



Legislation Details (With Text)

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**On agenda:** 7/19/2022      **Final action:** 7/19/2022

**Title:** Option A: Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving five variances related to the proposed drive-through and signage for 1291-1295 E. Ogden Avenue (Eastgate Outlot) - PZC 21-1-126; or  
Option B: Concur with staff and pass the ordinance approving the requested sign variances and denying the requested drive-through variances for 1291-1295 E. Ogden Avenue (Eastgate Outlot) - PZC 21-1-126

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance A (concur with PZC), 2. Ord. A, Exhibit A - Legal, 3. Ord. A, Exhibit B - Plat, 4. Ord. A, Exhibit C - Site Plan, 5. Ord. A, Exhibit D - Pkg. Eval., 6. Ord. A, Exhibit E - Sign Plan, 7. Ord. A, Exhibit F - Standards, 8. Ordinance B (concur with staff), 9. Ord. B, Exhibit A - Legal, 10. Ord. B, Exhibit B - Plat, 11. Ord. B, Exhibit C - Sign Plan, 12. Ord. B, Exhibit D - Site Plan, 13. Ord. B, Exhibit E - Sign Standards, 14. Ord. B, Exhibit F - Drive-Through Standards, 15. Development Petition, 16. Prelim Engineering, 17. Prelim Landscaping, 18. Parking Supplemental, 19. Autoturn Exhibit, 20. Location Map, 21. PZC Meeting Minutes

Date	Ver.	Action By	Action	Result
7/19/2022	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

**Option A:** Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving five variances related to the proposed drive-through and signage for 1291-1295 E. Ogden Avenue (Eastgate Outlot) - PZC 21-1-126; or

**Option B:** Concur with staff and pass the ordinance approving the requested sign variances and denying the requested drive-through variances for 1291-1295 E. Ogden Avenue (Eastgate Outlot) - PZC 21-1-126

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 21-1-126 on June 15, 2022 and voted to recommend approval of the petitioner’s requests, subject to conditions (approved 7-0). Staff disagrees with the PZC’s recommendation and is not supportive of the drive-through variances requested.

**BACKGROUND:**

The subject property is zoned B2 and consists of approximately 10.1 acres located at the northwest corner of Naperville/Wheaton Road and Ogden Avenue. It is currently developed with a multi-tenant commercial building (anchored by H Mart and Dollar Tree) and associated parking areas.

The petitioner plans to subdivide the property to create a new commercial outlet that will accommodate two restaurants and two retail establishments in one building. To do so, the petitioner requests approval of a preliminary/final plat of subdivision, and variances to the City's drive-through and ground sign requirements.

## **DISCUSSION:**

### ***Preliminary/Final Plat of Subdivision***

The subject property currently consists of one lot that is approximately 10.1 acres in size. The petitioner proposes subdividing the property into two lots. Lot 1 will consist of approximately 8.9 acres and will continue to accommodate the multi-tenant commercial building anchored by H Mart and Dollar Tree. Lot 2 will be approximately 1.2 acres in size and is planned for development of the new, four-tenant commercial building. Staff finds the proposed plat of subdivision meets the technical requirements for approval.

### ***Drive-through Variances***

The petitioner's development proposal includes an 8,300 square-foot building to be occupied by two fast casual restaurants and two retail establishments. One of the restaurants has been identified as Kura Sushi and will include a drive-through on the west building façade. The proposed drive-through will consist of a single lane operating in a counterclockwise direction and will allow for a total of three vehicles to stack at the pick-up window without interfering with traffic circulation patterns on-site.

The design of the drive-through requires approval of two variances from the Naperville Municipal Code:

- 1. Bypass lane.** Section 6-9-6:2 (Supplemental Standards for Drive-Through Stacking Lanes) of the Municipal Code requires drive-through facilities to maintain a ten-foot-wide bypass lane the extent of the drive-through lane. The petitioner requests approval of variance to eliminate the required bypass lane.
- 2. Stacking spaces.** Section 6-9-3:5 (Stacking Requirements for Use with Drive-Through Facilities) requires restaurants to maintain stacking space for twelve cars within the drive-through lane. The petitioner requests approval of variance to reduce the number of required stacking spaces for a drive-through from twelve to three.

The petitioner has identified that the proposed pick-up window will operate differently than a traditional drive-through in that the pickup window will only be utilized for picking up orders already placed. Customers utilizing the lane must order their food and pay in advance. No ordering board is proposed and payment will not be accepted at the window. The petitioner states this will allow for quicker service times than a typical fast-food restaurant drive-through lane.

Staff has concerns with the drive-through variances requested due to the lack of information available on Kura Sushi and a lack of data provided to support the proposed pick-up window design, as well as the additional points provided under Findings of Fact.

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

The petitioner's responses to the Standards for Granting a Variance for both requests can be found in the attachments. The PZC agrees with the petitioner's Findings and recommends their adoption by City Council, subject to conditions:

1. The drive-through variances approved shall be specific to the restaurant tenant, Kura Sushi.
2. If cars back up onto the Eastgate Crossing shopping center drive aisles, the owner of the Subject Property shall promptly take adequate measures to adjust drive-through operations.

Staff does not concur with the petitioner's responses for the reasons noted below:

- 1. New construction.** The proposed development consists of a new, four-tenant building to be built in the center of an established commercial area. It will reduce parking availability in the surrounding shopping center, despite adding new commercial space and changing on-site traffic flow. Staff does not believe that there are any hardships which would justify the need for a drive-through that does not comply with City regulations.
- 2. Lacking information available on Kura Sushi.** In staff's experience, drive-through operations are tenant specific and can vary greatly depending on the end-user. The petitioner has not provided adequate detail on Kura Sushi's operations, or adequate data from existing pick-up window operations to support such a significant decrease in required drive-through stacking.
- 3. Parking provisions.** The proposed development requires reconfiguration of existing parking areas and results in a net loss of 111 parking spaces within the Eastgate Crossing shopping center. Despite a reduction in available parking, the petitioner proposes 8,300 square feet of new commercial space to be added to the shopping center, which increases overall parking demand by 66 parking spaces per Section 6-9-3:4 (Schedule of Off Street Parking Requirements) of the Municipal Code.

While the number of parking spaces available throughout Eastgate Crossing remains compliant with City parking requirements (even after the new commercial building is added), much of the required parking for the site will be located behind the H Mart building, which is not convenient to customers. Staff has concern with the site being too crowded and believes additional complications could arise if the drive-through does not work as intended and cars back up into drive aisles or additional parking spaces need to be reserved for pick-up orders.

The petitioner has stated that there will be two-three designated parking spaces for vehicles to wait, should the service time exceed the expected wait time at the pick-up window; however, these spaces have not been designated on the site plan and will further detract from the required parking supply proximate to the new commercial building proposed.

Furthermore, staff notes that if the drive-through variances are denied, the petitioner would

still be permitted to build a new retail center on the outlot without a drive through following approval of the preliminary/final plat of subdivision.

- 4. Long-term functionality.** Staff has concerns with the long-term functionality of the pick-up window should tenants change in the future or business operations be modified. Due to the proposed site configuration, staff believes it would be difficult to repurpose the drive-through should it not function as anticipated by the petitioner in the future.

### ***Signage Variances***

The Eastgate Crossing Shopping Center is a 14-acre development divided into four lots under one ownership group. It has frontage and access points along Iroquois Avenue, Ogden Avenue, and Naperville Wheaton Road. The petitioner has confirmed that all tenants and their customers have parking and access rights to all areas of the shopping center.

The petitioner is proposing an updated sign package that better meets the design requirements of the Ogden commercial corridor, as well as replaces outdated signage. The updated sign package requires approval of three sign variances:

- 1. Sign Area.** The petitioner seeks approval of a variance from Section 6-16-5:2.2.2 (Ground Signs/Sign Area) to allow an increase in sign area from 45 square feet to 50.2 square feet for the main shopping center entrance sign. The petitioner indicates that this increase in sign area more clearly identifies the tenants in the shopping center and makes it is easier for drivers to locate certain retailers without the hazard of slowing down considerably or making last minute lane changes which could put other drivers at risk. It is also noted that interior tenants are significantly set back from Ogden Avenue, resulting in reduced visibility along the roadways. Mature trees and the existing CVS, Citibank and Panera outlots further impact their visibility as well.

The petitioner has also indicated that the existing sign to be removed is 72 square feet; therefore, the proposed sign will be smaller in size than the existing signage.

- 2. Sign Height.** The petitioner seeks approval of a variance to Section 6-16-5:2.2.4 (Ground Signs/Height) to allow an increase in sign height from 10 feet to 15 feet for the main shopping center entrance sign. Consistent with comments made on the variance to sign area, the petitioner indicates that an increase in sign height more clearly identifies the tenants in the shopping center and makes it is easier for drivers to locate certain retailers. Additionally, interior tenants are significantly set back from Ogden Avenue and screened by mature trees and existing commercial outlots, resulting in reduced visibility along the roadways. Allowing the main shopping center sign to measure 15 feet in height will help provide adequate site identification for all tenants in Eastgate Crossing.

Furthermore, the petitioner has indicated that the existing shopping center sign measures approximately 20 feet in height; therefore, the proposed signage will be shorter than the

existing sign.

- 3. Off-premises signage.** The petitioner seeks approval of a variance to Section 6-16-3:7 (Prohibited Signs) to allow ground signs in the Eastgate Crossing shopping center to display commercial signage for all tenants within Eastgate Crossing, regardless of which lot they are located on. As mentioned above, Eastgate Crossing consists of four lots, though the four lots function as one cohesive shopping center. Signs with the ability to identify tenants throughout the shopping center will provide better communication and identification of businesses to customers and passersby. The petitioner has indicated that this will help ensure their long-term and sustained viability. Although the shopping center is comprised of multiple parcels, it effectively operates as one development under one ownership group. The proposed locations for the shopping center signs improve visibility to Ogden and Naperville Wheaton Road for interior tenants. Furthermore, the ground signs have been designed consistent with the East Ogden Avenue Monument Sign Standards.

#### *Findings of Fact*

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

#### ***Building Elevations***

The petitioner worked with staff to ensure high quality building elevations were proposed to comply with the City's Building Design Guidelines and function as an enhancement to the Eastgate Crossing shopping center. Upon review, staff finds the proposed elevations exceed City requirements. The multi-tenant commercial building will be constructed out of stackstone and nichiha to complement the H Mart building and will feature earth tone colors and decorative accents.

#### ***Key Takeaways***

- The petitioner requests approval of a preliminary/final plat of subdivision to subdivide the property into two lots in the B2 zoning district. Staff finds the plat meets all technical requirements for approval.
- The petitioner requests approval of two drive-through variances from Section 6-9-6:2 and Section 6-9-3:5 to reduce the number of required stacking spaces and eliminate the required bypass lane for a drive-through. Staff is not in support of the request since the project is new construction, there is lacking data to support such a significant decrease, and there are concerns with parking availability and long-term functionality of the site.
- The petitioner requests variances from Section 6-16-5:2.2.2, Section 6-16-5:2.2.4 and Section 6-16-3:7, to increase permissible sign height and area for the main shopping center entrance sign and allow off-premises signage to be displayed on all Eastgate Crossing shopping center signs. Staff is supportive of the request noting the size of the center and the reduced visibility interior tenants have along the roadways.

#### ***Planning & Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on June 15, 2022. The PZC discussed the drive-through variances requested, as well as the concerns raised by staff. The PZC concluded they would approve the requested drive-through variances specific to the tenant Kura Sushi. No members of the public provided testimony. The PZC closed the public hearing and voted to recommend approval of the petitioner's requests, subject to conditions (approved 7-0). Staff disagrees with the recommendation, noting that the PZC's recommended condition of processing a

new variance each time a tenant changes seems impractical and burdensome. Staff continues to recommend denial of the drive-through variances requested.

**RELATED FILES**

N/A