



Legislation Details (With Text)

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

**File created:** 5/4/2023      **In control:** City Council

**On agenda:** 5/16/2023      **Final action:** 5/16/2023

**Title:** Pass the ordinance approving three variances related to parking and setbacks for 1671 N. IL Route 59, Naperville (Dunkin Go) - PZC 22-1-010

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal, 3. Exhibit B - Subject Property, 4. Exhibit C - Standards, 5. Exhibit D - Site Plan, 6. Exhibit E - Sign Elevations, 7. Exhibit F - Landscape Plan, 8. Development Petition, 9. Public Comments, 10. PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
5/16/2023	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving three variances related to parking and setbacks for 1671 N. IL Route 59, Naperville (Dunkin Go) - PZC 22-1-010

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 22-1-010 on May 3, 2023 and voted to recommend approval of the petitioner’s requests (approved 7-0). Staff concurs.

**BACKGROUND:**

The subject property consists of approximately 0.78 acres located at the southwest corner of IL Route 59 and Diehl Road. It is currently vacant and zoned B3 (General Commercial District) in the City of Naperville. The petitioner proposes developing the site with a Dunkin’ Go, drive-through coffee shop. To do so, the petitioner requests approval of: a variance to decrease the number of required parking spaces from 11 spaces to 10 spaces; a variance to decrease the required ground sign setback from 10 feet to 7 feet along a major arterial roadway; and, a variance to allow off-street parking areas to encroach up to 15 feet into the required 20 feet major arterial setback.

**DISCUSSION:**

At approximately 0.78 acres in size, the subject property is a relatively small parcel along the IL Route 59 commercial corridor. It is bordered by roadways on three sides (Route 59 to east, Diehl Road to the north, and Pebblewood Lane to the west), and is accessible from Route 59 or through a cross-access easement shared with the commercial property to the south.

The Land Use Master Plan designates the future place type of the property as City Corridor and acknowledges that City Corridors are often hampered by shallow lot depths or other factors that limit physical capacity for development. The subject property's size and configuration limit opportunities for commercial development on the site.

The petitioner's proposal for a drive-through coffee shop and office space are permitted uses in the B3 zoning district and the proposed building has a footprint of less than 1,500 square feet. Staff finds the proposal will generate commercial activity on this corner and be an efficient use for a small site.

## **Variances**

### ***Parking Reduction***

#### **Section 6-9-3 (Schedule of Off Street Parking Requirements)**

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-3SCOFSTPARE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE)

of the Municipal Code requires bakeries/coffee shops to provide 4.5 parking spaces per 1000 sq. ft. of gross floor area, and offices to provide 3.3 parking spaces per 1000 sq. ft. of gross floor area. Per code, the proposed 1,078 square foot bakery and 1,788 square foot office require 11 parking spaces to be provided on the site. The petitioner requests approval of a variance to decrease the number of required parking spaces from 11 spaces to 10 spaces.

The proposed Dunkin' Go is a drive-through only location, with no indoor seating/ interior pick up option. The petitioner has identified that a maximum of 3 employees will be at the shop at any given time and that customers will be required to utilize the drive-through lane for purchases. Staff notes that the proposed drive-through exceeds code requirements and has a capacity for 14 cars. Additionally, the proposed office space is intended to be used for storage/ archiving and training new employees, therefore it will not be occupied full time or at full capacity. Staff finds the reduced number of parking spaces to be adequate for the proposed use and is supportive of the variance request.

### ***Sign Setbacks***

#### **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 Municipal Code requires ground signage along a major arterial roadway to maintain a minimum of a 10-foot setback. The petitioner seeks approval of a variance to decrease the required ground sign setback from 10 feet to 7 feet along Route 59, as Route 59 is designated as a major arterial roadway.

As noted in the sections above, the subject property is less than an acre in size and is encumbered by shallow lot depth as well as existing and limited options for site access. The petitioner has designed the site to maintain the existing access point on Route 59 and the cross-access easement shared with the commercial property to the south. These existing access points prohibit the petitioner from meeting the required ten-foot ground sign setback along Route 59 as they eliminate opportunities to shift the sign further away from the roadway. The ground sign location proposed by the petitioner ensures sight lines are not impacted at the intersection of Diehl Road and Route 59. Staff and the petitioner agree that the proposed location is the most appropriate area to have the franchise required ground sign.

- **Gateway Signage:** The petitioner proposes ground signage that advertises the proposed

Dunkin' Go business and provides a gateway into the City of Naperville. The sign has been designed in close conformity with monument sign standards used along the Ogden Avenue Corridor and its design does not require approval of any variances (apart from the major arterial setback variance). The PZC and staff are supportive of the sign that is proposed and note there are no specific code requirements for entryway signage on this property.

### ***Major Arterial Setbacks***

A variance to [Section 6-9-2:4.6 \(Off Street Parking Facilities\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA)

of the Municipal Code requires off-street parking areas to maintain a setback of 70 feet from the centerline of the major arterial or 20 feet from the edge of the right-of-way, whichever is greater. For the subject property, a 20-foot setback from the edge of the right-of-way is applicable to parking areas.

The petitioner seeks approval of a variance to allow parking to encroach up to 15 ft. into the required 20 ft. major arterial setback. The subject property's lot size and lot depth result in practical difficulties that would make it difficult to develop the site in conformance with the City's major arterial setback requirements. The proposed site plan still provides a landscape buffer which includes shrubs and trees along the perimeter of the site. Additionally, staff notes that the existing pavement on the property extends all the way to the property line, so the proposed development is an improvement over existing conditions.

### ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings for each variance and recommends their adoption by City Council.

### ***Elevations***

The elevations proposed for Dunkin' Go meet the City's Building Design Guidelines and include face brick, fiber cement siding, and stone accents in the Dunkin' Donuts franchise colors. The petitioner has worked with staff to incorporate additional masonry elements and ensure rooftop mechanical units are screened.

### ***Planning & Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on May 3, 2023. No members of the public provided testimony. The PZC discussed traffic concerns and the drive-through operations proposed for this location before closing the public hearing and recommending approval of the petitioner's requests (approved 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner requests approval of a parking variance. The PZC and staff are supportive of the variance due to the drive-through nature of the proposed use.
- The petitioner requests approval of setback variances for ground signage and parking areas adjacent to a major arterial. The PZC and staff are supportive of the requests due to the subject property's size, lot depth, and configuration.

## **RELATED FILES**

N/A