



Legislation Details (With Text)

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**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 3/13/2018      **In control:** Planning and Zoning Commission

**On agenda:** 3/22/2018      **Final action:**

**Title:** Conduct the public hearing for World Missions Society Church of God located at 29W771 79th Street - PZC 17-1-094 (Item 1 of 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Petition, 2. Legal Description, 3. Findings of Fact, 4. Annexation Petition, 5. Location Map, 6. Plat of Annexation, 7. Plat of Subdivision, 8. Plat of Subdivision\_12.6.17 PZC, 9. 12.6.17 PZC Minutes

Date	Ver.	Action By	Action	Result
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**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the public hearing for World Missions Society Church of God located at 29W771 79<sup>th</sup> Street - PZC 17-1-094 (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard, AICP

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 17-1-094 was published in the Naperville Sun on March 4, 2018.

**BACKGROUND:**

The petitioner, Christina Martinez on behalf of World Missions Society Church of God, is requesting approval to subdivide the subject property located at 29W771 79<sup>th</sup> Street into two lots. The petitioner is also requesting to rezone the newly created west lot (fronting Route 59) to B2 (Community Shopping Center District) and the east lot (fronting Aero Drive) to R2 (Single-Family and Low Density Multiple Family Residence District) upon annexation, as well as variances for the location and amount of parking on the subject property. Located on southeast corner of Route 59 and 79<sup>th</sup> Street, the 4.7 acre property is improved with a religious institution and an associated parking lot. The Southwest Community Area Plan (2002) identifies the future land use of the northern portion of the subject property as “community facilities” and the southern portion as “medium density residential”. The use is existing and is compatible with the future land use designation.

The petitioner is the owner of the three lots immediately to the south of the subject property, which are the future home of Best Buy Carpet and Granite. Annexation of the subject property is necessary

in order for the Best Buy Carpet property to gain contiguity to the City of Naperville and therefore become eligible to annex into the City. Annexation will also permit the subject property to connect to City of Naperville water and wastewater services.

## **DISCUSSION:**

### ***Case History***

On December 6, 2017, the original public hearing for PZC 17-1-094 was opened before the Planning and Zoning Commission. The petitioner appeared before the PZC requesting rezoning of the subject property to B2 upon annexation. As noted above, annexation of the subject property is necessary to establish contiguity for the Best Buy property (PZC 17-1-093) which is directly south of the subject property. PZC 17-1-093 also appeared on the December 6, 2017 PZC agenda with the petitioner requesting rezoning to B2 upon annexation and variances for loading and off-street parking.

12 members of the public provided testimony for PZC 17-1-094 voicing concern related to the saturation of retail along Route 59, the potential for increased traffic along Aero Drive, and the migration of commercial zoning to Aero Drive. PZC voted to recommend approval of PZC 17-1-094 conditioned upon the review of any future development on the subject property (approved, 6-1). Commissioner Williams cast the dissenting vote finding it inappropriate to approve a rezoning without a plan for the property.

After the PZC meeting on December 6, 2017, some residents from Aero Estates contacted City staff and officials to express concern regarding the proposed commercial zoning of the subject property. The subject property has frontage along both Route 59 and Aero Drive and residents felt commercial zoning along Aero Drive may set the tone for the remainder of the street; in contrast, staff does not support residential zoning over the entire property given that this would permit residential uses to front Route 59. Staff worked with the petitioner on a new proposal which includes a subdivision of the subject property into a western Lot 1 and an eastern Lot 2. The petitioner is requesting to rezone the west lot which fronts Route 59 to B2 upon annexation and the east lot which fronts Aero Drive to R2 upon annexation.

The petitioner has completed new public notice for PZC 17-1-094 because this set of requests is different than that which appeared before PZC in December. The required notice included posting signs on the subject property on Route 59 and Aero Drive, as well as mailing a letter to property owners within 300' of the property. The City additionally provided notice of the public hearing in the Naperville Sun. PZC 17-1-093 (Best Buy Carpet) is not reappearing before the PZC as the requests in that case have not changed since the December 6, 2017 PZC meeting.

### ***Preliminary Plat of Subdivision***

The petitioner has submitted a preliminary/final plat of subdivision for World Missions Society Church of God in order to create two lots from the eight single-family sized lots that currently exist as the subject property. The newly created western Lot 1 will be 2.4 acres and is currently improved with the existing church and an approximately 41 space parking lot. The eastern Lot 2 will be 1.7 acres in size and is improved with an approximately 119 space parking lot. The subdivision plat is not reviewed by the Planning & Zoning Commission; the plat will be reviewed by the City Council at a subsequent meeting date. Staff finds that the proposed preliminary/final plat of subdivision for World Mission Society Church of God meets all technical requirements for approval.

### ***Annexation***

The subject property is currently located in unincorporated DuPage County and the petitioner

requests annexation into the City of Naperville. The petitioner's annexation request is not reviewed by the Planning & Zoning Commission; the annexation request will be heard by the City Council at a subsequent meeting date. The subject property is contiguous to property that is currently within the City of Naperville (Ashley Furniture to the north) and is eligible for annexation.

### *Rezoning*

Previously the petitioner was seeking to rezone the entire subject property to B2. The proposed plat of subdivision creating two lots allows the petitioner to request two different zoning designations for the subject property. As such, the petitioner is seeking to rezone the western Lot 1 to B2 (Community Shopping Center District) upon annexation. The requested B2 zoning designation is consistent with surrounding annexed properties to the north (Ashley Furniture and Staples) and south (Oxford Place Bank). The proposed B2 zoning is also compatible with the commercial character of the Route 59 corridor. Staff finds the proposed zoning to be appropriate and compatible with incorporated properties in the surrounding area and the character of the properties in the surrounding vicinity.

In order to maintain the residential character of Aero Drive, the petitioner is seeking to rezone the proposed Lot 2 of the subject property to R2 (Single-Family and Low Density Multiple Family Residence District) upon annexation. The majority of properties along Aero Drive are single-family homes; the proposed R2 zoning is compatible with the surrounding properties on Aero Drive and the Aero Estates subdivision to the east. The petitioner's responses to the standards for granting a rezoning are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

As a note, the annexation agreement for the subject property will define the subject uses (religious institution and standalone parking lot) and the current improvements on both properties as non-conforming. Both will be permitted to continue as non-conforming uses. Provided City Council approves the annexation, any new improvements will be required to comply with all City codes and requirements.

### *Variances for Parking Setback and Off-Street Parking*

The petitioner requests a variance from [Section 6-9-2:4.3.2 \(Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities\)](#)

[https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA)

[nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA) to permit parking facilities within 5' of the property lines. The proposed subdivision line crosses existing improvements on the subject property, specifically the parking lot drive aisle. A variance is required for the drive aisle along the east property line of Lot 1 and the west property line of Lot 2 because the drive aisle will be located directly on the property lines.

The petitioner also requests a variance to permit a reduction in the number of required off-street parking spaces on the western Lot 1 of the subject property. While there are 160 parking spaces on the overall subject property, post-subdivision, the church building and approximately 41 parking spaces will sit on Lot 1. The remaining 119 parking spaces will be located on Lot 2. Per [Section 6-9-3 \(Schedule of Off-Street Parking Requirements\)](#)

[https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE)

[nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-3SCOFSTPARE](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE), a religious institution is required to provide 1 parking space per each 3 seats based on rated design capacity plus additional parking spaces, as applicable for the residential, service and/or cultural areas. Per Code, World Missions Church is

required to provide 144 spaces. Lot 1 is unable to accommodate the Code required parking due to the majority of the parking being located on Lot 2; however, because the lots will remain under common ownership and both used for the purposes of the existing church facility, staff does not have concerns regarding availability of parking.

Staff finds the proposed variances are necessary due to the location of the existing improvements on the subject property. The petitioner is unable to subdivide the property to create usable lots without also creating variances. The petitioner's responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission conditioned upon the following:

1. If Lot 2 (standalone parking lot) is sold prior to the sale of Lot 1 (church and parking), the owner of Lot 1 shall take measures, such as adding more parking spaces, altering hours and number of services, or establishing an overflow parking location off-site, as necessary, to meet the parking demands of the religious institution, subject to review and approval by the Zoning Administrator

### ***Key Takeaways***

- The petitioner is requesting annexation into the City of Naperville on behalf of the subject property. Annexation of the subject property will allow the petitioner to gain eligibility for annexation for the Best Buy Carpet and Granite property (PZC 17-1-093) to the south of the subject property.
- In response to concerns raised by some area residents, the petitioner is requesting to subdivide the property into two lots.
- Upon annexation, the petitioner is requesting to rezone the western Lot 1 to B2 and the eastern Lot 2 to R2. Staff is in support of the request for rezoning to B2 because it is consistent with the zoning of surrounding annexed properties and the commercial character of the Route 59 corridor. Staff is also in support of the request for rezoning to R2 as it is compatible with the character of Aero Drive.
- The petitioner is requesting a variance to permit parking facilities within 5' of the property line and to permit a reduction in the amount of parking on Lot 1 (the west lot). Staff is supportive of the variance requests as they are the result of the subdivision request.

### ***Related Items***

The following agenda items are related to PZC 17-1-094:

- Consider rezoning the west lot to B2 (Community Shopping Center District) and the east lot to R2 (Single-Family and Low Density Multiple-Family Residence District) of the subject property located at 29W771 79<sup>th</sup> Street (World Missions Society Church of God - PZC 17-1-094 (Item 2 of 3))
- Consider a variance to permit a reduction in the number of required off-street parking spaces pursuant to Section 6-9-3:5 (Schedule of Off-Street Parking Requirements - Parking Class 5) and a variance to permit parking facilities within 5' of the rear property lines pursuant to Section 6-9-2:4.3.2 (Off-Street Parking Facilities: Yard Requirements for Off Street Parking Facilities) of the Naperville Municipal Code for the subject property located at 29W771 79<sup>th</sup> Street (World Missions Society Church of God - PZC 17-1-094 (Item 3 of 3))