



Legislation Details (With Text)

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**Title:** Receive the staff report for the property located at 204 Route 59 (Westridge Court Shopping Center) - PZC 19-1-078 (Item 1 of 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Development Petition, 3. Subdivision Plat, 4. Subdivision Overlay, 5. Declaration of Easements, 6. Parking Occupancy, 7. Tenant Roster and Parking Counts

Date	Ver.	Action By	Action	Result
11/19/2019	1	City Council	received	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report for the property located at 204 Route 59 (Westridge Court Shopping Center) - PZC 19-1-078 (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on October 16, 2019, and voted to recommend approval of the Petitioner’s requests (Approved 5-1). Staff concurs.

**BACKGROUND:**

The subject property is located at 204 S. Route 59, and consists of an approximately 49.65 acre, L-shaped parcel with frontage along IL Route 59, Aurora Road, and Jefferson Avenue. The property is zoned B2 Community Shopping District and includes approximately 473,398 square feet of commercial space. The petitioner plans to subdivide the property into six lots to further redevelopment and re-tenanting efforts on the site. To do so, the following entitlements are requested: a variance to increase the maximum FAR for Lots 3 and 4; a variance to reduce the required number of loading berths for Lots 3 and 4; a variance to permit parking for Lots 1-3 and Lots 4-6 to be considered collectively; and, a variance to reduce the required parking for Lots 1-3 and 4-6. At this time, no specific redevelopment plans have been identified.

The Northwest Sector (1996) identifies the future land use of the property as “Commercial”. Staff finds the petitioner’s proposal to be consistent with this designation.

**DISCUSSION:**

**Preliminary/Final Plat of Subdivision**

The subject property currently consists of two lots totaling approximately 49.65 acres. The petitioner requests approval of a preliminary/final plat of subdivision to re-subdivide the subject property into six lots in the B2 zoning district to facilitate disposition of certain parts of the shopping center and further redevelopment and re-tenanting efforts. The proposed lots comply with the B2 zoning district's regulations. Staff finds the proposed preliminary/final plat of subdivision meets the technical requirements for approval.

**FAR Variance**

[Section 6-7B-8 \(B2/Height Limitations\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTBB2COSHCEI_6-7B-8HELIBURE)

[nodeld=TIT6ZORE\\_CH7BUDI\\_ARTBB2COSHCEI\\_6-7B-8HELIBURE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTBB2COSHCEI_6-7B-8HELIBURE) of the Code establishes a maximum FAR for all buildings in the B2 zoning district of 0.325. The purpose of this requirement is to ensure that building height and bulk remain compatible with surrounding land uses. The petitioner requests approval of an FAR variance to allow Lot 3 to have an FAR of 0.70, and Lot 4 to have an FAR of 1.5.

At this time, no building modifications are planned for Lot 3, and the proposed lot lines extend just beyond the perimeter of the building footprint. The requested FAR of 0.70 for Lot 3 is reflective of the building's current configuration and the proposed lot configuration.

Lot 4 of the proposed subdivision is developed with the Hollywood Palms movie theater. The petitioner has identified plans for a theater expansion of about 10,000 square feet, resulting in a building with an FAR of 1.18. The requested FAR of 1.5 for Lot 4 accommodates current improvement plans for the property while allowing some additional flexibility for future theater improvements. The FARs for both lots and the overall development as whole are outlined in the table below:

	<b>Building Square Footage</b>	<b>Lot Square Footage</b>	<b>FAR</b>
<b>Lot 3</b>	19,082 sq. ft.	29,153 sq. ft.	0.65
<b>Lot 4</b>	84,862 sq. ft. <i>(planned)</i>	71,842 sq. ft.	1.18
<b>Overall Development</b>	<b>473,398 sq. ft.</b>	<b>2,162,680 sq. ft. / 49.65 acres</b>	<b>0.22</b>

Staff is supportive of the requested variances, noting that the overall FAR for the subdivision remains below 0.325, which complies with the B2 zoning district's requirements. The variances requested are reflective of the site as it is today, and arise due to planned building improvements and the manner the petitioner proposes subdividing the property. Staff finds the requested FAR variances to be reasonable and flexible to allow for future improvements, subject to the condition that the FAR for the entire Westridge Court Shopping Center remains under 0.325.

**Findings of Fact**

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

**Loading Berth Variance**

The petitioner requests a variance to [Section 6-9-5 \(Off Street Loading Requirements\)](#)

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[nodeld=TIT6ZORE\\_CH9OFSTPA\\_6-9-5SCOFSTLORE](#)> of the Municipal Code to reduce the required number of loading berths for Lots 3 and 4 from one loading berth to zero loading berths. The petitioner has indicated that the size of retailers on Lot 3 do not demand a dedicated loading berth as the majority are serviced by 14-foot trucks or smaller, which can be safely parked, loaded and unloaded in adjacent parking areas. Similarly, the petitioner states that Lot 4 can be serviced from the rear of the building in an underutilized parking area. The variance proposed is reflective of the property in its current condition and staff is not aware of any issues or concerns that have arisen in response to this configuration; therefore, staff supports the requested variance.

*Findings of Fact*

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

**Collective Parking Variance for Lots 1-3 and 4-6**

The petitioner requests variances to [Section 6-9-2 \(Off Street Parking Facilities\)](#) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeld=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeld=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA)> of the Municipal Code to permit parking for Lots 1,2, and 3 to be considered collectively; and, Lots 4, 5 and 6 to be considered collectively. To facilitate shared parking between different lots within the shopping center, the petitioner has created a Declaration of Easements (REA) to ensure that full cross access and parking rights will be maintained for patrons of the shopping center. The requested variances to allow for shared/collective parking will not be discernable to the public nor change the way the shopping center currently functions. Additionally, because of the L-shaped configuration of the shopping center, the tenant spaces in proposed Lots 1-3 and 4-6 effectively function as single shopping centers oriented towards different roadways, even though they are all part of one larger center. The petitioner indicates that governance of parking by an REA promotes the most efficient documentation of parking rights and obligations across multiple lots. Staff is in support of the variances as requested due to the cross access and shared parking proposed as part of the REA.

*Findings of Fact*

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

**Parking Variances for Lots 1-3 and Lots 4-6**

*Lots 1-3*

In addition to requesting that shared parking provisions be applied to Lots 1-3, the petitioner requests approval of a variance to [Section 6-9-3 \(Schedule of Off Street Parking Requirements\)](#) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeld=TIT6ZORE\\_CH9OFSTPA\\_6-9-3SCOFSTPARE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeld=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE)> of the Municipal Code to reduce the required amount of parking for these lots. To support the parking variance request, a parking study has been submitted indicating that during peak hours, the parking utilization on Lots 1-3 is generally 65% of available parking spaces or less.

Currently, there is 228,227 square feet of tenant space available on Lots 1-3, and 1,006 parking spaces. Based on the current mix of tenants (retail and restaurant), the development is required to

provide 1,067 parking spaces, and there is a shortage of 61 parking spaces as outlined in the table below:

**Existing Parking:**

	Gross Floor Area	Required Parking Ratio	Total Number of Required Spaces
Retail	221,027	4.5 / 1000	995
Restaurant	7,200	10 / 1000	72
<b>Total Required Parking:</b>			1,067
<b>Available Parking:</b>			1,006
<b>Parking Deficit:</b>			<b>61</b>

Section 6-9-3 of the Municipal Code permits shopping centers greater than or equal to 250,000 square feet (excluding fast food, and eating or drinking establishments) to be parked at a ratio of 4 parking spaces per 1000 square feet of gross floor area, as opposed to 4.5 per 1,000. Due to the size of the Westridge Court Shopping Center and based on the parking study provided, staff is supportive of reducing the required parking ratio for non-restaurant uses to 4 parking spaces per 1000 square feet of floor area for Lots 1-3. Doing so creates excess parking spaces on the site that will allow the petitioner some flexibility with future land uses, as is outlined in the table on the following page:

**Proposed Parking:**

	Gross Floor Area	Proposed Parking Ratio	Total Number of Required Spaces
Retail	221,027	4 / 1000	884
Restaurant	7,200	10 / 1000	72
<b>Total Required Parking:</b>			<b>956</b>
<b>Available Parking:</b>			1,006
<b>Parking Excess:</b>			<b>50</b>

*Lots 4-6*

The petitioner also requests approval of a variance to [Section 6-9-3 \(Schedule of Off Street Parking Requirements\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodetd=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodetd=TIT6ZORE\\_CH9OFSTPA\\_6-9-3SCOFSTPARE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodetd=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE)> of the Municipal Code to reduce the total required parking for Lots 4-6. The petitioner has grouped these lots together for the purposes of providing shared parking and meeting the overall shopping center’s parking requirements. Based on the data provided, there is a parking surplus when parking is considered across the entire shopping center. However, as redevelopment and re-tenanting opportunities are explored, increasing the number of excess parking spaces available will provide additional flexibility moving forward.

The petitioner indicates that City parking standards do not reflect the current parking demands for the shopping center. A key tenant of Westridge Court Shopping Center that the petitioner believes to be overparked per City regulations is Funtopia. Funtopia is classified as an entertainment use that requires 10 parking spaces per 1,000 square feet of gross floor area; however, the petitioner confirms that the use functions more like a fitness facility, which requires 4 parking spaces per 1,000 square feet of area.

**Existing Parking (Funtopia at 10/1000 sq. ft. / Entertainment Use):**

	Parking Required	Parking Provided	Parking Excess/Deficit
Lot 4	392 spaces	7 spaces	(385 spaces)
Lot 5	484 spaces	1118 spaces	634 spaces
Lot 6	529 spaces	454 spaces	(75 spaces)
<b>Total Excess Parking:</b>			<b>174 spaces</b>

The petitioner believes that as re-tenanting opportunities are explored, a parking variance which reduces the parking requirements for Funtopia to 4 parking spaces per 1,000 square feet of floor area will increase the amount of excess parking and allow additional flexibility for the Westridge Court shopping center moving forward.

**Proposed Parking (Funtopia at 4/1000 sq. ft. / Fitness Facility):**

	Parking Required	Parking Provided	Parking Excess/Deficit
Lot 4	392 spaces	7 spaces	(385 spaces)
Lot 5	484 spaces	1118 spaces	634 spaces
Lot 6	367 spaces	454 spaces	87 spaces
<b>Total Excess Parking:</b>			<b>336 spaces</b>

Staff is supportive of the requested parking variances based on the parking study provided and notes that for the overall shopping center, excess parking continues to be provided.

**Findings of Fact**

The petitioner’s responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, the Planning and Zoning Commission and staff agrees with the petitioner’s Findings and recommends their adoption by City Council.

**Planning & Zoning Commission Action**

The Planning and Zoning Commission considered this matter at their meeting on October 16, 2019. No members of the public provided testimony. Following limited comments, the Planning and Zoning Commission closed the public hearing, and moved to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-078 (approved 5-1). Commission Margulies cast the dissenting vote, expressing concerns with approving variances for the site without seeing any long-term redevelopment plans. Staff concurs with the Planning and Zoning Commission's recommendation.

**Key Takeaways**

- The petitioner requests approval of a preliminary/final plat of subdivision to subdivide the property into six lots in the B2 zoning district. Staff is in support of the request because the plat meets all technical requirements for approval.
- The petitioner requests approval of an FAR variance to allow Lot 3 to have an FAR of 0.70, and Lot 4 to have an FAR of 1.5. Staff is supportive of the request since it generally reflects current conditions and plans for the site, subject to the condition that the FAR for the entire Westridge Court Shopping Center remain under 0.325.
- The petitioner requests a variance to reduce the required number of loading berths for Lots 3

and 4 from one loading berth to zero loading berths. Staff supports the request since it is reflective current conditions and appropriate for the tenants located in these buildings.

- The petitioner requests variances to permit parking for Lots 1-3 and 4-6 to be considered collectively. Staff supports the variances due to the cross access and shared parking proposed as part of an REA.
- The petitioner requests approval of parking variances to reduce the required amount of parking for Lots 1-3 and 4-6. Staff supports the variances based on the parking study provided.
- Staff is supportive of the development proposal since no functional changes to the property are anticipated as a result of the subdivision and related variance requests. The development remains compatible with the surrounding area.

### ***Related Files***

The following agenda items are related to PZC 19-1-078:

- Pass the ordinance approving the preliminary/final plat of subdivision for Glacier Park Resubdivision No. 10 (Westridge Court Shopping Center) - PZC 19-1-078 (Item 2 of 3)
- Pass the ordinance approving variances to: increase the maximum FAR for Lots 3 and 4; reduce the required number of loading berths for Lots 3 and 4; permit parking for Lots 1-3 and Lots 4-6 to be considered collectively; and, reduce the required parking for Lots 1-3 and 4-6 for the Westridge Court Shopping Center - PZC 19-1-078 (Item 3 of 3)