



Legislation Details (With Text)

File #: 17-812B **Version:** 1

Type: Report **Status:** Passed

File created: 11/2/2017 **In control:** City Council

On agenda: 11/21/2017 **Final action:** 11/21/2017

Title: Uphold the decision of the Zoning Administrator and the Planning and Zoning Commission’s with respect to the Downtown Design Standards (2011) for the subject property located at 22-26 W. Jefferson Avenue (Denim & Soul) - PZC 17-1-105.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Application, 2. Location Map, 3. Existing Building, 4. Proposed Building, 5. Public Comment, 6. 11.1.17 PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
11/21/2017	1	City Council	approved	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Uphold the decision of the Zoning Administrator and the Planning and Zoning Commission’s with respect to the Downtown Design Standards (2011) for the subject property located at 22-26 W. Jefferson Avenue (Denim & Soul) - PZC 17-1-105.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on November 1, 2017 and voted to uphold the Zoning Administrator’s decision regarding 22-26 W. Jefferson Avenue (). Staff concurs.

BACKGROUND:

The petitioner, Robert Sawchuk on behalf of Denim & Soul, is appealing a decision of the Zoning Administrator, Allison Laff, and the Planning and Zoning Commission with respect to the *Downtown Design Standards (2011)* in order to permit the painting of the building located at 22-26 W. Jefferson Avenue. Denim & Soul, a high-end denim retailer, requests to paint the existing red brick building. The lower half of the building will be painted dark gray and the upper half will be painted light gray.

The subject property is located on the south side of Jefferson Avenue, east of Main Street, with a common address of 22-26 W. Jefferson Avenue. The 7,044 square foot property is developed with a single-story building that is currently divided into three tenant spaces. Artistic Creations Salon is located at 22 W. Jefferson; Everdine’s Grilled Cheese Co. occupies 24 W. Jefferson, and Denim & Soul is located at 26 W. Jefferson. The exterior façade of the building is natural red brick.

The petitioner contacted the Planning Services Team requesting to paint the existing brick building on the subject property. Staff notified the petitioner that the request did not meet the design criteria in the *Downtown Design Standards* and provided alternative design options such as applying material to the façade that would not damage the brick (such as Nando's or Pandora) or using signage and awnings to achieve additional color. The petitioner prefers to paint the building, and as such, requests to appeal the decision of the Zoning Administrator's with respect to the *Downtown Design Standards*.

Per Section 6-3-4 (Appeals), an appeal may be made to any decision of the Zoning Administrator. The Planning and Zoning Commission reviews and issues final determinations on the appeal because the Zoning Administrator's decision pertains to building design. The PZC voted to uphold the Zoning Administrator's decision and not allow the petitioner to paint the building (more information below in the Planning & Zoning Commission Action section). PZC determinations are considered final, unless appealed to the City Council. The petitioner is requesting to appeal the decision of the PZC to the City Council.

DISCUSSION:

Staff reviews all architectural elevations in the downtown area for compliance with the *Downtown Design Standards*. The standards were developed in 2011 as a companion document to the *Naperville Downtown 2030 Plan* with the intention of serving as the single controlling design reference for the City's downtown. Staff has reviewed the proposed elevations with respect to the *Downtown Design Standards* and the surrounding downtown area and offers the following comments:

C.2.4 Color - Do not apply paint to masonry surfaces where none previously existed.

Staff Comments: The petitioner proposes to paint the existing non-painted brick exterior facade. Staff is not in support of the request due to durability concerns, including chipping and peeling of the paint.

C.2.1 Color - Select exterior colors that complement the hues of nearby buildings. Typical building colors in the downtown area include the natural brick and stone shades of red, buff, white, cream and gray.

Staff Comments: The exterior color of the building is currently red brick. The petitioner proposes to paint the lower half of the building dark gray and the upper half light gray. Staff finds the proposed building will not be compatible with the adjacent buildings on either side, which while grey in tone, are comprised of natural unpainted materials, such as stone and stucco.

Planning & Zoning Commission Action

The Planning and Zoning Commission considered this matter at their meeting on November 1, 2017. Rob Sawchuk and Mark Wussow spoke on behalf of Denim & Soul. No members of the public provided testimony. Points highlighted during the Planning and Zoning Commission deliberation included concerns with the long-term maintenance of paint and inconsistency with the Downtown Design Standards.

At the conclusion of the public hearing, the PZC made a motion to approve the petitioner's request to overrule the Zoning Administrator's decision with respect to 22-26 W. Jefferson Avenue, PZC 17-1-105. The motion failed (vote 2-5). Commissioner B. Hanson cast the vote for approval, indicating that the proposed painting of the building was an important part of the store's branding. Chairwoman Martinez also cast a vote for approval and has indicated her vote was cast in error. Staff concurs

with the PZC's recommendation for denial.

Summary

Following the PZC's denial of the petitioner's request, the petitioner indicated his desire to appeal the Zoning Administrator's and PZC's decision to the City Council. As stated above, staff does not agree with the petitioner's request to paint the existing red brick building at 22-26 W. Jefferson Avenue because it is not compatible with the *Downtown Design Standards* and the adjacent buildings. Staff understands the petitioner's desire to modify the appearance of the building. As such, staff would support the addition of colored accent materials, provided the natural materials remained unpainted and the overall building design remains compatible with the *Downtown Design Standards*. Staff has shared these concerns with the petitioner to date. Staff requests the City Council uphold the decision of the Zoning Administrator and the Planning and Zoning Commission with respect to the *Downtown Design Standards* to not allow the petitioner to paint the building at 22-26 W. Jefferson Avenue.

Key Takeaways

- The petitioner, Robert Sawchuk on behalf of Denim & Soul, is appealing a decision of the Zoning Administrator, Allison Laff, with respect to the *Downtown Design Standards (2011)* in order to permit the painting of the building located at 22-26 W. Jefferson Avenue.
- Staff finds the proposal is not compatible with the *Downtown Design Standards* and the adjacent buildings.
- Staff requests the City Council uphold the decision of the Zoning Administrator and the Planning and Zoning Commission to not permit the petitioner to paint the building at 22-26 W. Jefferson as the request does not comply with the City's *Downtown Design Standards*.

FISCAL IMPACT: N/A