



## Legislation Text

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File #: 22-0069B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Conduct the first reading of the ordinance amending Title 6 (Zoning Regulations) Chapter 1 (Zoning Title, Purpose, Definitions) Section 6 (Definitions) and Title 6 (Zoning Regulations) Chapter 8 (Industrial Districts) Article B (ORI Office, Research and Light Industry District) of the Naperville Municipal Code regarding the ORI Zoning District - PZC 21-1-144

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

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

The Planning and Zoning Commission (PZC) conducted the public hearing regarding the proposed ORI text amendments on January 19, 2022 and voted to recommend approval of the amendment (approved 8-0). Staff concurs.

#### **BACKGROUND:**

On November 16, 2021, the City Council initiated consideration of amendments to the ORI Zoning District to classify warehouses, storage facilities, and self-storage warehouses as conditional uses in the ORI Zoning District. This allows for proposals to be reviewed on a case-by-case basis.

As a result of evaluating the City Council's request, for the reasons generally described below, the PZC and staff recommend revision or elimination of certain permitted and conditional uses in the ORI Zoning District.

#### **DISCUSSION:**

The *Map of ORI Properties* included in the attachments illustrates that the majority of the City's approximately 122 ORI-zoned properties are office centers which are primarily located along the I-88 Corridor. City records indicate that there are nine warehouses in the city located in the ORI Zoning District. Eight are located along Corporate Lane north of Ferry Road and east of IL Route 59 and one is located on Diehl Road west of IL Route 59.

Warehouse and distribution facilities often possess characteristics that negatively impact surrounding properties, including a significant increase in truck traffic and large off-street loading areas and truck docks. Further, such facilities utilize building types and designs which are distinctly different from existing professional office buildings.

Classifying warehouses and self-storage facilities as conditional uses will not prohibit such uses in the ORI Zoning District but will provide an additional level of review by the PZC and the City Council to determine if the potential uses are appropriate for the proposed location based on the specifics of

the case presented. Through this review the PZC and the City Council may determine what, if any, conditions should be included in conjunction with an approval of a conditional use in order to mitigate adverse impacts related to the proposed use. Section 6-3-3:2-2-3 of the City Code provides in relevant part as follows:

The Planning and Zoning Commission may recommend, and the City Council may impose, conditions and restrictions upon the premises benefitted by a conditional use, as may be necessary to comply with the standards set forth in the Title...

Site specific review of a conditional use will include a review of current and proposed roadway capacities, site access, property location, and anticipated traffic and parking generation (as prepared by the petitioner) to determine if the proposed use can be supported on the site. Potential conditions to mitigate any adverse impact of the proposed use may include additional landscaping, improved building elevations/materials, access restrictions, directional signage, increased setbacks, lighting, and building orientation.

Warehouses and storage facilities and self-storage warehouses in existence prior to enactment of any approved text amendments to the City's ORI Zoning District would be allowed to continue subject to the nonconforming use provisions set forth in Chapter 10 (Nonconforming Uses) of Title 6 (Zoning Ordinance) of the Naperville Municipal Code, as amended from time to time.

Further, warehouses and storage facilities and self-storage warehouses will continue to be classified as permitted uses in the Industrial Zoning District of the City where more intense uses are intended to be accommodated as set forth in Section 6-8C of the City Code.

Finally, upon review of the Code's ORI provisions, staff further recommends that certain conditional uses in the ORI Zoning District be eliminated because they represent an outdated business type, are duplicative, or are not in alignment with the overall intent of the ORI Zoning District.

### ***Proposed Amendments to the ORI Zoning District***

The proposed ORI Zoning District amendments are attached and will be applicable to all ORI zoned properties in the City. Key changes proposed are described below.

- Section 6-1-6 (Definitions) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH1ZOTIPUDE\\_6-1-6DE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH1ZOTIPUDE_6-1-6DE)>. Define "Warehouse and Storage Facility" as:
  - A building or structure intended for the storage and distribution of goods and materials, including but not limited to distribution and fulfillment centers.
- Section 6-8B-3: (ORI / Conditional Uses) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?)>
  - "Warehouses and Storage Facilities but excluding motor freight terminals" and "warehouse, self-storage" would continue to be allowed in the ORI Zoning District subject to the conditional use review process.
  - The following would be eliminated as conditional uses in the ORI Zoning District:
    - (i) "warehousing, receiving and moving van distribution centers" *[This category was*

*designed specifically for moving van distribution centers which will be encompassed within the proposed "Warehouse and Storage Facility" classification]*

- (ii) *"telecommunications facilities" [The City Zoning Code now has a separate chapter for telecommunication facilities]*
- (iii) *"full service hotel/conference center" [The ORI Zoning District includes a category for "full service hotels" which sets forth requirements including conference space making the "full service hotel/conference center" category redundant]*

The draft ordinance reflecting the above changes is attached.

***Planning & Zoning Commission Action***

The PZC considered this matter at its meeting on January 19, 2022. Legal counsel for INEOS US Chemicals Company, Scott Day, spoke in opposition to the proposed text amendment. Christine Jeffries, on behalf of the Naperville Development Partnership, and Kathy Benson spoke in favor of the proposed amendment. After limited discussion, the Commission closed the public hearing and voted to recommend approval of the ORI Text Amendment as proposed (approved 8-0). Staff concurs with the recommendation.