



## Legislation Details (With Text)

**File #:** 19-980B **Version:** 1  
**Type:** Ordinance **Status:** Passed  
**File created:** 10/21/2019 **In control:** City Council  
**On agenda:** 11/5/2019 **Final action:** 11/5/2019  
**Title:** Pass the ordinance approving a major change to the conditional use and variances for the subject property located at 1620 W. Diehl, Naperville (Naperville Area Humane Society) - PZC 19-1-083

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Major change to CUP ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat of Survey, 4. Exhibit C - Findings of Fact, 5. Exhibit D - Site Plan, 6. Exhibit E - Landscape Plan, 7. Exhibit F - Elevations, 8. Application, 9. Final Engineering, 10. Floor Plan, 11. Location Map, 12. Photometric Plan, 13. 10.16.19 PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Pass the ordinance approving a major change to the conditional use and variances for the subject property located at 1620 W. Diehl, Naperville (Naperville Area Humane Society) - PZC 19-1-083

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on October 16, 2019 and voted to recommend approval of the request (approved, 6-0). Staff concurs.

**BACKGROUND:**

The subject property is located at the southeast corner of Diehl Road and Wall Street. It is 0.9 acres, is zoned I (Industrial District), and is improved with a 3,550 square foot single-story building used as an animal shelter. The petitioner, Naperville Area Humane Society (NAHS), was granted a conditional use to permit an animal shelter with an outdoor area in 2015. In conjunction with the conditional use approval, the petitioner consolidated the NAHS parcel with the former car wash property to the west in order to provide additional parking and outdoor space for the property.

The petitioner now proposes to construct an approximately 4,600sf addition to the building. The addition includes a 4,065sf lobby and administration area to the west of the existing building and a 535sf kennel to the south of the existing building. Additional improvements to the property include resizing the outdoor play yards and removing the access point on Diehl Road.

## **DISCUSSION:**

### *Variance to reduce the interior yard setback*

The existing building is located approximately 10' from the eastern property line, encroaching 5' into the 15' interior setback required per [Section 6-8C-7 \(I District: Yard Requirements\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH8INDI_ARTCIINDI_6-8C-7YARE) [<https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH8INDI\\_ARTCIINDI\\_6-8C-7YARE>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH8INDI_ARTCIINDI_6-8C-7YARE). The petitioner proposes to construct a 535sf kennel addition that will be aligned with the eastern wall of the building. As such, the petitioner requests a variance to permit the addition to be located 10' from the eastern property line. The remainder of the existing building and the addition will meet the I (Industrial) District setback requirements.

The proposed addition is located on the south side of the building and does not add to the perceived bulk of the building from Diehl Road. The addition also does not increase the existing encroachment and will not negatively impact the neighboring City water facility. Staff finds the variance to reduce the required interior yard setback to be reasonable. Staff agrees with the petitioner's responses to the standards for granting a variance and recommends adoption by City Council.

### *Variance to reduce the parking lot setbacks*

The petitioner is also requesting a variance to [Section 6-9-2:4.3 \(Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA) [<https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA) to permit parking within the required front and corner side yard setbacks. Per Code, off-street parking is not permitted within the required 20' front and corner side yards. The existing parking lot is located 15' from the front property line along Diehl and 10' from the corner side property line along Wall Street. The reduced setbacks allow the petitioner to provide the Code required parking on the property and staff is in support of the variance requests. Staff agrees with the petitioner's responses to the standards for granting a variance and recommends adoption by City Council.

### *Major Change to Conditional Use*

Per Section 6-3-8:5.1.5 (Changes to Approved Conditional Uses), a major change to the conditional use is required as a result of the variances requested. Staff supports the major change based on support of the requested variances, as further described above.

## ***Building Elevations***

The existing building is constructed of earth tone concrete block with a pitched roof. The addition will continue the use of the earth tone concrete block and the pitched roof. New elements to the design include a covered entryway and a stone knee wall along the north, south, and west facades. Staff finds that the proposed elevations are compatible with the existing building and include features that enhance visual interest in the building. Staff recommends approval.

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

The Planning and Zoning Commission opened the public hearing to consider PZC 19-1-083 on October 16, 2019. Brad Hoefner, architect, spoke on behalf of the petitioner. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 19-1-083 (approved, 6-0). Staff concurs with the Planning and Zoning Commission's recommendation.

## ***Key Takeaways***

- The petitioner requests approval of major change to the conditional use to permit variances to the building and parking lot setbacks in order to construct an addition.
- Staff is supportive of the variance for an addition because it will not add to the perceived bulk of the building. Staff is also supportive of the variances for the parking lot as this is an existing condition. Accordingly, staff also supports the requested major change to the conditional use.

***Fiscal Impact***

N/A