



## Legislation Text

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File #: 24-0330B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance approving a major change to the Iroquois Center PUD, a final PUD plat, and a bypass lane deviation for 1163 E Ogden (to be known as 1159 E Ogden Avenue) (Chick-fil-a) - PZC 23-1-110

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Brad Iwicki, Assistant Planner

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

The Planning and Zoning Commission (PZC) considered PZC 23-1-110 at their March 20, 2024, meeting and voted to recommend approval of a major change to the Iroquois Center PUD, a final PUD plat, and the petitioner's requested bypass lane deviation, while recommending denial of a requested sign deviation (approved 8-0). Staff concurs. Since the PZC meeting, the petitioner has withdrawn the requested sign deviation.

#### **BACKGROUND:**

The subject property consists of a 1.697-acre site with frontage along E Ogden Avenue. The site is located within the boundary of a 12.23-acre parcel generally described as the Iroquois Center Planned Unit Development (Iroquois Center) with a common address of 1163 E Ogden Avenue. The Iroquois Center is located north of E Ogden Avenue and west of Iroquois Avenue. It is zoned B3 (General Commercial District) and improved with a shopping center. The southeast portion of the existing shopping center building will be demolished in order to construct a standalone Chick-fil-a restaurant.

The petitioner proposes constructing a 5,025 sq. ft. Chick-fil-a restaurant at the subject property to be addressed 1159 E Ogden Avenue. To do so, the petitioner requests approval of a major change to the Iroquois Center PUD and a Final PUD Plat, and a deviation to the City's bypass lane requirements.

Single-family and multi-family residential subdivisions are located to the west and commercial properties surround the Iroquois Center PUD to the north, south, and east. The City's Land Use Master Plan identifies the future place type of the subject property to be Urban Center. Staff finds the petitioner's proposal to be compatible with this designation as restaurants are listed as a primary use in this classification.

#### **DISCUSSION:**

##### ***Major Change to Amend a Planned Unit Development and Final PUD Plat***

The petitioner requests approval of a major change to the Iroquois Center Planned Unit Development

in order to construct a Chick-fil-a restaurant on the subject property. Per the Naperville Municipal Code Section 6-4-6:1 (Changes to a Planned Unit Development: Major Change), a major change to the existing PUD is required to permit a change in the designation of land use, and significant changes to the parking location and access plan.

The Iroquois Shopping Center has approximately 123,931 square feet of gross floor area. The scope of this project includes removing approximately 29,000 square feet of floor area from the shopping center to accommodate the Chick-fil-a restaurant and associated parking facilities.

Staff considers the proposed Chick-fil-a design and location to be complementary to adjacent properties. Commercial land-uses are located on lots directly to the north, south, and east, all of which have a frontage along E Ogden Avenue. The Chick-fil-a restaurant is a permitted use in the B3 zoning district and there are eating establishments operating nearby such as, Joy Yee, Happy Lamb Hot Pot, and Panda Express, among others. The Chick-fil-a will be oriented towards E Ogden Avenue and accessed from an internal, Iroquois Center access drive.

The improvements impact the PUD's existing parking configuration, although the proposal results in excess parking throughout the PUD. Based on the existing tenant mix in the Iroquois Center, 516 parking spaces are required to be provided within the PUD. Following the petitioner's proposed improvements, 560 parking spaces will be provided in the PUD, including 56 on the Chick-fil-a site.

The proposed building's exterior features earth-tone colors. The primary wall material is a light brown brick veneer with dark brown veneer at the base of the building. Dark bronze and midnight bronze will be used on the drive-through canopies and additional accent materials, such as window trim and metal coping. Landscaping is provided per the Code and includes shade trees and ornamental plantings.

Staff believes the requested major change to the PUD is appropriate and the proposed design and location of the project complements the surrounding properties. Concurrent with the major change, the petitioner requests approval of a Final PUD plat to reflect the proposed Chick-fil-a restaurant. No subdivision of the parcel will occur with this project, ensuring future connectivity is maintained between the site and the larger shopping center property. Staff find the proposed Final PUD plat meets the technical requirements for approval.

### *Findings of Fact*

The petitioner's responses to the Standards for Amending a Planned Unit Development can be found in the attachments. Upon review, the Planning and Zoning Commission and staff agree with the petitioner's Findings and recommend their adoption by City Council.

### **Requested Deviations**

At this time, the petitioner requests approval of one deviation from the Municipal Code to allow for the Chick-fil-a restaurant to be constructed per the submitted plans. Initially, a signage deviation to Section 6-16-5:2.2.1 (Signs on Commercial and Institutional Property) of the Code was requested to allow two ground signs to be located less than 200 feet apart; however, both staff and the PZC expressed concerns with the proposal. In response, the petitioner withdrew the requested sign deviation.

### *Bypass Lane Deviation*

The petitioner's development proposal includes a deviation to Section 6-9-6:2.2 (Supplemental Standards for Drive-Through Stacking Lanes) of the Municipal Code to grant relief from the bypass lane requirement for drive-through service facilities. The Code requires that a bypass lane, 10 feet wide, shall span the full distance of the stacking lane. The petitioner's proposed site design maintains two stacking lanes for the first 350 feet of the drive through and splits into three lanes after customer's orders are taken. The third lane functions as a bypass lane extending approximately 200 feet before merging back with the two stacking lanes upon drive through exit. Staff finds the reduced bypass lane sufficient given the dual lane design of the facility and notes that the petitioner has exceeded the required stacking for the eating establishment. For these reasons, staff finds the petitioner's request reasonable and is supportive of the bypass lane deviation.

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Bypass Lane Deviation can be found in the attachments. Upon review, the Planning and Zoning Commission and staff agree with the petitioner's Findings and recommend their approval by City Council.

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

The Planning and Zoning Commission (PZC) conducted the public hearing on PZC 23-1-110 at their March 20, 2024, meeting. There was one public speaker on this case who stated the single-tenant monument sign originally requested is unnecessary, identified concern that the proposed use does not fit with the shopping center and provided criticism on the design, stating that it does not support superior design standards typical for a planned unit development. The Commission discussed the proposed monument sign and potential traffic impacts. Commissioner's McDaniel and Wright verbally opposed the monument sign during the meeting.

Overall, the Commission expressed support for the project. The Commission inquired about the lack of a bypass lane. Mr. Hill, a representative for the petitioner, explained that the site is not large enough to incorporate a bypass lane that is fully compliant with the code and spans the entire length of the stacking lane and confirmed that a vehicle could exit part way through the drive through if needed.

At the conclusion of the discussion, the PZC made a motion to concur with staff and approve the major change to the Iroquois Center Planned Unit Development, Final PUD Plat, and deviation from the bypass lane requirement, and to deny the requested sign deviation due to concerns with visual clutter along Ogden Avenue. Staff concurs.

#### *Changes Made Following the PZC Meeting*

Following the PZC meeting, the petitioner withdrew the request for a ground sign deviation.

#### **FISCAL IMPACT**

None