

**BSTP MIDWEST, LLC – THORNTONS GAS STATION**

September 20, 2018

**Project Number**

2018-0594

**Applicant**

BSTP Midwest, LLC

**Subject Property Location**

Southwest corner of Route 59 and Duke Parkway

**Property Owners**

Duke Realty Limited Partnership

**Zoning**

R-2 Medium-Low Density Residential District

**Existing Land Use**

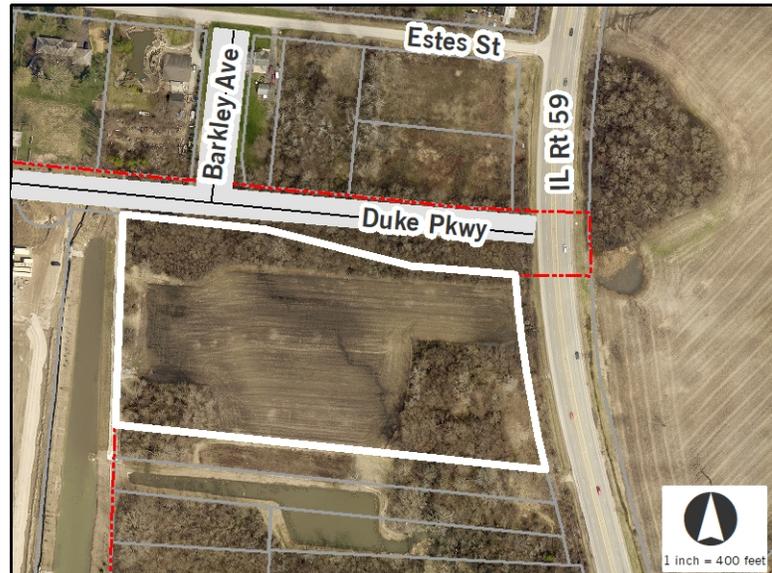
Undeveloped

**Comprehensive Plan**

Commercial/Mixed Use

**Approvals Sought**

1. Rezoning from R-2 Medium-Low Density Single Family Residential District to B-4 Motorist Service District
2. Special Use Permit for Gas Station in B-4 Motorist Service District
3. Zoning Ordinance Variations
4. Sign Ordinance Variations
5. Landscape Relief



**LOCATION MAP**

**PROJECT DESCRIPTION**

The Applicant is requesting the following approvals:

- I. Rezoning from R-2 Medium-Low Density Single Family residential district to B-4 Mototrist Service District;
- II. Special Use Permit for Gas Station in the B-4 zoning district;
- III. Zoning Ordinance variations for parking lot lighting and increased driveway width;
- IV. Landscape Relief; and
- V. Sign Ordinance variations for increased number and height of ground and canopy signage.

Collectively, these requests would allow Thorntons Inc. to develop an approximately eight-acre site with a gas station, including a 5,500-square foot convenience store, ten automobile fueling stations, five truck/commercial fueling lanes, a future

## PROJECT INFO

### Subject Property

Area: 8 acres

### Proposed Development

5,500-square foot convenience store,  
10 automobile fueling stations,  
5 truck/commercial fueling lanes,  
2,400-square foot quick service restaurant with drive thru, parking, landscaping, and Stormwater Management improvements.

### Submittals

See Exhibit A

2,400-square foot quick service restaurant with drivethru, and associated parking, parking lot lighting, landscaping, and stormwater management improvements.

Legal notice of public hearing for this project was published in the Daily Herald newspaper on September 5, 2018. **It is important to note that a public hearing for this request will be held on September 20, 2018. This staff report does not currently reflect any public input that may be received at the scheduled public hearing, and therefore should be reviewed with this fact in mind. Any additional information concerning the application that may be provided at the public hearing needs to be reviewed before a detailed staff recommendation can be formulated for this project.**

### BACKGROUND

In spring 2018, the Applicant petitioned the City for various zoning approvals to allow a similar development at the northwest corner of Route 59 and Duke Parkway. A series of concerns related to additional traffic on Barkley Road, site access and circulation, and on-site transitional yard landscaping were identified by area residents and members

of the Plan Commission. Following the initial formal public hearing on the proposal, staff summarized the input received at the public hearing and provided the Applicant with staff review comments and recommendations outlined in the Staff Review Letter, dated April 27, 2018. On June 21, 2018, the Applicant withdrew their formal application to develop the property at the northwest corner of Route 59 and Duke Parkway, citing difficulty in modifying the site plan in a manner that would address comments from the public and staff to remove truck traffic from Barkley Avenue.

### ANALYSIS

Documents listed in the attached Exhibit A have been submitted to the Community Development Department, distributed to the Plan Commission/Zoning Board of Appeals, and are the basis for the review comments contained in this report. Copies of any or all of the submitted documents are available upon request at the Community Development Department and may be viewed on the City website at <http://warrenville.il.us/index.aspx?nid=659>.

### Proposed Improvements

The proposed Site Plan prepared by WMA dated August 28, 2018, illustrates construction of an approximately 5,500-square foot convenience store with additional 3,025-square foot quick service restaurant space with a drive-thru window along the south side of the building, ten multi-product fueling dispensers that provide 20 automobile fueling positions, and five commercial fueling lines.

Sixty-two parking spaces, including three handicapped spaces, are being proposed on the Subject Property. Based on the proposed uses, 88 parking spaces are required as follows:

- 5,500 sq. ft. Convenience Store requires 28 parking spaces (five spaces per 1,000 sq. ft.)
- 3,025 sq. ft. Restaurant with drive-thru requires 60 parking spaces(20 spaces per 1,000 sq. ft.)

The Applicant has requested a variation to reduce the required number of parking spaces for the proposed development from 88 to 62 spaces.

Eight truck parking spaces are proposed south of the truck fueling lanes.

As proposed, the commercial fueling canopy would be located west of the convenience store building, and thus separated from the regular automobile fueling. Trucks would be entering and existing the fueling area through the western driveway off Duke Parkway. Vehicular (non-truck) traffic would have one three access drives on the Subject Property as follows: one full access drive and one right-in-right-out drive off Duke Parkway and one right-in-right-out drive on Route 59.

Detention for the site has been provided in a regional detention pond south of the Subject Property.

A trash enclosure is proposed west of the building.

#### **I. REZONING/MAP AMENDMENT** (This request requires formal Public Hearing)

The Applicant is requesting to rezone the Subject Property from R-2 Medium-Low Density Single Family residential district to B-4 Mototrist Service District. The B-4 zoning district would allow the Applicant to request a Special Use Permit for a gas station use. The Subject Property lot area and width comply with the B-4 zoning district requirements outlined in Table 4C of the Zoning Ordinance.

In recommending approval or conditional approval of a map amendment (rezoning), the Plan Commission shall transmit to the City Council written findings of fact that all of the conditions below apply to the application. In granting approval or conditional approval, the City Council shall similarly find that all of the following conditions apply:

##### **1. Compatible With Use or Zoning of Environs**

The proposed use(s) or the uses permitted under the proposed zoning classification are compatible with existing uses or existing zoning of property in the environs.

##### **2. Supported by Trend of Development**

The trend of development in the general area since the original zoning of the affected property was established supports the proposed use of zoning classification.

##### **3. Consistent With Comprehensive Plan Objectives**

The proposed use or zoning classification is in harmony with the objectives of the Comprehensive Plan of the City as viewed in light of any changed conditions since its adoption.

#### 4. Furthers Public Interest

The proposed use or zoning classification promotes the public interest and not solely the interest of the applicant.

***It is important to note that the Plan Commission makes recommendations to the City Council on rezoning/map amendment approval requests.***

## II. SPECIAL USE PERMIT (This request requires formal Public Hearing)

The Applicant is requesting approval of a Special Use Permit to operate gas station in the B-4 Motorist Service District per Table 3A of the Zoning Ordinance.

In recommending or granting approval or conditional approval of a Special Use, the City Council and Plan Commission shall prepare written findings of fact that on the basis of the characteristics cited under Review of Special Uses herein -- or changes to such characteristics that conditions to which the approval is made subject require -- the proposed use will be compatible with existing uses in the area, and with Permitted Uses in the zoning district, in the following ways:

### 1. Traffic

Any adverse impact of types or volumes of traffic flow not otherwise typical in the zoning district has been minimized.

### 2. Environmental Nuisance

Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of Permitted Uses in the zoning district, have been appropriately controlled.

### 3. Neighborhood Character

The proposed use will fit harmoniously with the existing natural or man-made character of its surroundings and with Permitted Uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values, or neighborhood character already existing in the area or normally associated with Permitted Uses in the district.

### 4. Public Services and Facilities

The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Permitted Uses in the district, nor generate disproportionate demand for new services or facilities as compared with the Permitted Uses, in such a way as to place undue burdens upon existing development in the area.

### 5. Public Safety and Health

The proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.

#### 6. Other Factors

The proposed use is in harmony with any other elements of compatibility pertinent in the judgment of the Commission or Council to the particular Special Use or its particular location.

***It is important to note that the Plan Commission makes recommendations to the City Council on special use permit approval requests.***

### III. ZONING VARIATIONS (This request is a matter of formal Public Hearing)

The Applicant is requesting approval of the Zoning Ordinance #1018 variations from the following provisions:

1. Variation from Table 5G to increase the 36-foot maximum width for a commercial driveway to approximately 70 feet along Duke Parkway;
2. Variations from Table 9C of Warrenton Zoning Ordinance #1018 to increase the maximum average illumination, reduce the minimum illumination level, and exceed the average to minimum uniformity ratio of illumination for the project. The proposed lighting levels are illustrated on the Photometric Plan prepared by Red Leonard Associates, dated August 27, 2018;
3. Variations from Table 5B to reduce the minimum 40-foot corner side setback for parking and loading spaces required along Duke Parkway to approximately 22 feet; and
4. Variation from Table 5E to reduce the number of required on-site parking spaces from 88 to 62 spaces.

In recommending or granting approval or conditional approval of a variance, the Zoning Board of Appeals and the City Council shall prepare written findings of fact that all of the conditions below apply to the application:

#### 1. Special Circumstances

Special circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this Ordinance, a general rule to cover them.

#### 2. Hardship or Practical Difficulties

Because of these special circumstances, the literal application of the provisions of this Ordinance would, without a variance, result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.

#### 3. Not Resulting from Applicant Action

The special circumstances, practical difficulties, or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Ordinance or any applicable amendment thereto, of any party with a present interest in the property.

#### 4. Reasonable Use and Return

Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.

#### 5. Not Alter Local Character

The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.

#### 6. Minimum Variance Needed

The variance approved is the minimum required to allow reasonable use and enjoyment of the property.

***It is important to note that the Zoning Board of Appeals makes recommendations to the City Council on zoning variation approval requests.***

#### **IV. LANDSCAPE RELIEF** (This request is not a matter of formal Public Hearing)

The Applicant is requesting relief from the following provisions of Section 11. Landscaping and Screening of the Zoning Ordinance:

1. Relief from Section 11.G.2.b.(ii) to increase spacing of the landscape planting islands from ten to 14 spaces in front of the building (east side); and
2. Relief from Section 11.H.I.3 to eliminate the transitional yard landscaping required along the south property line, which is adjacent to the residentially-zoned property.

***It is important to note that the Zoning Board of Appeals makes decisions on the Landscape Relief approvals requests.***

#### **V. SIGN VARIATIONS** (This request is a matter of formal Public Hearing)

The Applicant is proposing to install the following signage on the Subject Property:

Convenience Store Wall Signs: One approximately 45-square foot illuminated wall sign on the east elevation of the convenience store, above the main entrance; and one 15.8-square foot illuminated wall sign on the west side of the convenience store, above the secondary entrance. Both wall signs comply with the requirements of the Sign Ordinance.

Future Restaurant Wall Sign: One approximately 61-square foot illuminated wall sign on the east elevation, above the main entrance; and one 61-square foot illuminated wall sign on the west elevation, above the secondary entrance. Both wall signs comply with the requirements of the Sign Ordinance.

Canopy Signs: Three illuminated “Thorntons” canopy signs on the east, north and south sides of the east canopy, and two illuminated “Thorntons” canopy signs on the east and west truck fueling canopy. The proposed canopy signs are 26 inch tall, 26.8 square foot per face.

Parking Lot Regulation Signs: Directional signs “Truck Enter” and “Truck Exit” proposed on the truck canopy are 24 inch tall, 40 square foot per face. These signs are non-illuminated.

Canopy Border Lighting: LED border along the top edge of all canopy sides of both vehicular and truck canopies.

Ground Signs: One ten-foot tall, 72-square foot multi-tenant monument sign with approximately 54-square foot gasoline price display is being proposed at the Duke Parkway entrance to the site, and one seven-foot tall 66-square foot multi-tenant monument sign with approximately 38-square foot gasoline price display is proposed at the Route 59 and Duke Parkway corner of the Subject Property. Both signs are internally illuminated.

In order to implement the proposed signage, the Applicant is requesting the following variations from the Warrenton Sign Ordinance:

1. Variation from Section 8-14-6.B.1.i to increase the gasoline price area from 20 to approximately 54 and 38 square feet for the signs proposed at the Duke Parkway entrance and at the corner of Route 59 and Duke Parkway, respectively;
2. Variation from Section 8-14-6.B.1.g to increase the height of the canopy sign letters from 18 to 26 inches; and
3. Variation from Section 8-14-6.A.g to increase parking lot regulation sign area from nine square feet to 40 square feet.

In recommending or granting approval of a sign variance, the Zoning Board of Appeals and the City Council shall prepare written findings of fact that all conditions below apply to the application:

- a. The proposed variation will not serve merely as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship, which will result if the strict letter of the regulations were carried out and which is not generally applicable to signs within the district.
- b. The alleged hardship has not been directly created by any person having a proprietary interest in the premises.

- c. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- d. The proposed variation will not impair an adequate supply of light and air to adjacent property, increase the danger of fire or endanger the public safety.
- e. The proposed variation will not alter the essential character of the locality.
- f. The proposed variation is in harmony with the spirit and intent of the Warrenville Sign Ordinance.

***It is important to note that the Zoning Board of Appeals makes recommendations to the City Council on Sign Ordinance variation approval requests.***

### **CONCLUSION**

***Once the initial Public Hearing for this project has been conducted, Community Development Department staff and City consultants will prepare detailed staff review comments on the submitted application documents. Ultimately, staff will prepare a detailed staff report and recommendation on this application for consideration by the Plan Commission at a future public meeting.***

***Staff recommends the public hearing for this project be continued until the October 18, 2018, Plan Commission Meeting.***

### **ATTACHMENTS**

Exhibit A: List of submitted materials.

**EXHIBIT A**

## THORNTONS SUBMITTED DOCUMENTS (8-28-18)

1. General Application, 3 pages, prepared by BSTP, dated 8-28-18
2. Zoning Variance Application Form A, 3 pages, prepared by Bluestone Development, dated 8-28-18
3. Zoning Variance Variance Application Findings of Fact, 3 pages, submitted 8-28-18
4. Special Use Application Form B, 3 pages, prepared by Bluestone Development, dated 8-28-18
5. Rezoning Application Form C, 2 pages, prepared by Bluestone Development, dated 8-28-18
6. Warrenville Development Narrative, 2 pages, prepared by Mike MacKinnon, submitted 8-28-18
7. Preliminary Engineering and Landscape, 3 pages, prepared by Webster, McGrath, Ahlberg, Ltd., dated 8-28-18
8. Photometrics Plan, 1 page, prepared by Red Leonard Associates, dated 8-27-18
9. ALTA Survey, 1 page, prepared by Webster, McGrath, Ahlberg, Ltd., dated 8-6-18
10. Building Elevations, 7 pages, prepared by Lockett Farley, submitted 8-28-18
11. Signage Plans, 10 pages, prepared by MC Sign Company, dated 8-16-18
12. Owner Authorization Letter, 1 page, prepared by Duke Realty-Susan Bergdoll, dated 8-20-18
13. Legal Description, 1 page, submitted 8-28-18
14. Project Contacts, 1 page, submitted 8-28-18
15. Adjacent Properties List, 1 page, submitted 8-28-18