



Legislation Text

File #: 24-0507C, Version: 1

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Reconvene the public hearing to consider the requested entitlements for 1244 E. Chicago Avenue (Heinen's) - PZC 23-1-111

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Adam Beaver, AICP Candidate, Community Planner

ENTITLEMENTS REQUESTED:

1. Rezoning from B1 to OCI
2. A conditional use in the OCI zoning district to permit a general retail use
3. Revocation of ordinance 72-052 restricting certain uses for the subject property.

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 23-1-111 was published in the Naperville Sun on April 14, 2024. The public hearing was opened at the May 1, 2024 PZC meeting and continued to the May 15, 2024 meeting. The public hearing was reconvened at the May 15, 2024 meeting and continued to the June 5, 2024 meeting

BACKGROUND:

The subject property is located on the south side of East Chicago Avenue between Pembroke Road and Olesen Drive and is approximately 7.31 acres in size. The property has current common street addresses of 1256, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1280, 1284, 1290 E Chicago Avenue with a proposed new address of 1244 E Chicago Avenue. It is currently zoned B1 (Neighborhood Convenience Shopping Center District) and was previously utilized as a grocery store and retail center. The subject property is improved with a one-story building and associated parking areas which will be removed and replaced with the proposed improvements discussed herein.

The petitioner requested that the case be continued at the May 1, 2024 PZC meeting in order to meet with neighboring residents and understand their concerns with the proposal. Following that meeting, the petitioner requested that the case be continued at the May 15, 2024 meeting in order for them to make changes to their plans to address some of the concerns that the neighbors voiced at their meeting. The changes that were made are summarized in the attached "Summary of Changes" document.

DISCUSSION:

The Petitioner, Heinen's, Inc., requests approval of the rezoning of the subject property from B1 to OCI and a conditional use for general retail to allow for the redevelopment of the property as a Heinen's grocery store.

Rezoning

The Petitioner is requesting to rezone the subject property from B1 (Neighborhood Convenience Shopping Center District) to OCI (Office, Commercial and Institutional District). The intent of the OCI district is to act as a transitional zone between intensive business areas and residential neighborhoods.

The requested OCI zoning is consistent with the City's Land Use Master Plan designation of the subject property as a neighborhood center. In addition, the property proposed for McAlister's Deli (and located within the same shopping center as Heinen's) was rezoned to OCI in 2023. Staff is supportive of the petitioner's request to rezone the subject property OCI.

The Petitioner's responses to the Standards for Granting a Map Amendment are included in the attachments. Upon review, staff is in agreement with the Petitioner's findings, and recommends adoption by the Planning and Zoning Commission.

Conditional Use

Section 6-7F-3 of the Naperville Municipal Code includes general retail as a conditional use in the OCI district with the general retail classification encompassing the proposed grocery store use. The Petitioner is requesting approval of a conditional use in order to construct a new 50,422 square foot building to be operated as a Heinen's grocery store. There will be sufficient parking provided on site with the petitioner proposing to provide the required 227 parking spaces. Staff finds the use to be appropriate at this location.

The submitted elevations show that the building's exterior is primarily brick with accents of fiber cement board siding and decorative metal screens and is in compliance with the Citywide Building Design Guidelines. The petitioner is also meeting all landscaping code requirements as detailed in the attached landscaping plans. As a condition of approval, staff required the petitioner to submit a sound study to confirm that their operations would meet all code requirements for sound levels at the property line and respond accordingly with building improvements. As a result of the sound study, the petitioner will be required to provide a sound barrier wall as further detailed below in the conditions for approval.

The Petitioner's responses to the Standards for Granting a Conditional Use can be found in the attachments. Upon review, staff is in agreement with the Petitioner's findings, subject to the conditions noted below, and recommends adoption by the Planning and Zoning Commission.

Revocation of Ordinance No. 72-052

On September 11, 1972, the City Council approved Ordinance 72-052, which rezoned the subject property and the property located at 1296 E. Chicago Avenue (now McAlister's Deli) to the B1 zoning district and specified use classifications and restrictions, limitations, regulations, conditions, and a controlling site plan. Ordinance 72-052 will be revoked as to both properties by separate ordinance. However, several conditions from Ordinance 72-052, as further described below, will be carried over to the new ordinance granting the conditional use for Heinen's. Staff is also proposing new conditions

in the ordinance, as also described below, in response to Heinen's current request. Upon adoption of the conditional use ordinance for Heinen's, any future changes proposed to this Ordinance, or the exhibits attached to it (i.e., site plan, landscaping plan, building elevations), will be subject to review in accordance with Section 6-3-8:6 (Changes to An Approved Conditional Use) of the Naperville Municipal Code.

It is important to note that the City Council will be asked to vote on the proposed conditional use ordinance and the rezoning of the subject property to OCI for Heinen's on the same agenda as the revocation of Ordinance 72-052. Should the City Council be opposed to Heinen's proposed rezoning or conditional use requests, staff will ask the City Council not to approve the separate ordinance revoking Ordinance 72-52 Ordinance 72-052 at that time.

As noted above, Ordinance 72-052 will also be revoked as it applies to the McAlister's Deli. However, the conditions proposed to be carried over only impact the Heinen's property; therefore, they will not be reflected on the McAlister's Deli site.

Overall, staff finds that the revocation of Ordinance 72-052 and subsequent adoption of a conditional use ordinance for Heinen's will result in a more transparent ordinance and overall process related to development of the subject property. The Planning and Zoning Commission will not be asked to take any action on the requested ordinance revocation; this overview is being provided for information only.

Conditions of approval

Staff is recommending that the following conditions be included in ordinance approving the conditional use for the subject property:

Carry-Over Conditions from Ordinance 72-052:

(Note: prior language has been modified to reflect existing conditions)

- A minimum of 0.7 acres of the subject property along Pembroke Road shall be maintained as permanent open space generally located in the area depicted on the Landscape Plan and hereinafter referred to as "Permanent Open Space". Said Permanent Open Space shall include the existing berm which shall be maintained in its current location as specified on the Landscape Plan and to the existing height depicted on the Engineering Plan. In addition, the Petitioner shall install an additional 20 landscape items (5 white fir trees and a variety of shrubs and ornamental grasses) at the south end of the existing berm, as depicted on the Landscape Plan, prior to issuance of a Final Occupancy Permit for the Subject Property.
- A 6' tall solid stockade (board-on-board) fence shall be installed and maintained along the south property line of the Subject Property as it abuts the northern and eastern property lines of the Naperville Park District property, in the location depicted on the Site Plan. Said fence shall be installed prior to issuance of a Final Occupancy Permit for the Subject Property.
- Access to and/or from the Subject Property shall be prohibited from Pembroke Road.

New Conditions Proposed:

- A sound barrier varying in height between 8' and 12' shall be installed and maintained in the

vicinity of the south property line of the Subject Property, as depicted on the Site Plan and as recommended in the Petitioner's Sound Study attached hereto, in order to comply with Section 6-14-1 (Standards: Noise) of the existing Naperville Municipal Code for noise as measured at the property line. The Petitioner shall also install sound absorbing panels on the south wall of the building near the loading dock as depicted on the Site Plan. Said sound wall and acoustic panels shall be installed prior to issuance of a final occupancy permit for the Subject Property. If, following installation of the sound wall and/or sound absorbing panels, the Subject Property results in the generation of any continuous and sustained noise at the property lines of the Subject Property in excess of the limits established in Section 6-14-1, the Petitioner shall be required to take further steps to mitigate said noise to bring it into compliance with Code allowances.

- All deliveries and garbage pick-up on the Subject Property must occur between the hours of 7:00am and 7:00pm.
- Any change proposed to the conditions provided herein shall be processed as a Major Change to the Conditional Use hereby granted to the Subject Property pursuant to the provisions of Section 6-3-8:5 (Changes to Approved Conditional Uses) of the Naperville Municipal Code.

Summary

Staff is in support of the Petitioner's requests for the proposed grocery store subject to the conditions noted herein.

Key Takeaways

- The Petitioner is requesting approval of rezoning from B1 to OCI and a conditional use for general retail to permit the construction of a Heinen's grocery store. Staff recommends approval of the request with conditions.