



Legislation Details (With Text)

**File #:** 23-0163B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 2/13/2023      **In control:** City Council

**On agenda:** 3/7/2023      **Final action:** 3/7/2023

**Title:** Pass the ordinance approving a major change to the Design Pointe PUD to permit deviations to allow for construction of a multi-tenant commercial building at 1336 N Route 59 - PZC 22-1-079

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Preliminary-Final PUD, 4. Exhibit C - Standards, 5. Exhibit D - Site Plan, 6. Exhibit E - Landscape Plan, 7. Exhibit F - Elevations, 8. Development Petition, 9. Plat of Survey, 10. Pre-Final PUD Plat, 11. Final Engineering, 12. Photometric Plan, 13. Parking Study, 14. PZC Meeting Minutes 2-15-23 DRAFT

Date	Ver.	Action By	Action	Result
3/7/2023	1	City Council	passed	

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a major change to the Design Pointe PUD to permit deviations to allow for construction of a multi-tenant commercial building at 1336 N Route 59 - PZC 22-1-079

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 22-1-079 on February 15, 2023. No members of the public provided testimony on the request. The PZC closed the public hearing and provided a positive recommendation on the request (approved 9,0). Staff concurs.

**BACKGROUND:**

The Design Pointe PUD is located at the southeast corner of Route 59 and Brookdale Road and is zoned B2 (Community Shopping Center District). The Design Pointe PUD was approved in November 2005 (Ordinance #05-207) to include nearly 170,000 square feet of retail space within two principal buildings and seven outlots. At this time, one of the principal retail buildings and four of the outlots along the Route 59 frontage have been developed. The remaining space is vacant.

The subject property is outlot D of the Design Pointe PUD. Outlot D is located in the vacant land between the existing Jimmy John’s building and the Grand Appliance & TV building. This outlot was created to allow for future retail commercial development within the shopping center. A parking variance was processed for the shopping center in 2011 (Ordinance #11-176). This parking variance included a provision that allowed future commercial tenants with a parking requirement up to 5

parking spaces per 1,000 square feet of gross floor area or less to occupy any vacant space within the shopping center without needing to seek future deviations to the parking requirements.

**DISCUSSION:**

The Petitioner, Param Vijay, on behalf of the property owner, Nita Estates, LLC is proposing to construct an 8,899 square foot multi-tenant commercial building with an outdoor patio and 38 parking spaces within the outlot. The anticipated tenants are a restaurant tenant, a medical office tenant, and a retail/medical office tenant. The B2 zoning district permits the proposed uses by right. The current proposal is a request for a major change to the Design Pointe PUD to approve a deviation to the parking requirements. The request also includes deviations to the sign setback requirements to allow for a monument sign.

***Deviation to Reduce the Required Off-Street Parking***

The Petitioner requests approval of a deviation to Section 6-9-3 (Schedule of Off-Street Parking Requirements) to reduce the required amount of off-street parking to allow for the construction of an 8,899 square foot multi-tenant commercial building. The proposed building will be occupied by a restaurant, a medical office tenant, and either a retail or medical office tenant.

Per Code, a restaurant establishment is required to provide 10 parking spaces per 1,000 square feet of gross floor area. A medical office requires 5 parking spaces per 1,000 sf and a retail tenant requires 4.5 parking spaces per 1,000 sf. Per Ordinance #11-176, uses with a parking ratio up to 5 parking spaces per 1,000 sf are permitted at the subject property without needing to seek approval of a parking variance. Therefore, the parking deviation is triggered by the proposed restaurant user.

The Design Pointe parking lot provides approximately 498 parking spaces, 38 of which will be located on outlot D. The table below identifies the Code required parking counts for the proposed multi-tenant building. Since all tenants have not been identified at this time, the higher parking counts have been selected (i.e. medical offices have a 5 per 1,000 sf count which is higher than the 4.5 per 1,000 required for a retail tenant).

<b>Use</b>	<b>Parking Ratio (parking spaces/1,000 sq.ft.)</b>	<b>Proposed Sq.Ft.</b>	<b>Required Parking Spaces</b>
Restaurant	10/1,000	3,700	37
Medical Office	5/1,000	3,100	16
Medical Office	5/1,000	1,971	10
		<b>Total</b>	<b>63</b>
		<b>Deficit (based on 5 per 1, 000 sf allowance per Ord #11-176)</b>	<b>18</b>

The Petitioner has submitted a parking study, conducted by Desman Design Management, to support the requested parking variance. The study reviewed the existing parking demand of the shopping center and analyzed the projected parking demand as a result of the proposed development.

The parking study included an onsite count of the parking spaces occupied in the shopping center at 12:00 PM and 1:00 PM on a Friday and at 1:00 PM and 2:00 PM on a Saturday in July. The highest peak occurred during the weekday at 12:00 PM with an occupancy rate of 133 vehicles (29%).

Adjustments to this peak occupancy were made in the parking study to account for vacant commercial space in the event it is occupied and to account for peak occupancy during the month of December (according to the Urban Land Institute's 3<sup>rd</sup> Edition of Shared Parking, peak occupancy at shopping centers occurs in December). Based on these adjustments, the base conditions estimate a parking occupancy of 199 vehicles (43%). The parking study concluded the total parking demand, with proposed development (63 parking spaces) and the base conditions (199 parking spaces at peak), would be 262 vehicles (53%). Based upon the data included within the parking study, Design Pointe is expected to have more than sufficient parking.

The Petitioner's responses to the standards for granting a deviation are attached. Upon review, staff and the Planning and Zoning Commission agree with the Petitioner's findings and recommends their adoption by the City Council subject to the following condition:

1. If the City's Zoning Administrator determines that the tenants' parking need cannot be accommodated with the parking on the subject property, the Petitioner and Owner shall take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each tenant space, limiting business hours of operation, alter the number of employees or other business operations, constructing additional parking spaces and/or establishing an overflow parking location off-site as necessary, which shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to accommodate tenant parking needs may result in the City's revocation of the parking variance.

#### ***Deviations to the Required Sign Setbacks***

The petitioner is requesting two deviations from the sign regulations to allow for a monument sign on the outlot. The outlot has approximately 177' of frontage along Route 59 which allows for one monument sign. The proposed sign will be 10' in height and 6' wide and will provide 48 square feet of signage. The sign code regulations require monument signs to be setback 10' from major arterial roadways and 40' from interior property lines. The petitioner is requesting deviations from these regulations to permit the monument sign to be located 0' from the western and southern property lines.

#### ***Deviation to the 10' Major Arterial Sign Setback***

The Petitioner is requesting a deviation to reduce the 10' major arterial setback to allow the monument sign to be setback 0' from the western property line. This property is unique as a portion of the property along Route 59 was acquired by IDOT in 2012 as part of the Route 59 expansion project. Because of this acquisition, the depth of the lot was reduced thereby reducing available locations for a monument sign to be installed in compliance with the major arterial setback requirements. In order for the Petitioner to comply with this setback requirement, staff finds this would require the installation of an additional parking lot landscape island along Route 59 which would reduce the number of available parking spaces.

#### ***Deviation to the 40' Interior Sign Setback***

The Petitioner is also requesting a deviation to reduce the interior setback from 40' to 0' from the southern property line. Because the width of the parkway varies along Route 59, the monument sign will be installed near the widest part of the parkway providing sufficient separation from vehicles.

Monument signs currently exist within the Design Pointe shopping center along the Route 59 frontage. The closest monument signs are located at the Route 59 and Platinum Avenue intersection

(south) and one at the main entrance into the shopping center (north). The proposed monument sign will be located approximately 190' away from the monument sign to the south and approximately 350' away from the monument sign to the north. Staff finds the location of the proposed monument sign provides adequate separation between existing signage.

Staff notes that the proposed monument sign will be located next to an existing ComEd pole. Given the proximity to the pole, staff requested the petitioner reach out to ComEd to verify the sign will not conflict with any clearance requirements. ComEd has discussed the proposed sign with the petitioner and confirmed the sign is compliant with ComEd clearance requirements from overhead facilities. The Petitioner will be required to call JULIE prior to digging to verify the location of any underground facilities and ensure enough horizontal clearance separation is provided.

The Petitioner's responses to the standards for granting the deviations are attached. Upon review, staff and the Planning and Zoning Commission agree with the Petitioner's findings and recommends their adoption by the City Council.

### *Building Elevations*

The building elevations primarily consist of stone and brick masonry in light buff tan and medium brown colors. The building incorporates architectural elements such as awnings, and decorative lighting and includes varying rooflines which add visual interest. The proposed refuse area is incorporated into the east side of the building, so it is fully screened. All rooftop equipment including RTU's, vent stacks, and pipes will be screened to the full height of the equipment by the parapet wall. Staff finds the proposed design of the development is compatible with existing buildings located within the Design Pointe PUD.

### *Landscaping*

The Petitioner has submitted a landscape plan that provides foundation plantings along the front of the building and planters around the outdoor patio. The proposed plan also calls for landscaping within the parking lot islands, along the Route 59 property frontage, and around the base of the monument sign. Staff is supportive of the proposed landscaping plan.

### **Key Takeaways**

- The current request is for approval of a major change to the Design Pointe Planning Unit Development and revised final PUD plat to allow for development of a multi-tenant commercial building on outlot D with deviations. The requested deviations include a deviation to reduce the parking requirements to allow for a restaurant and deviations to allow for a monument sign which does not comply with the required setbacks.
- Staff finds the proposed building is compatible with the existing buildings and is supportive of the proposed deviations. Staff recommends approval of the major change.

### **FISCAL IMPACT:**

N/A