



Legislation Text

File #: 21-1079, Version: 1

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider approval of a conditional use for an automobile service station/repair facility at 1032 E. Ogden Ave (Alianza Mufflers and Brakes) - PZC 21-1-071

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

ENTITLEMENTS REQUESTED:

Approval of a conditional use to allow an automobile service station/repair facility for the B3 zoned property located at 1032 E Ogden Avenue - [Section 6-7C-3:2 \(General Commercial District: Conditional Uses\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTCB3GECODI_6-7C-4RECO) <https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTCB3GECODI_6-7C-4RECO>

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 21-1-071 was published in the Daily Herald on August 2, 2021.

BACKGROUND:

The business, Alianza Mufflers and Brakes, wishes to operate within Suite 112 of the 1-story multi-tenant building located at 1032 E Ogden Avenue. Suite 112 has an existing front and back entrance and is equipped with three garage doors on the side of the building. The suite was formerly occupied by Meineke Car Care Center. The subject property is zoned B3 (General Commercial District) and is located along the East Ogden Avenue Corridor. The business use is identified to be an automobile service station/repair facility. The B3 zoning district requires conditional use approval for the identified use.

DISCUSSION:

Alianza Mufflers and Brakes submitted an occupancy permit application requesting occupancy of Suite 112 of the building located at the subject property. Aside from minor interior updates including new furniture and paint, the petitioner did not request any major modifications to the unit prior to occupancy. Upon review of the request, staff notified the applicant that the property is zoned B3 and a conditional use is required for the proposed business in question.

In 2016, a text amendment was processed to update the Municipal Code in accordance with the implementation items identified in the Ogden Avenue Corridor Enhancement Initiative (2008). The text amendment included revision of the B3 zoning district to require conditional uses for automobile service stations/repair facilities. Automobile service stations/repair facilities were identified as a type of use that serves customers and in part requires commercial visibility to be successful, however,

these uses have the potential to adversely impact the intended retail nature of commercial corridors as well as adjacent properties. Accordingly, the code was revised to require conditional use approval to provide an additional level of review by the PZC and City Council in order to determine if the potential use is appropriate for the proposed location based on the specifics of the case presented.

When the B3 zoning district regulations were revised, a provision was included in the Code to accommodate existing auto service stations/repair facilities that were established prior to the amendment. This provision permits operation of nonconforming uses in accordance with the Nonconforming Use regulations (Title 6 - Chapter 10) of the code. These regulations state that a nonconforming use is not permitted to be renewed if the nonconformity is discontinued for a period of 6 months. Once the nonconformity is discontinued for a period longer than 6 months, any subsequent uses are required to conform to the use regulations of the zoning district. City staff asked the applicant for more details on the timing of the vacancy of the former Meineke Car Care Center which occupied Suite 112. The applicant confirmed the prior business left the location in August of 2019 which is more than 6 months prior to submittal of the occupancy permit. Therefore, the current business use was not permitted without approval of a conditional use.

Conditions of Approval

Alianza Mufflers and Brakes business hours will be 8:30 am to 5:30 pm Monday through Saturday, and closed on Sundays. The business will provide the following services: tune-ups, brakes, exhaust, suspension, tires, battery replacement, alternator replacement, starter replacement, radiator replacement, wiper change, tire rotation, oil change and check engine diagnosis. Given the potential adverse impacts to surrounding properties based on the type of business proposed, staff recommends the following conditions of approval:

- All work is required to be performed indoors, no work is permitted to be performed outside of the building
- All noise levels must be in compliance with Chapter 14 (Performance Standards) of the Municipal Code

Staff finds the conditions proposed will help to mitigate any adverse impacts that the business may have on surrounding properties by reducing the potential noise levels. The petitioner has been informed of the conditions recommended by staff and is agreeable to these conditions. If the PZC is in support of these conditions, staff recommends they be included in the Ordinance (subject to review and approval by the City Council).

Response to Standards

The Petitioners' responses to the Standards for Conditional Uses are included in the attachments. Staff is in general agreement with the Petitioner's findings and recommends adoption by the Planning and Zoning Commission, subject to the conditions noted above.

Key Takeaways

- A conditional use request is submitted by Alianza Mufflers and Brakes to occupancy of Suite 112 of the multi-tenant building located at 1032 E. Ogden Avenue
- Staff is in support of the conditional use request subject to the conditions that the business comply with the performance standards and all work is required to be performed indoors.

