



## Legislation Details (With Text)

**File #:** 17-501      **Version:** 1

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

**File created:** 6/12/2017      **In control:** City Council

**On agenda:** 6/20/2017      **Final action:** 6/20/2017

**Title:** Pass the Ordinance granting variances from Section 6-9-3 (Schedule of Off-Street Parking Requirements), Section 6-2-14 (Major Arterial Setback), Section 6-9-2 (Off-Street Parking Facilities), Section 6-9-6 (Supplemental Standards for Drive-through Stacking Lanes), and Section 6-16-5 (Signs: Signs on Commercial and Institutional Property) of the Naperville Municipal Code and Section 1.3.2 (Commercial Site Design: Parking Lots of the Naperville Design Manual for Public Improvements for the subject property located at 215 - 231 E. Ogden Avenue (Ogden Center Subdivision), PZC 17-1-006. (2 of 2)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ogden Center Subdivision - Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat, 4. Exhibit C - Standards, 5. 1. Development Petition, 6. 2. Site Layout, 7. 3. Dimension Plan, 8. 4. Landscape Plan, 9. 5. Building Elevations, 10. 6. Sign Plan, 11. 7. Traffic Study, 12. 8. 6.7.17 PZC Minutes

Date	Ver.	Action By	Action	Result
6/20/2017	1	City Council	passed as amended	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the Ordinance granting variances from Section 6-9-3 (Schedule of Off-Street Parking Requirements), Section 6-2-14 (Major Arterial Setback), Section 6-9-2 (Off-Street Parking Facilities), Section 6-9-6 (Supplemental Standards for Drive-through Stacking Lanes), and Section 6-16-5 (Signs: Signs on Commercial and Institutional Property) of the Naperville Municipal Code and Section 1.3.2 (Commercial Site Design: Parking Lots of the Naperville Design Manual for Public Improvements for the subject property located at 215 - 231 E. Ogden Avenue (Ogden Center Subdivision), PZC 17-1-006. (2 of 2)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

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

The Planning and Zoning Commission considered PZC 17-1-006 on June 7, 2017 and voted to recommend approval of the case (Approved, 6-2). Staff concurs.

#### **BACKGROUND:**

The petitioner, Vequity, requests approval of variances to permit a reduction in off-street parking, parking within 5' of the property lines, a drive-through less than 40' from residentially zoned property, a drive-through bypass lane that does not extend the full length of the drive-through, and a

monument sign less than 40' from an interior property line. The petitioner intends to renovate the existing multi-tenant retail building by removing the western 20.5' of the building in order to accommodate a drive-through. The petitioner also proposes to update the building façade from stucco to face brick and fiberboard, remove the western access point on Ogden Avenue, and remove the existing non-conforming pole sign; these improvements are consistent with the recommendations provided for private property in the Ogden Avenue Enhancement Initiative.

The subject property is located on the north side of Ogden Avenue, east of Washington Street with a common address of 215 - 231 E. Ogden Avenue. The 0.52-acre site is zoned B3 (General Commercial District) and is currently improved with a single story concrete and stucco building and associated asphalt parking lot; the existing building has been largely vacant for many years. The East Sector Update to the Comprehensive Master Plan (1998) identifies the future land use of the subject property as commercial; the proposal is consistent with this designation. The Ogden Avenue Corridor Plan (2008) identifies the property as neighborhood/convenience commercial mix and the proposal is also consistent with this designation.

## **DISCUSSION:**

### ***Variance for Off-Street Parking***

The petitioner requests a variance to permit a reduction in the number of required off-street parking spaces on the subject property. The petitioner proposes to lease the western end cap of the building to a coffee shop and to fill the remaining three tenant spaces with retail users. Per [Section 6-9-3 \(Schedule of Off-Street Parking Requirements\)](#) [https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-3SCOFSTPARE](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE), both a coffee shop and retail uses require 4.5 parking spaces per 1,000 square feet of gross floor area. The renovated building will be approximately 7,022 square feet in size. Per Code, 32 parking spaces are required and 22 parking spaces are provided.

Currently there are 26 parking spaces on site. The parking lot will be reconfigured as a part of this project to accommodate the drive-through, remove the western access point, and provide the required ADA parking. These improvements will result in a net reduction of parking spaces. Due to site constraints, additional parking cannot be located on the site. Specific to the coffee shop, many of the customer trips will likely be accommodated through the proposed drive-through, thereby reducing some parking demand on-site. However, to ensure that parking is adequately managed on the subject property, staff recommends approval of the variance, subject to the following conditions:

1. In the event that the current and proposed tenants' parking needs cannot be accommodated within the existing parking on the Subject Property, the Petitioner and Owner shall take measures, such as requiring tenants to alter business hours, number of employees or other business operations, alter the tenant mix, or establish an overflow parking location off-site, as necessary, to meet the parking demands of the tenants, subject to review and approval by the Zoning Administrator.
2. Additional parking variances shall not be required to be processed by the Petitioner and Owner provided that future tenants are operationally similar to the existing tenants, subject to review and approval by the Zoning Administrator. Furthermore, no future tenants shall have a parking requirement, per Title 6 (Zoning Ordinance) of the Naperville Municipal Code, which exceeds 4.5 parking spaces per 1,000 square feet of gross floor area.

### ***Variance for Parking in the Major Arterial Setback***

### Section 6-2-14 (Major Arterial Setback)

<[https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-14MAARSERE](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-14MAARSERE)>

requires a minimum setback of 70' from the centerline of the right-of-way or 20' from the edge of the right-of-way, whichever is greater, for parking facilities along all major arterial roadways. Ogden Avenue is a major arterial and a minimum setback of 70' from the centerline of the right-of-way is required on the subject property. The parking lot is located approximately 58.5' from the centerline of the Ogden Avenue right-of-way (19.5' from the front property line).

Per Section 6-2-14:2 (Major Arterial Setback)

<[https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-14MAARSERE](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-14MAARSERE)>,

parking is permitted within the rear 10' of the required 70' major arterial setback because the subject property is located on Ogden Avenue between Washington Street and Sherman Avenue. Therefore, the petitioner is requesting a variance to permit the parking lot to encroach 1.5' into the required 60' major arterial setback. As part of the improvements to the property, the existing parking lot will be removed and replaced in the same location. The removal of the lot triggers the need for the variance. Staff considers this a housekeeping item and is in support of the request.

### ***Variance for Parking Location***

The petitioner also requests a variance from Section 6-9-2:4.3.2 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities)

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

to permit parking facilities within 5' of the property lines. The parking on the west side of the property is located approximately 1.5' from the property line, encroaching 3.5' into the required 5' setback. The variance is required due to site constraints and the desire to accommodate additional parking on the site. It is also important to note that the existing parking lot is approximately 1' from the west property line.

The drive-through bypass lane, which is considered a parking facility, is located approximately 1' from the rear property line. The bypass lane encroaches approximately 4' into the required 5' setback. The bypass lane is also adjacent to a detention pond and will not have a direct impact on surrounding properties. As such, staff is in support of the requests for a variance for parking location.

### ***Variance for Drive-Through Location***

Per Section 6-9-6:2.1.1 (Supplemental Standards for Drive-through Stacking Lanes: Setbacks and Landscaping) <[https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-6SUSTDRROSTLA](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-6SUSTDRROSTLA)>,

the minimum distance from any drive-through facility to any residential area shall be 40'. This distance is measured at the narrowest point between the property line of the residential property and dedicated drive-through bypass lane. The property to the northeast of the subject property is residential. The proposed drive-through bypass lane is located approximately 8.25' from the residential property line to the east, requiring a 31.75' variance.

The intent of this requirement is to provide a buffer for residents from the drive-through. While the residential property line is located 8.25' from the drive-through, the nearest residential building is approximately 97' from the drive-through. It should be noted that the ordering and pick up windows are considerably further from the residential building to the east. Staff finds the request meets the intent of the code because the actual distance between the residential building to the east and the

drive-through bypass lane is greater than 40'.

### **Variance for Drive-Through Bypass Lane**

The petitioner is requesting a variance from [Section 6-9-6:2.1.1 \(Supplemental Standards for Drive-through Stacking Lanes: Setbacks and Landscaping\)](#)

[https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-6SUSTDRROSTLA](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-6SUSTDRROSTLA)

to allow a bypass lane that does not extend the full length of the drive-through. The drive-through lane is 12' wide and is partially accompanied by a 10' wide bypass lane. As proposed, the bypass lane extends north around the building and exits to the adjacent Jewel Osco parking lot to the east. The bypass lane is not provided for the portion of the drive-through that is parallel to the west side of the building. Sufficient space does not exist to accommodate the full bypass lane on the west side of the building. Given that a partial bypass lane is provided, staff finds the variance request is reasonable.

### **Variance for Ground Sign**

Per [Section 6-16-5:2.2.5.3 \(Signs on Commercial and Institutional Property: Ground Signs: Setbacks\)](#) [https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH16SI\\_6-16-5SICOINPR](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH16SI_6-16-5SICOINPR)

, ground signs must be located 40' from the interior property lines. The petitioner is proposing to locate the ground sign approximately 32.2' from the east property line, encroaching 7.8' into the required 40' setback. Shifting the sign west to meet the setback would require the reconfiguration of the parking lot and potentially the loss of an additional parking space. It is important to note that the petitioner is not able to reuse the existing sign as it is a pole sign and is considered non-conforming. Staff is in support of the request for a setback variance due to the size and layout of the site.

The petitioner responses to the Standards for Granting a Variance are attached. Upon review, staff is in agreement with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

### **Deviation for Drive Aisle Width**

The petitioner is requesting a deviation from [Section 1.3.2 \(Commercial Site Design: Parking Lots\)](#) <http://www.naperville.il.us/contentassets/ae60488b84ea4502a42ec144c4a8f874/design-manual-for-public-improvement.pdf>

of the Design Manual for Public Improvements to allow a reduction in the permitted parking lot drive aisle width. Per Code, the minimum parking lot drive aisle width for two way traffic is 26'. The petitioner is proposing a 24' drive aisle width in order to allow for a wider, more accessible walkway along the front of the building. Engineering is in support of this deviation since no reasonable alternative could be found given the limited distance between the building and the front property line.

### **Building Design**

As noted above, the petitioner proposes to remove a portion of the western end of the building. The petitioner is also updating the existing stucco building with face brick, fiber cement board, and stone knee wall. A metal canopy will be provided over each tenant space. The side and rear facades will be painted. The proposed elevations are consistent with the City's Building Design Guidelines and represent a significant improvement from the existing elevations.

### **Key Takeaways**

- The petitioner proposes to remodel the existing multi-tenant retail building at 215-231 E. Ogden Avenue in order to add a drive-through on the western end cap.

- The petitioner requests approval of variances to permit a reduction in off-street parking, parking within the major arterial setback, parking within 5' of the property lines, a drive-through less than 40' from residentially zoned property, a drive-through bypass lane that does not extend the full length of the drive-through, a monument sign less than 40' from an interior property line, and the drive aisle width
- Staff supports the proposed variances finding that site constraints, specifically the size of the property and the re-use of the existing building, contribute to a hardship on the subject property.
- Staff supports the overall project given its consistency with and furtherance of the Ogden Avenue Corridor Enhancement Initiative (2008).

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

The Planning and Zoning Commission opened the public hearing to consider PZC 17-1-006 on June 7, 2017. Max Odom with Vequity, spoke on behalf of the petitioner. Mr. Charles Margosian and Mr. Tom Higgins provided testimony from the public. Mr. Margosian, owner of property to the west, noted concerns about the proposed drive-through, as well as the impacts of the cross access onto the Jewel property. Mr. Higgins voiced concern regarding traffic.

The Planning and Zoning Commission discussed the need to improve the shopping center, the traffic impact on the neighboring properties, and the effects of the proposed drive-through. The Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 17-1-006 (Approved, 6-2). Commissioners Carrie Hansen and Sean Hastings cast the dissenting votes, voicing concern with the proposed drive-through and its associated traffic. Staff concurs with the Planning and Zoning Commission's recommendation.

### **FISCAL IMPACT:**

N/A