



Legislation Details (With Text)

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**Title:** Receive the staff report regarding The Matrix located at 808 S. Route 59, Naperville - PZC 20-1-027 & BRB Case #106 (Item 1 of 4)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Petition, 2. Disclosure of Beneficiaries, 3. Response to Standards, 4. Site Plan, 5. Building Elevations & Floor Plan, 6. PARKING STUDY 808 & 776 S Rte 59, 7. 808 S. ROUTE 59 USE OPERATION HOURS, 8. Owner Letter of Support, 9. Legal Description, 10. PZC Meeting Minutes - 3-3-2021 DRAFT

Date	Ver.	Action By	Action	Result
3/16/2021	1	City Council	approved	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report regarding The Matrix located at 808 S. Route 59, Naperville - PZC 20-1-027 & BRB Case #106 (Item 1 of 4)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Amy Emery, AICP, TED Operations Manager

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered this matter (PZC 20-1-027) on March 3, 2021 and voted to recommend approval of the request (approved, 9-0). The Building Review Board (BRB) considered a rooftop screening variance (BRB Case #106) on February 17, 2021 for this location and voted to recommend approval of the request (approved, 5-0).

**BACKGROUND:**

The subject property is located northeast of the intersection of IL Route 59 and IL Route 34 (Ogden Avenue) and is commonly known as 808 S. Route 59. The property is part of the Fox River Commons Shopping Center. It includes 9.78 acres and is zoned B2 (Community Shopping District). The site is improved with a 136,446-square foot retail warehouse building that was occupied by Sam’s Club from the time of construction until it was vacated in 2018.

The petitioner, KPW Investments LLC, is proposing to convert the existing building into mixed-use space with multiple tenants, including a 1,200 seat banquet hall, 250 seat restaurant, performing arts academy, 200 seat theater, art gallery, recording studio, and sport court complex. The project also includes façade and site improvements to provide a modern refresh and rebranding of the property.

**DISCUSSION:**

*Major Change to PUD to approve Conditional Use*

The petitioner requests approval of a Major Change to the Fox River Commons Resubdivision PUD to grant approval of a banquet hall and sport complex uses which require approval of a conditional use in the B2 (Community Shopping Center) zoning district as amusement establishments.

The property also enjoys signalized access to both IL Route 59 and Ogden Avenue. The building is setback 50 feet from the property line and mature landscaping exists to screen the building from residential uses to the east.

The petitioner’s responses to the standards for granting the Major Change to the PUD and approval of a conditional use are attached. Upon review, staff agrees with the petitioner’s findings and recommends their adoption by City Council.

*Deviation for Off-Street Parking*

Per Section 6-9-3 (Schedule of Off-Street Parking Requirements), the resulting mix of uses will require 847 parking spaces and will result in a deficit of 320 parking spaces on the subject property. As such, the petitioner requests a deviation from the off-street parking requirements as detailed in the table below:

<b>The Matrix, 808 S. Route 59</b>			
<b>PROPOSED USE</b>	<b>Density</b>	<b>CITY OF NAPERVILLE PARKING REQUIRED</b>	<b>PARKING SPACES REQUIRED</b>
Banquet Hall	21,790 Square Feet	10 Spaces/1,000 Sq Ft	218
Restaurant	6,682 Square Feet	10 Spaces/1,000 Sq Ft	67
Live Theater	200 Seats	1 Spaces Per 2.5 Seats	80
Athletic Fields	24,170 Square Feet	5 Spaces/1,000 Sq Ft	121
Retail	80,166 Square Feet	4.5 Spaces/1,000 Sq Ft	361
TOTAL SPACES REQUIRED (a)			847
TOTAL SPACES AT 808 S. ROUTE 59 (b)			527
PARKING VARIANCE REQUIRED [b-a]			320

A parking study prepared by KLOA on January 1, 2021 has been submitted by the Petitioner to support the requested deviation. Using data from the ITE (Institute of Transportation Engineers’) *Parking Generation Manual*, the study examined the parking at both the 808 S. Route 59 (The Matrix) and 776 S. Route 59 (Mall of India) given their proximity, shared egress and relationship between the site uses.

The parking study conclusion (provided on Page 8 of the attached report) provides professional, technical support for the variance request finding the overall parking supply in the shopping center, given the sharing of parking that will occur between the different uses will be adequate in meeting the parking demands including the Mall of India and the redevelopment of the Sam’s Club building. It is expected that the distinct uses within each development will have different peak times of activity allowing for convenient sharing of the overall parking supply. For example, the grocery store and retail uses will see more activity during the daytime hours than would the theater and banquet spaces which are expected to be busier in the evening hours and on weekends. A peak activity exhibit has

also been provided by the petitioner.

Staff recommends approval of the deviation subject to the following condition:

*If the City's Zoning Administrator determines that the current and proposed tenants' parking needs cannot be accommodated within the parking supply at 776 and 808 S. Route 59, , the owner of the Subject Property (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each unit, restricting the number of leasable units, or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate tenant parking needs on the Subject Property to the satisfaction of the City's Zoning Administrator may result in the City's revocation of one or more of the variances approved herein.*

The owners of the Mall of India have provided a letter (attached) expressing their support for the variance request at The Matrix (808 S. Route 59). The letter notes their expectation and understanding that parking will be shared between the two sites as the customers are expected to frequent both locations often on a single visit, and agreement with the condition recommended by staff to remedy any issue should it arise.

#### *Rooftop Screening Variance*

The subject building was constructed more than 20 years ago prior to the implementation of Naperville's current requirements for rooftop unit (RTU) screening which was enacted by ordinance in 2004. The existing building includes a parapet along the west elevation (nearest to IL Route 59) and portions of the south elevation. There is no parapet wall along the north (abutting Mall of India) and east side (rear) of the building. Many existing RTU units are clustered within metal screens.

The significant scope of the proposed work requires the building to be compliant with the current Municipal Code, including the rooftop screening requirements outlined in Section 5-10-3 Subsection 12. The current requirements for RTU screening stipulate that all roof structures and equipment, such as heating, air conditioning, ventilation, exhaust or other mechanical equipment, located on the roof of any building or structure shall be screened or enclosed in a manner that will mask the equipment from view. The screening in the form of a parapet wall, unless otherwise approved by the Chief Building Official due to structural reasons, shall be installed such that the entire piece of equipment is completely enclosed on all sides for the full height of the unit plus any supporting curb work. The applicant has requested a variance from this section of the Code.

A separate text amendment is being considered by the City Council on this same agenda. If approved, the petitioners request would not require action by City Council as it could be addressed administratively by staff. However, in this situation, since the matter was considered by the BRB, to officially close out the case, City Council approval is requested even if the text amendment is approved.

Based on the roof plan provided, the proposed development will include additions to the parapet on the west façade to be compatible with the materials, style and redesign of the building. The parapet will effectively screen rooftop mechanical equipment from view along the west façade. New HVAC rooftop units will be provided that will be unscreened, due to a lack of parapet, on the east, north and

south sides of the building necessitating a variance.

City staff has reviewed the proposed plans and considered the applicant's request for a variance. Staff is supportive of the variance for the following reasons:

1. Unit placement is respectful of the existing parapet wall to maintain screening along IL Route 59. Screening along this façade has the most impact on the community as it the façade visible to the thousands of motorists passing by each day
2. The petitioner has provided a line of site study to denote the RTUs are not visible from the east and south property lines given distance to the property lines, adjacent building locations and existing landscape (tree) buffers.

Staff recommends approval of the variance subject to the condition that the additional screening proposed in the application is installed, and that additional screening meeting city ordinance be provided for all future RTUs.

### *Summary*

The petitioner is requesting to redevelop the vacant retail warehouse building at 808 S. Route 59. The proposed mix of uses require a Major Change to the PUD to authorize a conditional use, a parking deviation to reduce the required parking supply, and a rooftop screening variance.

### ***Planning and Zoning Commission Action***

The PZC conducted a public hearing to consider PZC 20-1-027 on March 3, 2021. Two members of the public spoke during the hearing and one positive position statement was noted. One of the speakers spoke in favor of the project. The other expressed concerns about traffic generation from the release of events at the theater and banquet. City Engineering staff responded to the concern and explained that the property is served by two major arterials that are designed to accommodate such traffic volumes. Both roadways have capacity available to serve the use. Further, it is worth noting that the property enjoys signalized intersections to support traffic flow and the hours of operation of banquet and theater events are not expected to coincide with peak traffic times on either roadway. The PZC expressed support for the project. They expressed no concerns with the proposal as presented and unanimously recommended approval of PZC 20-1-027 (Approved 9-0). Staff concurs with the PZC recommendation

### ***Building Review Board Action***

The board considered BRB Case #106 to provide relief from the screening requirements on February 17, 2021. No public comment was provided. The BRB was supportive of the request noting the efforts the petitioner made to focus screening along the most visible frontage (IL Route 59) and the line of site screening to the residential areas to the east. The Building Review Board approved the request as presented (Approved 5-0). Staff concurs with the BRB recommendation.

### **Key Takeaways for PZC 20-1-027 and BRB Case #106**

- The petitioner is requesting a major change to amend the Fox River Commons Resubdivision PUD to grant a conditional use to permit a banquet and sport court complex. Staff finds the proposed uses are complimentary to the existing PUD, the overall development, and are appropriate for the commercial and service character of the Route 59 corridor.

- The petitioner is also seeking a parking deviation to reduce the required parking count. Staff finds the mix of uses within the Fox River Commons Shopping Center can accommodate the requested variance as has been demonstrated by the technical parking study.
- The PZC was unanimous in its recommendation of the Major Change to the Conditional Use and the Parking Deviation.
- The petitioner has also requested a variance to rooftop screening. Staff finds the request to be reasonable and appreciates the efforts of the petitioner to add screening to the western façade facing IL Route 59 - the façade most visible to the community. The BRB recommended approval.
- Staff is supportive of the requests subject to the conditions noted in this report. The petitioner has agreed to all conditions requested.

### **Related Files**

The following three files are related to PZC 20-1-027 and BRB Case #106:

- Pass the ordinance approving a Major Change to the Fox River Commons Resubdivision PUD to allow conditional uses on the subject property located at 808 S. Route 59 (File 2 of 4)
- Pass the ordinance approving a parking deviation for the subject property located at 808 S. Route 59 (File 3 of 4)
- Pass the ordinance approving a variance for rooftop screening for the subject property located at 808 S Route 59 (File 4 of 4)

### **FISCAL IMPACT:**

N/A