both buildings feature earth tone colors and decorative accents.

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

The Planning and Zoning Commission considered this matter at their meeting on December 5, 2018. No members of the public commented during the Public Hearing. The Planning and Zoning Commission voiced support for the project and noted that the development was consistent with the goals of the Ogden Avenue Plan. Following brief comments, the Planning and Zoning Commission closed the public hearing, moved to adopt the findings of fact as presented by the petitioner, and approve PZC 18-1-111 (approved 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner requests approval of a preliminary plat of subdivision to subdivide the property into three lots in the B3 zoning district. Staff and the Planning and Zoning Commission are in support of the request because the plat meets all technical requirements for approval.
- The petitioner requests approval of a conditional use to allow an automobile service station in the B3 Zoning District. Staff and the Planning and Zoning Commission are in support of the request due to the commercial nature of the corridor and consistency with the Ogden Avenue

Plan's recommendations.

- The petitioner requests a parking variance from Section 6-9-3:4 of the Municipal Code to allow for a parking ratio of 13 spaces per 1,000 square feet for Culver's. Staff and the Planning and Zoning Commission are in support of the request based on the parking study provided.
- The petitioner requests a variance from Section 6-9-6:2.2 to eliminate the bypass lane for the Circle K carwash. Staff and the Planning and Zoning Commission are supportive of the request given the design of the facility, minimal wait times and stacking anticipated, and a shortened bypass route being included just before vehicles enter the car wash.
- The petitioner requests a variance from Section 6-9-2:4.6 to reduce the front yard parking setback along a major arterial. Staff and the Planning and Zoning Commission are supportive of the request noting that an enhanced landscape buffer has been provided that still maintains ample separation from Naper Boulevard traffic; and, the proposed setback is an improvement over the site's current setbacks and similar to the parking lot setbacks on the adjacent property to the north.
- The petitioner requests a variance from Section 6-16-3:7 to permit off-site monument signage on Lot 3. Staff and the Planning and Zoning Commission are supportive of the request and views the variance as a result of a unique platting approach because Lot 3 is a stormwater management area that will not be built upon in the future.
- The petitioner requests a variance from Section 6-16-5:2.2.5.3 to permit monument signage within 40' of an interior setback line on Lots 1 and 2. Staff and the Planning and Zoning Commission are supportive of the request because the side yard in question is internal to the development and does not impact any adjacent properties.
- Staff and the Planning and Zoning Commission are supportive of the proposed use and layout of the subject property. The proposed development is compatible with the surrounding area and is consistent with the Ogden Avenue Plan.

### **Related Files**

The following agenda items are related to PZC 18-1-072:

- Pass the ordinance approving a Preliminary Plat of Subdivision for Tartan Point Subdivision - PZC 18-1-111 (Item 2 of 3).
- Pass the ordinance approving a conditional use in the B3 District to permit an automobile service station for the property located at 1519 N. Naper Boulevard; and, variances to allow a parking ratio of 13 spaces per 1,000 square feet for Culver's, eliminate the bypass lane for the Circle K carwash, reduce the front yard parking setback along a major arterial; permit off-premises monument signage on Lot 3, and permit monument signage within 40' of an interior setback line on Lots 1 and 2 for Tartan Point Subdivision - PZC 18-1-111 (Item 3 of 3).

**FISCAL IMPACT:** N/A [Click here to enter text.](#)