



## Legislation Details (With Text)

**File #:** 20-1090C      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/9/2020      **In control:** City Council  
**On agenda:** 10/20/2020      **Final action:** 10/20/2020  
**Title:** Pass the ordinance approving a setback variance to Section 6-7D-7 for the property located at 110 S. Washington Street (Central Park Place) - PZC 20-1-083

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Response to Variance Standards, 5. Variance Application, 6. Rendering, 7. HPC Attachments, 8. Location Map, 9. 9.24.2020 HPC Draft Meeting Minutes, 10. 10.7.2020 PZC Draft Meeting Minutes

Date	Ver.	Action By	Action	Result
10/20/2020	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Pass the ordinance approving a setback variance to Section 6-7D-7 for the property located at 110 S. Washington Street (Central Park Place) - PZC 20-1-083

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Community Planner

**BOARD/COMMISSION REVIEW:**

The Historic Preservation Commission (HPC) considered the request on September 24, 2020. The HPC approved COA 20-3273 (approved 6,0) and provided a positive recommendation before being approved by the Planning and Zoning Commission (approved 6,0). Official notice for the public hearing for PZC 20-1-083 was published in the Daily Herald on Monday, September 21, 2020.

**BACKGROUND:**

The subject property, 110 S. Washington Street is generally located north of Jefferson Avenue and east of Washington Street and is zoned B4 (Downtown Core District). The property is approximately 0.56 acres. On September 19, 2017, the City Council passed Ordinance 17-141 designating the subject property as a local landmark. Since the landmark designation, approvals have been granted for the development known as Central Park Place, which is currently under construction. Central Park Place is an approximately 87,000 square foot, four-story, mixed-use building with an underground parking garage, commercial uses on the first floor, and 17 residential dwelling units on the second through fourth floors.

**DISCUSSION:**

The owner and petitioner, Great Central Properties III, LLC is requesting approval of a variance in

order to remove three seat walls which were planned to be located in front of the new building. Per Section 6-7D-7 (Downtown Core District: Yard Requirements) of the Naperville Municipal Code, the required setback for new construction is no greater than six feet, unless permanent outdoor seating is proposed. If permanent outdoor seating is proposed, the setback shall be measured from the limit of the defined outdoor seating area. Since the petitioner is removing the proposed seat walls, the setback is then measured from the building façade, which is located more than six feet from the property line.

The proposed building setback increases from south to north and is located approximately 18.5' from the property line adjacent to Washington Street at the furthest point. The petitioner is requesting the setback variance for removal of the seat walls finding the proposed seat walls block visibility of the commercial units. Furthermore, the petitioner has indicated that prospective retail tenants do not find a need for the proposed seat walls.

The maximum setback of six feet was established in 2011 as an amendment to the B4 (Downtown Core District) regulations per the recommendations included in the *Naperville Downtown 2030 Plan*. In other sections of the Zoning Code, a minimum setback is established, however, building to the property line is encouraged in the Downtown Core in order to create a line of storefronts (e.g. streetwall) for passing pedestrians. Currently, the Old Nichols Library is located more than six feet from the property line so a consistent streetwall on the east side of Washington Street does not exist within this block. Staff is in support of the proposed variance finding that the greater setback provides open views to the street-facing façade of the Old Nichols Library and the proposed setback is not inconsistent with what is located on this block.

### ***Historic Preservation Commission (HPC)***

Given the subject property is a local landmark, the HPC conducted review of the request at their meeting on September 24, 2020. One member of the public spoke in support of the request. After limited discussion, the HPC voted to provide the PZC with a position recommendation regarding the requested setback variance (approved 6,0) and approved the requested COA for the proposed modification to the exterior façade (approved 6,0). No further action is required by the PZC or City Council on the COA approval.

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

The petitioner's responses to the Standards for granting a variance are included in the attachments. Staff is in general agreement with the petitioner's Findings of Fact and recommends adoption by the City Council.

### ***Key Takeaways***

- The petitioner is requesting approval of a variance to Section 6-7D-7 (Downtown Core District: Yard Requirements) in order to locate the proposed building 18.5' from the property line from the furthest point.
- Staff, HPC, and PZC are in support of the requested setback variance.

### **FISCAL IMPACT:**

N/A