



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 4/4/2024      **In control:** City Council

**On agenda:** 4/16/2024      **Final action:**

**Title:** Pass the ordinance approving a major change to the Freedom Commons Planned Unit Development (PUD), a final PUD plat, and a loading deviation to allow a medical office at 1836 Freedom Drive (Freedom Commons Medical Office Building) - PZC 24-1-002

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A. Legal Description, 3. Exhibit B. Final Planned Unit Development Plat, 4. Exhibit C. Response to Standards, 5. Development Petition, 6. Project Summary, 7. Site Plan, 8. Building Elevations, 9. Final Engineering Plans, 10. Autoturn Exhibit, 11. Final Landscaping Plan, 12. Open Space Exhibit, 13. Photometric Plan, 14. Parking Study, 15. Roof Plan and RTU Sightlines-FYI

Date	Ver.	Action By	Action	Result
4/16/2024	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a major change to the Freedom Commons Planned Unit Development (PUD), a final PUD plat, and a loading deviation to allow a medical office at 1836 Freedom Drive (Freedom Commons Medical Office Building) - PZC 24-1-002

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Anna Franco, Community Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 24-1-002 on April 3, 2024, and recommended approval of the request (approved 8-0). Staff concurs.

**BACKGROUND:**

The 5.08-acre subject property is located at the intersection of Independence Avenue and Freedom Drive and is commonly known as Lot 13 of the Freedom Commons PUD, which is zoned B2 (Community Shopping Center District). The entire Freedom Commons PUD is approximately 24 acres and is located along Freedom Drive, just south of the I-88 tollway. The PUD consists of 13 buildings comprising approximately 160,000 square-feet of mixed-use development with mainly retail, restaurant, medical, and financial uses, including off-street surface parking and a detention facility. Lot 13 is currently improved with a vacant 45,000 square foot fitness facility and surface parking.

The petitioner, CHP-HSG Naperville, LLC, requests a major change to the Freedom Commons Planned Unit Development, a final PUD plat, and a loading deviation to allow a medical office out-

patient facility to occupy the vacant LA fitness building. The applicant is proposing several exterior improvements to the property to accommodate the medical office use, including the addition of a patient drop-off area at the front the building, a patient discharge area on the east side of the building, a transformer enclosure on the west side of the building, replacement of the existing trash enclosure, and refurbishment of the parking lot, sidewalks, and landscaping. The proposed site plan changes will result in a loss of 14 parking spaces. The petitioner has provided a parking study (see attachments) demonstrating that the proposed parking will continue to be sufficient and that the subject property and the Freedom Commons development will continue to meet minimum parking requirements as outlined in the Municipal Code.

Further, the applicant is making pointed improvements to the existing building, including the addition of a pedestrian oriented canopy and lighting at the main entrance and the conversion of some existing windows to spandrel glass to screen interior uses. The petitioner signed a non-disclosure agreement with their client and had not shared the medical out-patient facility user at the time this report was written.

## **DISCUSSION:**

### **Major Change to the PUD and Final PUD Plat**

The City Council approved the final PUD plat for Freedom Commons at their meeting on November 6, 2006, with Ordinance number 06-263. The petitioner requests a major change to the Freedom Commons PUD to update the final PUD plat to allow the proposed medical use. While a medical office is a permitted use in the B2 zone, the Freedom Commons final PUD plat specifically designates a “fitness” use for Lot 13 of the PUD. Per Section 6-4-6:1 (Changes to Final Planned Unit Development: Major Change), a major change to the PUD is required when a change in use is requested, and therefore the proposed change from fitness to medical office triggers the requirement for a major change to the PUD.

Staff finds the proposed medical office use is complimentary to the intended mixed-use nature of the Freedom Commons development, which comprises mainly restaurant and retail uses (with some financial and medical office uses). Based on the provided parking study (see attachments), the proposed medical office will experience peak parking demand in the morning and early afternoon, while the existing land uses within Freedom Commons will experience peak parking demand in the evening, at which time the medical office facility will have little to no parking demand.

The proposed medical office use is also consistent with the City’s 2022 Land Use Master Plan, which designates the subject property, as well as the entire Freedom Commons development, as “Regional Center”. According to the Land Use Master Plan, “Regional Centers are areas of intense development and activity and offer one of the most diverse mix of uses in the City.” Staff finds that the proposed medical office is consistent with this description as the addition of the medical office will continue to diversify the existing mix of uses in the Freedom Commons development.

### **Findings of Fact**

Staff finds the proposed medical office use is complimentary to the intended mixed-use nature of the Freedom Commons development and is consistent with the Land Use Master Plan and therefore supports the request for a major change to the PUD. The petitioner’s responses to the Standards for Granting or Amending a Planned Unit Development can be found in the attachments. Upon review, staff agrees with the petitioner’s findings and recommends adoption by the Planning and Zoning

Commission.

### **Loading Deviation**

Per Municipal Code Section 6-9-5 (Schedule of Off Street Loading Requirements) a medical office building containing 10,000 to 100,000 square feet of gross floor area is required to provide one exterior loading berth. The petitioner requests a deviation from Section 6-9-5 to allow zero loading spaces for the proposed medical office.

The existing LA fitness building does not currently include a loading berth facility. The petitioner states that a loading berth is not necessary for the proposed medical outpatient facility's operation, noting that there is adequate delivery access via three points of access to the building at the south, east, and west facades, including the front drop-off lane. The petitioner notes that deliveries to the medical outpatient facility will be small and limited to UPS/FedEx and medical supply vans, which are typically no larger than a SUV, so a loading berth would be rarely utilized.

Based on the information provided by the petitioner, Staff is in general agreement with the petitioner's findings that existing access to the building will be sufficient to accommodate loading and unloading activities. Further, Staff is supportive of the elimination of the loading berth as the addition of a loading berth may result in the further reduction of parking spaces and may detract from the architectural design of the existing building.

### **Findings of Fact**

Staff finds that existing access to the building will be sufficient to accommodate loading and unloading activities and therefore supports the request for a loading deviation to allow zero loading spaces on the subject property. The petitioner's responses to the Standards for Approving a PUD Deviation can be found in the attachments. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

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

The Planning and Zoning Commission conducted the public hearing to consider PZC 24-1-002 on April 3, 2024. No public comments were voiced during the public hearing.

Commissioner Athanikar provided positive remarks about the proposal and asked the petitioner team to clarify why the medical outpatient facility does not need to utilize a loading berth. Dan Ahlering, managing member for the Petitioner, stated that deliveries would mainly use staff entrances on the east and west side of the building.

After further clarifications from the petitioner, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of the petitioner's request as presented (approved 8-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### **Key Takeaways**

- The petitioner is proposing a medical office use at the vacant LA Fitness property in the Freedom Commons development and requests a major change to the Freedom Commons PUD and approval of a final PUD plat to change the use from fitness to medical office, and a loading deviation to allow zero loading spaces.
- Staff and the Planning Commission support the requests and finds the proposed medical use to be complimentary with the existing mixed-use Freedom Commons development and consistency with the Land Use Master Plan.

**FISCAL IMPACT:**

N/A