



Legislation Text

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File #: 18-769B, Version: 1

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**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report for Wash-U located at 1150 E. Ogden - PZC 18-1-072 (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 September 19, 2018 and voted to recommend approval of the request (Approved 6-1). Staff concurs.

**BACKGROUND:**

The subject property consists of an irregularly shaped lot located on the south side of Ogden Avenue, east of Burlington Avenue. The property is zoned B3 General Commercial District and is approximately 35,532 square feet in size. Las Palmas Mexican Restaurant previously operated on the site. The petitioner plans to demolish the existing, vacant building and redevelop the property with a Wash-U car wash facility. In order to do so, the petitioner requests approval of: a conditional use for an automobile service station; a variance to allow a drive-through facility to have a reduced setback adjacent to a residential property; a variance to reduce the required major arterial setback for the subject property; a variance to reduce the required interior side yard setback for a ground sign; and, a variance to reduce the required five-foot setback around the perimeter of a parking lot.

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:**

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

The B3 zoning district classifies automobile service stations as a conditional use. Given the property's location along the Ogden Avenue corridor and the adjacent commercially zoned properties, staff finds the proposed car wash to be compatible with the surrounding area. Furthermore, staff notes that there are currently two access points to the site from Ogden. The proposed development consolidates site access into one entrance/exit which is consistent with the recommendations of the [Ogden Avenue Corridor Enhancement Initiative](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-esp-ogden-avenue-corridor-enhancement-initiative.pdf) [<https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-esp-ogden-avenue-corridor-enhancement-initiative.pdf>](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-esp-ogden-avenue-corridor-enhancement-initiative.pdf).

The petitioner has provided a noise study identifying that the loudest part of the development will be at the car wash exit, which is oriented towards Ogden Avenue and away from nearby residential properties. Landscaping and fencing are proposed along the southern property line to provide a

buffer between the car wash and unincorporated single-family homes to ensure minimal noise and visual impacts to residents. Subject to noise levels remaining compliant with Code along property lines shared with residential uses, staff finds that the establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property.

*Findings of Fact*

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

**Requested Variances**

***Drive Through Setback Variance***

[Section 6-9-6:2 \(Supplemental Standards for Drive-Through Stacking Lanes\) of the Code <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-6SUSTDRROSTLA>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-6SUSTDRROSTLA) requires the minimum distance between a drive-through facility and a residential property line to be forty feet. The petitioner requests approval of a variance to allow the proposed drive-through facility to be located five feet from a residential property line.

The subject property shares 107 feet of its southern property line (*36% of the total length*) with residential uses. The remaining 64% of the property line abuts another commercial lot where only a five-foot setback is required for the drive-through. Given the semi-triangular shape of the property and shallow lot depth, the proposed site design is preferable for an automobile service station because it locates drive-through stacking away from Ogden Avenue to ensure no overflow into traffic; and, orients the car wash exit, the noisiest part of the facility, towards Ogden Avenue. This preferable configuration would not be possible should the drive-through facility be required to maintain a forty-foot setback from the residential area. To mitigate impacts on the residential properties, the petitioner proposes a six-foot-tall privacy fence and landscaping along the property line shared with residential uses.

*Findings of Fact*

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

***Major Arterial Setback Variance***

The proposed site plan for the subject property maintains a continuous landscape buffer that is five feet wide along the site's Ogden Avenue frontage. [Section 6-2-14 \(Major Arterial Setback Requirements\) <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-14MAARSERE>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=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.

The City identifies Ogden Avenue as a major arterial roadway; however, staff notes that the Code does offer some flexibility with this regulation for properties along Ogden Avenue that are less than 150 feet in depth. The subject property has an irregular lot shape with one interior lot line (*northeast property line*) measuring 138 feet in depth, and the other interior lot line (*southern property line*) measuring 295 feet. Staff finds that the inconsistency in lot depth and semi-triangular shape of the

property provide a hardship and make it exceedingly difficult to redevelop the property while adhering to the major arterial setback requirements.

*Findings of Fact*

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

**Ground Sign Setback 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. As part of this, specific setbacks and design standards are regulated to ensure that adequate site identification is provided without creating distractions, obstructions, and hazards. The Sign Code requires ground signs on commercial and institutional property to maintain a forty-foot setback from interior property lines, and a ten-foot setback from major arterials. These setbacks have been identified as reasonable measurements for ensuring effective communication between signs and the public.

The subject property's irregular lot shape has dictated a site design that only maintains a five-foot setback from Ogden Avenue and does not provide ample space to locate a ground sign. There is one area in the northeastern corner of the site where additional green space is provided and a ground sign could comply with the Code's ten-foot major arterial setback; however, this location does not comply with the required forty-foot setback from an interior property line. The petitioner is proposing to locate the sign in this location to comply with the Code's required major arterial setback, but is requesting a variance to reduce the interior property line setback from 40 feet to 22.97 feet. Staff finds this location to be the optimal location for ground signage and believes less distractions will be created for vehicular passersby. Staff is in support of the requested variance and notes that the petitioner has located the monument sign as far from the interior lot line as possible, while maintaining the required ten-foot setback from a major arterial.

As part of the redevelopment of this site, the petitioner will be removing an existing, non-conforming pole sign and installing new ground signage which is a goal of the Ogden Avenue Enhancement Initiative. The petitioner has worked with staff to ensure the design of the proposed ground sign is consistent with the City's approved East Ogden Monument Sign Standards. Upon review, staff feels that the appearance of the proposed sign is in harmony with the 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, the Planning and Zoning Commission and staff agree with the petitioner's Findings and recommend their adoption by City Council.

**Parking Lot Perimeter Setback Variance**

[Section 6-9-2:4.3 \(Off Street Parking Facilities\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA)

of the Code requires parking facilities to be located a minimum of five feet from the property line. The proposed development maintains the required setback along all property lines, with an exception on the eastern portion of the site, adjacent to another commercial property. In this location, the setback is reduced to zero to provide

an adequate turning radius for vehicles so they can enter the carwash at a ninety degree angle. The petitioner has identified that this turning radius and angle at the carwash point-of-entry are required for the site to function. To mitigate the impact on the adjacent commercial property, a six-foot-tall fence has been proposed in this location, with additional landscaping to the north and south of the setback reduction. Staff notes that the setback reduction abuts the adjacent property's parking area, and consequently believes the proposed mitigation strategy is sufficient.

### *Findings of Fact*

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

### *Landscape Plan*

The proposed landscaping meets the requirements of the City's Landscaping and Screening Ordinance. The landscape plan includes parkway trees and perimeter parking lot landscaping, as well as additional landscaping and fencing to buffer the development from adjacent residential uses.

### *Building Elevations*

The proposed building elevations are reflective of the building's predominant function as a car wash. A small portion of the building is dedicated as a customer service area with washrooms and a manager's office, but most of the facility is reserved for the wash tunnel and supporting equipment. This business function places limits on the architectural design of the facility and minimizes opportunities for windows and decorative elements to be added for visual interest. The proposed building elevations reflect the user's corporate branding and include colored fiber cement panels and stack stone accents. Upon review, staff finds that the elevations are appropriate for the function of the site.

### *Planning & Zoning Commission Action*

The Planning and Zoning Commission considered this matter at their meeting on September 19, 2018. One member of the public spoke and noted concerns with site access and vehicle stacking, as well as chemical usage. Following limited discussion, the Planning and Zoning Commission closed the Public Hearing and moved to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-072 (approved 6-1). Commissioner Margulies cast the dissenting vote and stated that the use did not fit the area due to the site layout and the number of variances requested. Staff concurs with the Planning and Zoning Commission's recommendation.

### *Additional Correspondence*

Following the Planning and Zoning Commission meeting, the Petitioner clarified with staff that the existing curb-cut on the western side of the property is 32 feet wide, and that it will be widened to 38 feet through redevelopment of the site which is consistent with recommendations from the City's fire and engineering departments. During discussions at the hearing, it was inaccurately stated that the existing westernmost curb-cut was 28 feet wide and that it would be widened to 32 feet.

### *Key Takeaways*

- The petitioner is requesting a conditional use to allow an automobile service station in the B3 Zoning District. The Planning and Zoning Commission and staff are in support of the request due to the commercial nature of the corridor and the reduction in curb cuts along Ogden Avenue.

- The petitioner requests approval of a variance to allow a drive-through facility to have a reduced setback adjacent to a residential property. The Planning and Zoning Commission and staff are in support of the request due to the preferable site design and proposed mitigation measures, subject to the continued maintenance of a six-foot fence and continuous landscaping in the reduced setback area for buffering purposes.
- The petitioner requests approval of a variance to reduce the required major arterial setback for the subject property. The Planning and Zoning Commission and staff are in support of the request due to the irregular lot configuration and resulting shallow lot depth.
- The petitioner requests approval of a variance to reduce the required interior side yard setback for a ground sign. The Planning and Zoning Commission and staff are in support of the request due to the site layout and compliance with the major arterial signage setbacks.
- The petitioner requests approval of a variance to reduce the required five-foot setback around the perimeter of a parking lot. The Planning and Zoning Commission and staff are in support of the request due to the proposed site layout and required vehicular turning radii, subject to the continued maintenance of a six-foot fence adjacent to the reduced setback area.
- Subject to noise levels remaining compliant with Code along property lines shared with residential uses, the Planning and Zoning Commission and staff 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 Comprehensive Plan.

### ***Related Files***

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

- Pass the ordinance approving a conditional use in the B3 District to permit an automobile service station for the property located at 1150 E. Ogden (Wash-U) - PZC 18-1-072 (Item 2 of 3).
- Pass the ordinance approving variances to allow a drive-through facility to have a reduced setback adjacent to a residential property, reduce the required major arterial setback for the subject property, reduce the required interior side yard setback for a monument sign, and reduce the required five-foot setback around the perimeter of a parking lot for the property located at 1150 E. Ogden (Wash-U) - PZC 18-1-072 (Item 3 of 3).

**FISCAL IMPACT:** N/A