



## Legislation Details (With Text)

**File #:** 21-0262B      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/19/2021      **In control:** City Council  
**On agenda:** 3/16/2021      **Final action:** 3/16/2021  
**Title:** Pass the ordinance approving a major change to the Kroehler Center PUD to permit a parking deviation on the subject property located at 200-300 E. 5th Avenue (5th Avenue Station) - PZC 20-1-120

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Major Change to PUD Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit C - Standards, 4. Exhibit D - Parking Study, 5. Exhibit E - School Donation, 6. Exhibit F - Park Donation, 7. Exhibit B - PUD Plat, 8. Application, 9. Petition, 10. Parking Letter, 11. 86-3 PUD Plat - Kroehler Center PUD Plat, 12. PZC Meeting Minutes 2-17-21

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

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the ordinance approving a major change to the Kroehler Center PUD to permit a parking deviation on the subject property located at 200-300 E. 5<sup>th</sup> Avenue (5<sup>th</sup> Avenue Station) - PZC 20-1-120

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

#### **ENTITLEMENTS REQUESTED:**

A major change to the planned unit development to permit a deviation to reduce the off-street parking required per [6-9-3 \(Schedule of Off-Street Parking Requirements\)](#) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-3SCOFSTPARE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE) in order to construct an interior addition to the 5<sup>th</sup> Avenue Station building.

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 20-1-120 on February 17, 2021, and voted to recommend approval of the case (Approved, 7-0). Staff concurs.

#### **BACKGROUND:**

Located at the southwest corner of 5<sup>th</sup> Avenue and Loomis Street, the subject property has a common address of 200-300 E. 5<sup>th</sup> Avenue. The subject property is zoned I (Industrial District) and is comprised of an approximately 290,000 square foot mixed use building and approximately 397

parking spaces. The parking spaces are located in five surface lots adjacent to the building and directly north from the building across 5<sup>th</sup> Avenue.

In 1986, the City Council approved ordinance 86-3, a final Planned Unit Development (PUD) for the Kroehler Center which facilitated the conversion of the former Kroehler Furniture Factory into the 5<sup>th</sup> Avenue Station building. The PUD approval also permitted commercial, retail, residential, and office uses in the 5<sup>th</sup> Avenue Station building.

The petitioner, McAllister Pierce Partners LP, proposes to add eight apartment units and 2,300 square feet of office space within the existing 5<sup>th</sup> Avenue Station building. The new apartment units will be located on second floor over a portion of the first floor that previously had no ceiling. The new office space will be located on the first floor. The proposed apartment and office addition will require a major change to the Kroehler Center PUD to permit a deviation to reduce the required amount of off-street parking on the subject property.

**DISCUSSION:**

***Deviation for Off-Street Parking***

Currently the 5th Avenue Station building includes 290,000 square feet of mixed use space served by 397 parking spaces located in five surface lots. The petitioner proposes to add eight new residential apartments and 2,300 square feet of new office space in existing unused space. The eight new residential apartments include five, one-bedroom units and three, two-bedroom units.

Per Section [6-9-3 \(Schedule of Off-Street Parking Requirements\)](#) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-3SCOFSTPARE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE), the resulting mix of uses (shown on the next page) will require 605 parking spaces and will result in a deficit of 208 parking spaces on the subject property. As such, the petitioner requests a deviation from the off-street parking requirements.

Use	Density	Parking Requirement	Spaces Required
Residential	126 units	2.25 spaces per unit	284
Office	80,271sf	3.3 spaces per 1,000sf	265
Photo studio	2,309sf	4.5 spaces per 1,000sf	11
Hair salon	1,361sf	4.0 spaces per 1,000sf	6
Medical office	3,669sf	5.0 spaces per 1,000sf	19
College	50 students 8 teachers	1.0 spaces per 4 students 1.0 space per 2 teachers	17
Computer Repair Store	736sf	4.5 spaces 1,000sf	3
<b>Total Required per Code</b>			<b>605 spaces</b>
<b>Total Provided</b>			<b>397 spaces</b>

A parking study 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 provides an estimated peak parking demand for both the existing and proposed uses. Regional Transit

Authority data shows that 19% of people ride to work with others, walk to work, or take public transit and this factor has been applied to the ITE data. Per the parking study, estimated peak parking occupancy for the existing and proposed uses on the subject property will occur at 10a.m. with a demand of 274 spaces or 69% occupancy. 123 parking spaces will still be available at peak demand time.

The petitioner has also provided parking counts from historical aerial photos. Current parking counts were not provided because they may not accurately reflect potential occupancies due to Covid-19. The photo parking counts noted that historical occupancy on the subject property ranged from 247 spaces to 331 spaces (62% to 83% occupied).

The subject property is managed through a professional management association and parking is assigned via lease. Residential guests are required to check in with the management company and can use the adjacent commuter lots on nights/weekends. Given the proximity to the train station and downtown core, the property functions as a Transit Oriented Development (TOD), reducing resident's need for and dependence on personal vehicles.

Given these factors, staff recommends approval of the deviation subject to the following conditions:

1. The number of residential parking spaces on the subject property shall be restricted by the property owner through leasing and shall not exceed the peak occupancy supply as noted in the parking study; and
2. If the City's Zoning Administrator determines that the tenant's parking needs cannot be accommodated within the parking on the subject property, the owner shall take adequate measures to meet the parking needs, including but not limited to formally assigning/reserving parking spaces for each employee or resident, constructing additional parking spaces, or establishing an overflow parking location off-site, as necessary, which shall be subject to the review and approval of the City's Zoning Administrator. Failure to timely take adequate measures to adequately accommodate the tenant's parking needs may result in the City's revocation of the parking deviation; and
3. A 10% administrative approval allowance for parking requirements for the non-residential tenants. As the tenants within the non-residential spaces change over time, staff reviews each new proposed tenant to determine if it can be accommodated within the existing parking supply. To do so requires a review of not only the proposed tenant's parking requirements per Code, but also the cumulative code required parking for all other non-residential tenants currently located within the building. Because some non-residential tenants require slightly more parking than others (i.e., medical office has a larger parking ratio required per code vs. general office), tenant changes can sometimes result in a shortage of code required parking on site, even though there may not be an actual parking shortage occurring on the property. Accordingly, staff is proposing this condition to permit staff to administratively approve an occupancy permit for a tenant even if that tenant would result in a slightly higher parking requirement than the number of non-residential parking spaces available on the property. However, if staff is aware of parking concerns at the subject property, the 10% allowance would not be approved. Furthermore, any request that would exceed this 10% allowance would require a public hearing for a parking deviation before the Planning and Zoning Commission with a recommendation to and final action by City Council.

### ***Major Change to Amend a Planned Unit Development***

As noted above, the subject property is known as the Kroehler Center PUD. The petitioner is requesting a deviation to reduce the required amount of off-street parking on the subject property.

Per Section 6-4-6:1 (Changes to Final Planned Unit Development: Major Change), a request for a deviation from the underlying Code requirements requires approval of a major change to the PUD. Staff is supportive of the request for a major change finding that the proposed additional residential and office uses are compatible with the existing uses in the current PUD. Additionally, the petitioner has provided sufficient justification for the request for a parking deviation via the submitted parking study.

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

The PZC opened the public hearing to consider PZC 20-1-120 on February 17, 2021. Vince Rosanova, attorney with Rosanova & Whitaker, spoke on behalf of the petitioner. Two written comments were received regarding the project and 62 speakers signed up in support of the project (note: there is a possibility that some of these positions were submitted in error and were intended for a different case scheduled for the same PZC meeting). After limited discussion, the PZC closed the public hearing and voted to recommend approval of PZC 20-1-120 (Approved, 7-0) subject to the conditions noted in the staff report.

Staff concurs with the PZC recommendation.

### **Key Takeaways**

- The petitioner is proposing to add 8 new residential units and 2,300 sf of office space at the 5<sup>th</sup> Avenue Station building.
- This requires a major change to the Kroehler Center PUD to permit a deviation to reduce the required off-street parking requirements.
- Staff is supportive of the requests subject to the conditions noted in the staff report.

### **FISCAL IMPACT:**

N/A