



Legislation Details (With Text)

File #: 22-0817 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/5/2022 **In control:** City Council

On agenda: 7/19/2022 **Final action:** 7/19/2022

Title: Pass the ordinance approving a preliminary/final plat of subdivision and a platted setback deviation for the property at 1508 Aurora Avenue (Naperville Ogden Aurora Subdivision) - PZC 22-1-053

Sponsors:

Indexes:

Code sections:

Attachments: 1. CAHST Sub. Ord - FINAL, 2. Exhibit A - Legal, 3. Exhibit B - Plat, 4. Exhibit C - Covenant, 5. Exhibit D - Site Plan, 6. Exhibit E - Standards, 7. Development Petition, 8. Building Elevations, 9. Final Engineering, 10. Landscape Plan, 11. Photometric Plan, 12. Photometric-Cut Sheets

Date	Ver.	Action By	Action	Result
7/19/2022	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a preliminary/final plat of subdivision and a platted setback deviation for the property at 1508 Aurora Avenue (Naperville Ogden Aurora Subdivision) - PZC 22-1-053

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Sara Kopinski, AICP

BOARD/COMMISSION REVIEW:
N/A

BACKGROUND:

The subject property is zoned B1 (Neighborhood Convenience Shopping Center District) and consists of approximately 8 acres located on Aurora Avenue. The subject property was initially developed with the Standard Market grocery store, and the western portion of the site was utilized as a parking area to serve the grocery store. Advocate Health Care now operates on the property, and the western 2.2 acres are no longer needed for parking purposes.

At this time, the petitioner, CAHST Naperville, LLC, a Delaware Limited Liability Company, plans to subdivide the property to create two new commercial outlots that will accommodate one office/retail building and a coffee shop. To do so, the petitioner requests approval of a preliminary/final plat of subdivision, and a deviation to a twenty-foot platted parking and signage setback along Aurora Avenue. The City's Land Use Master Plan (2022) identifies the property's future place type as urban center. The proposed development is consistent with this designation.

DISCUSSION:

Preliminary/Final Plat of Subdivision

The Petitioner requests approval of a preliminary/final plat of subdivision to subdivide the subject property into three lots. [Section 7-2-5:2.1 \(Administrative Plat Procedures\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT7SURE_CH2SUPLPR_7-2-5ADPLPR) <https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT7SURE_CH2SUPLPR_7-2-5ADPLPR> of the Municipal Code states that a plat cannot be administratively approved if the proposed plat results in a net increase in buildable lots. The proposed increase in the number of buildable lots from one to three requires City Council's review and approval.

The petitioner has worked with staff to determine the most appropriate lot configuration to ensure adequate parking and building areas are provided on each lot. Lot 1 will consist of approximately 0.75 acres and is planned to accommodate a future coffee shop. Lot 2 will be about 1.53 acres and is planned for development of an office/retail building. Advocate Health Care will remain on Lot 3, which will consist of the remaining 5.8 acres.

The proposed lots comply with the B1 zoning district's requirements as well as the City's parking requirements. Staff finds the proposed plat meets all technical requirements for approval and is supportive of the subdivision.

Platted Setback Deviation

Concurrent with the subdivision request, the petitioner proposes a platted setback deviation to allow signage to be located within the twenty-foot parking and signage setback previously platted along Aurora Avenue through the Frank's Nursery & Crafts Plat of Subdivision (recorded in DuPage County as Document No. 84-101331). This subdivision plat depicted a twenty-foot parking and signage setback along Aurora Avenue, which is inconsistent with the City's current regulations. Notably, the platted setback is significantly more restrictive than [Section 6-16-5:2.2.5 \(Signs On Commercial And Institutional Property\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR) <https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR> of the Code, which only requires ground signs to be set back 5 feet from the front property line.

Compliance with the platted setback would require the petitioner to modify the site design and relocate proposed signage further from the roadway, potentially resulting in decreased visibility for the commercial properties along Aurora Avenue, as well as decreased parking provisions. Staff recognizes the importance of adequate site identification and onsite parking and notes that the proposed site plan is compatible with surrounding developments. Additionally, the proposed building and parking locations comply with both the platted setback and the B1 zoning district's yard requirements. As a result, staff is supportive of the proposed platted setback deviation.

Findings of Fact

The petitioner's responses to the Standards for Granting a Subdivision Deviation can be found in the attachments. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

Covenants & Easements

As noted above, the subject property was originally platted as Lot 1 of the Frank's Nursery & Crafts Subdivision in 1984. In 2012, the property was replatted as Lot 1 of the Standard Market of Naperville Subdivision. The Standard Market redevelopment also included approval of the following covenants and agreements:

- Stormwater Detention Facility Covenant Dated September 8, 2011 Recorded as Document No. R2012-073215 on June 8, 2012 - which governs the requirements, including maintenance, for the shared detention facility on the subject property.
- Standard Market Stormwater Detention Facility Easements Dated March 17, 2014 Recorded as Document No. R2014-025203 on March 28, 2014 - which governs the easements required for the shared detention facility on the subject property.
- Sign Encroachment License Agreement Dated September 18, 2013 Dated September 18, 2013 Recorded as Document No. R2013-145578 on October 18, 2013 - which governs the encroachment of a sign on City property.

The property owner has agreed to record a “Compliance Covenant to the City of Naperville” against the Subject Property. The Compliance Covenant generally provides that the Standard Market Covenants and Agreements shall continue to be enforceable by the City against the entirety of the Subject Property and requires the owners of each lot of the Naperville Ogden Aurora Subdivision to be jointly and severally liable for the obligations set forth therein with the exception of the Sign Encroachment License Agreement which will be binding upon only the owner and successors and assigns of Lot 3 of the Naperville Ogden Aurora Subdivision. The Compliance Covenant will be required to be recorded prior to recordation of the ordinance approving the preliminary/final plat of subdivision and platted setback deviation.

Building Elevations

The petitioner has provided building elevations that complement the existing Advocate Health Care building and reinforce a distinct sense of place and character throughout this development. Upon review, staff finds the proposed elevations meet City requirements. The buildings will be constructed predominantly out of fiber cement siding, with stacked stone, wood and metal accents.

Key Takeaways

- The petitioner requests approval of a preliminary/final plat of subdivision to subdivide the property into three lots in the B1 zoning district. Staff finds the plat meets all technical requirements for approval.
- The petitioner requests approval of a platted setback deviation. Staff is supportive of the requested deviation noting that the proposed site design meets the B1 zoning district requirements and is compatible with surrounding developments.

RELATED FILES

N/A

FISCAL IMPACT:

N/A