Legislation Details (With Text)

File #:	17-896C **Version:** 1		
Type:	Public Hearing	**Status:**	Agenda Ready
File created:	7/3/2018	**In control:**	City Council
On agenda:	7/17/2018	**Final action:**	7/17/2018
Title:	Receive the staff report for World Missions Society Church of God located at 29W771 79th Street, Naperville - PZC 17-1-094 (Item 1 of 7)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Annexation Petition, 2. Development Petition, 3. Location Map, 4. 12.6.17 PZC Minutes, 5. 3.22.18 PZC Minutes		

Date	Ver.	Action By	Action	Result
7/17/2018	1	City Council	received	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:
Receive the staff report for World Missions Society Church of God located at 29W771 79th Street, Naperville - PZC 17-1-094 (Item 1 of 7)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard, AICP

BOARD/COMMISSION REVIEW:
The Planning and Zoning Commission considered PZC 17-1-094 on March 22, 2018 and voted to recommend approval of the request (Approved, 7-0). Staff concurs.

BACKGROUND:
The World Missions Society Church of God owns property located at 29W771 79th in unincorporated DuPage County ("subject property"). Upon annexation, the owner seeks to subdivide the subject property into two lots and to rezone the newly created west lot (fronting Route 59) to B2 (Community Shopping Center District) and the east lot (fronting Aero Drive) to R2 (Single-Family and Low Density Multiple Family Residence District) in addition to variances for the location and amount of parking on the subject property. Located on the southeast corner of Route 59 and 79th Street, the 4.8 acre property is improved with a religious institution and an associated parking lot. The Southwest Community Area Plan (2002) identifies the future land use of the northern portion of the subject property as "community facilities" and the southern portion as "medium density residential". The use is existing and is compatible with the future land use designation. Annexation will make the subject property eligible for city services, including City water and wastewater services.

DISCUSSION:
Case History

On December 6, 2017, the original public hearing for PZC 17-1-094 was opened before the Planning and Zoning Commission. The petitioner appeared before the PZC requesting rezoning of the subject property to B2 upon annexation. 12 members of the public provided testimony for PZC 17-1-094 voicing concern related to the saturation of retail along Route 59, the potential for increased traffic along Aero Drive, and the migration of commercial zoning to Aero Drive. PZC voted to recommend approval of PZC 17-1-094 conditioned upon the review of any future development on the subject property (approved, 6-1). Commissioner Hastings cast the dissenting vote finding it inappropriate to approve a rezoning without a plan for the property.

After the PZC meeting on December 6, 2017, several residents from unincorporated Aero Estates contacted City staff and officials to express concern regarding the proposed commercial zoning of the subject property. The subject property has frontage along both Route 59 and Aero Drive and residents felt commercial zoning along Aero Drive could set the tone for the remainder of the street. While staff could not support residential zoning over the entirety of the subject property since that would permit residential uses to front Route 59, staff worked with the petitioner on a new proposal by which the subject property would be subdivided into a western Lot 1 (fronting Route 59 and zoned B2), and an eastern Lot 2 (fronting Aero Estates and zoned R2). A second hearing on the revised proposal was conducted by the PZC on March 22, 2018.

Preliminary Plat of Subdivision
The petitioner has submitted a preliminary/final plat of subdivision for World Missions Society Church of God in order to create two lots from the eight single-family sized lots that currently comprise the subject property. The newly created western Lot 1 will be 2.4 acres and is currently improved with the existing church and an approximately 41 space parking lot. The eastern Lot 2 will be 1.7 acres in size and is improved with an approximately 119 space parking lot used by the church. Staff finds that the proposed preliminary/final plat of subdivision for World Mission Society Church of God meets all technical requirements for approval.

Annexation
The subject property is currently located in unincorporated DuPage County and the petitioner requests annexation into the City of Naperville. The subject property is contiguous to property that is currently within the City of Naperville (Ashley Furniture to the north) and is eligible for annexation.

Rezoning
As discussed above, the proposed plat of subdivision creating two lots allows the petitioner to request two different zoning designations for the subject property. As such, the petitioner is seeking to rezone the western Lot 1 to B2 (Community Shopping Center District) upon annexation. The requested B2 zoning designation is consistent with surrounding annexed properties to the north (Ashley Furniture and Staples). The subject property, in combination with the B2 zoned property to the north, exceeds the 10 acre B2 district minimum. The proposed B2 zoning is also compatible with the commercial character of the Route 59 corridor. Staff finds the proposed zoning to be appropriate and compatible with incorporated properties in the surrounding area and the character of the properties in the surrounding vicinity.

In order to maintain the residential character of Aero Drive, the petitioner is seeking to rezone the proposed Lot 2 of the subject property to R2 (Single-Family and Low Density Multiple Family Residence District) upon annexation. The majority of properties along Aero Drive are single-family homes; the proposed R2 zoning is compatible with the surrounding properties on Aero Drive and the Aero Estates subdivision to the east. The petitioner’s responses to the standards for granting a

rezoning are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

As a note, the annexation agreement for the subject property will define the subject uses (religious institution and standalone parking lot) and the current improvements on both properties as non-conforming. Both will be permitted to continue as non-conforming uses. Provided City Council approves the annexation, any new improvements will be required to comply with all City codes and requirements.

Variances for Parking Setback and Off-Street Parking
The petitioner 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> to permit parking facilities within 5' of the property lines. The proposed subdivision line crosses existing improvements on the subject property, specifically the parking lot drive aisle. A variance is required for the drive aisle along the east property line of Lot 1 and the west property line of Lot 2 because the drive aisle will be located directly on the property lines.

The petitioner also requests a variance to permit a reduction in the number of required off-street parking spaces on the western Lot 1 of the subject property. While there are 160 parking spaces on the overall subject property, post-subdivision, the church building and approximately 41 parking spaces will sit on Lot 1. The remaining 119 parking spaces will be located on Lot 2. 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>, a religious institution is required to provide 1 parking space per each 3 seats based on rated design capacity plus additional parking spaces, as applicable for the residential, service and/or cultural areas. Per Code, World Missions Church is required to provide 144 spaces. Lot 1 is unable to accommodate the Code required parking due to the majority of the parking being located on Lot 2; however, because the lots will remain under common ownership and both used for the purposes of the existing church facility, staff does not have concerns regarding availability of parking.

Staff finds the proposed variances are necessary due to the location of the existing improvements on the subject property. The petitioner is unable to subdivide the property to create usable lots without also creating variances. The petitioner's responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council conditioned upon the following:

> The City Zoning Administrator shall be given written notice by the Owner if Lot 2, which provides parking for Lot 1, is sold, rented, or leased (in whole or in part) at any time during which Lot 1 is used for church related purposes. Accompanying such notice shall be Owner's written plan identifying measures to provide replacement parking, and/or to reduce the parking demand on Lot 1. If the Zoning Administrator is in agreement with the proposed plan, or an alternate plan, this Ordinance shall be amended to incorporate the requirements of such plan in support of the variances granted herein. If the Zoning Administrator is not in agreement with the proposed plan, and no alternate plan is agreed upon by the Owner and the Zoning Administrator, the variances granted in this Ordinance may be revoked by passage of an ordinance of the City Council.

Planning and Zoning Commission

The Planning and Zoning Commission opened the public hearing to consider PZC 17-1-094 on March 22, 2018. Kevin Carrara, attorney with Rathje & Woodward, LLC., spoke on behalf of the petitioner. Seven members of the public spoke against the request, noting issues including increased traffic on Aero Drive and the quality of life in the Aero Estates community. One member of the public spoke in favor the petition, stating the inclusion of residential zoning along Aero Drive changed his opposing opinion from the previous petition. The Planning and Zoning Commission discussed the differences between the previous proposal and the current proposal, as well as the appropriateness of residential zoning along Route 59.

The Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 17-1-094, (Approved, 7-0). PZC also recommended that a condition of approval be added to the annexation agreement to allow for site plan review of any future development on the subject property by both the Planning and Zoning Commission and City Council.

Staff concurs with the Planning and Zoning Commission's recommendation for approval but does not agree with the proposed site plan review condition. The condition would require all future proposals to appear before the PZC and Council for review including those that would otherwise be permitted as of right by Code; the code provides no authority for the PZC or Council to review, deny, or require conditions for a use which is permitted by Code. Accordingly, staff recommends that the requirement for future PZC and/or Council review remain consistent with that stipulated within the Naperville Municipal Code, which includes a required public hearing for rezonings, variances, and conditional use requests.

Key Takeaways

- The owner is requesting annexation of the subject property into the City of Naperville.
- In response to concerns raised by some area residents, upon annexation, the owner is requesting subdivision of the subject property into two lots, rezoning the western Lot 1 (adjacent to Route 59) to B2 and the eastern Lot 2 (adjacent to the Aero Estates Subdivision) to R2. Staff is in support of the request for rezoning to B2 because it is consistent with the zoning of surrounding annexed properties and the commercial character of the Route 59 corridor. Staff is also in support of the request for rezoning to R2 as it is compatible with the character of Aero Drive.
- The petitioner is requesting a variance to permit parking facilities within 5’ of the property line and to permit a reduction in the amount of parking on Lot 1 (the west lot). Staff is supportive of the variance requests as they are the result of the subdivision request.

Related Items

The following agenda items are related to PZC 17-1-094:

- Conduct the public hearing to consider the Annexation Agreement for the Martinez Property and World Missions Society Church of God) - PZC 17-1-093 & PZC 17-1-094 (Item 2 of 7)
- Pass the ordinance authorizing the execution of an Annexation Agreement for the property located at 29W771 79th Street (World Missions Society Church of God) and 9S060, 9S080 and 9S081 Route 59, Naperville (Martinez Property) - PZC 17-1-093 & PZC 17-1-094 (Item 3 of 7)
- Pass the ordinance annexing certain property located at 29W771 79th Street, Naperville (World Missions Society Church of God) PZC 17-1-094 (Item 4 of 7)
- Pass the ordinance rezoning the property located at 29W771 79th Street to B2 (Community

Shopping Center District) and R2 (Single-Family and Low Density Multiple-Family Residence District) (World Missions Society Church of God) - PZC 17-1-094 (Item 5 of 7)

- Pass the ordinance approving the preliminary/final plat of subdivision for World Missions Society Church of God Subdivision - PZC 17-1-094 (Item 6 of 7)
- Pass the ordinance granting variances to Section 6-9-2:4.3.2 and Section 6-9-3:6 of the Naperville Municipal Code for the property at 29W771 79th Street, Naperville (World Missions Society Church of God) - PZC 17-1-094 (Item 7 of 7)

FISCAL IMPACT:

N/A

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