



## Legislation Text

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File #: 20-1382B, Version: 1

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### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the staff report regarding the properties located at 24 N. Washington Street and 20 E. Franklin Avenue (Guidepost Montessori) - PZC 20-1-092 (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered this matter on November 18, 2020 and voted to recommend approval of the request (Approved 8-0). Staff concurs.

#### **BACKGROUND:**

Quattro Twenty Four North Washington, LLC submitted a development petition for Guidepost Montessori School to be located at 24 N. Washington Street and 20 E. Franklin Avenue, in the city's B5 (Secondary Downtown) zoning district. The petitioner requests City Council's consideration of the following entitlements: a conditional use for a daycare center, preschool, primary school and associated uses, and a variance to eliminate the required stacking spaces for a daycare/preschool/nursery school.

#### **DISCUSSION:**

Quattro Twenty Four North Washington, LLC, is the contract purchaser of the subject property. The property is currently zoned B5 (Secondary Downtown) and has been vacant for some time. The petitioner intends to repurpose the existing building on-site for use as a Montessori childcare, preschool, and primary school facility.

Approval of PZC #20-1-092 is contingent on City Council's approval of a text amendment (PZC #20-1-106, also scheduled for the 12/1/20 meeting) which would allow daycare centers, preschools, and primary schools to be permitted as conditional uses in the B5 zoning district.

#### ***Conditional Use***

Subject to City Council's approval of the aforementioned text amendment, [Section 6-7E-3 \(B5/Conditional Uses\) <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH7BUDI\\_ARTEB5SEDODI\\_6-7E-3COUS>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTEB5SEDODI_6-7E-3COUS) of the Municipal Code classifies daycare centers, preschools, primary schools, and their supporting uses as conditional uses in the B5 zoning district. The petitioner requests approval of a conditional use to allow Guidepost Montessori School (which will include a daycare center, preschool, and primary school) to operate on the subject property. The petitioner plans to improve the existing building by removing the drive-

through canopy since this is an existing nonconformity and drive-throughs are not permitted in the B5 zoning district. Enhanced façade maintenance, extensive interior remodeling, and site modifications to accommodate outdoor play areas are also planned. Existing access points and site circulation will remain largely unchanged, and staff notes that the number of on-site parking spaces available exceeds City parking requirements for school and daycare uses.

The petitioner states the area surrounding the subject property is institutional in nature. The property is adjacent to office and religious uses (including the Wesley Methodist preschool) to the north, religious uses to the east, office uses to the south, and office and restaurant uses to the west. Additionally, Saints Peter and Paul Catholic Church and Catholic School and Washington Junior High School are located nearby.

Staff agrees with the petitioner and finds the proposed Montessori School to be consistent with the character of the surrounding area. Staff is supportive of the conditional use request and finds the proposal to be an appropriate transition between the downtown and surrounding neighborhoods. Improved site conditions and adequate parking on-site will help ensure impacts to the surrounding area will be minimal.

### **Stacking Variance**

The petitioner is requesting a variance from [Section 6-9-3:6 \(Parking Requirements/Services and Institutions\) <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) to eliminate the ten stacking spaces required for curbside drop-off/pick-up areas. Due to the ages of the children enrolled, the petitioner has identified that caregivers will be required to park and escort their child(ren) into the facility; therefore, no stacking spaces are necessary for curbside drop-off/pick-up.

To further support the request, the petitioner provided a traffic study that details the school's parking needs and pick-up/drop off procedures, and compares the proposed facility to the petitioner's south Naperville location. The traffic study finds that the proposed number of parking spaces complies with City Code requirements and is sufficient for drop-off/pick-up. Additionally, the subject property offers more parking spaces per student than the petitioner's south Naperville location, which is successfully operating without curbside drop-off/pick-up. Staff is in support of the petitioner's variance request based on the traffic study submitted and the school's standardized pick-up/drop-off procedures.

Staff notes that the petitioner's requested variance is a result of an obsolete Code section, that was drafted prior to the implementation of modern drop-off procedures. Staff intends to update this Code section and eliminate this requirement as part of an upcoming text amendment.

### **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 agree with the petitioner's Findings and recommends their adoption by City Council.

### **Declaration of Restrictions**

On May 27, 1963, a Declaration of Restrictions was recorded against the subject property with the DuPage County Recorder as document number R63-16635. The declaration established protective covenants restricting use of the subject property to the following: (i) B1 uses as set forth in the City

of Naperville Zoning Ordinance adopted November 4, 1940; (ii) a ten foot building setback line along Washington Street and Franklin Avenue; and (iii) a lot coverage maximum of 35% for building purposes and 65% for off-street parking. Per the terms of the Declaration, the City is the sole entity that has the right to both enforce and/or abrogate the Declaration of Restrictions.

As such, the owner is requesting that the City pass an ordinance to abrogate the Declaration of Restrictions on the subject property. The proposed ordinance will release the City's rights and interest in the enforcement of the declaration, as well as repeal the declaration in its entirety. Staff finds that the protective covenants imposed by the Declaration are no longer applicable and is supportive of the request for abrogation.

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

The PZC considered this matter at their meeting on November 18, 2020. One member of the public simply noted support for the project, and an adjacent property owner expressed support for the Montessori School and appreciation for their willingness to work together. Following brief comments, the PZC closed the public hearing, moved to adopt the findings of fact as presented by the petitioner, and approve PZC 20-1-092 (8-0). Staff concurs with the recommendation.

### ***Key Takeaways***

- Subject to approval of a text amendment (PZC 20-1-106), the petitioner is requesting approval of a conditional use for Guidepost Montessori School (which will include a daycare center, preschool, and primary school) at 24 N. Washington and 20 E. Franklin Street. The Planning and Zoning Commission and staff are supportive of the conditional use and find it consistent with the institutional nature of the area and an appropriate transition between the downtown core and surrounding neighborhoods.
- The petitioner requests approval of a variance to eliminate the required stacking spaces for curb-side drop-off/pick-up. The PZC and staff are supportive of the request based on the traffic study submitted and the school's standardized pick-up/drop-off procedures. Staff notes that the petitioner's requested variance is a result of an obsolete Code section.

### ***Related Files***

The following agenda items are related to PZC 20-1-092:

- Pass the ordinance approving a conditional use for a daycare center, preschool, and primary school on the properties located at 24 N. Washington and 20 E. Franklin, and a variance to eliminate the ten stacking spaces required for curbside drop-off/pick-up areas (Guidepost Montessori) - PZC 20-1-092 (Item 2 of 3)
- Pass the ordinance abrogating the Declaration of Restrictions pertaining to real property located at 24 N. Washington Street (Guidepost Montessori) - PZC 20-1-092 (Item 3 of 3)