



Legislation Details (With Text)

**File #:** 20-054B      **Version:** 1

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

**File created:** 1/16/2020      **In control:** City Council

**On agenda:** 2/18/2020      **Final action:** 2/18/2020

**Title:** Option A: Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a major change to the River Main PUD to allow height and FAR deviations, and a fee in lieu of parking for the property located at 315 S. Main Street (River Main) - PZC 19-1-131; or

Option B: Concur with staff and pass the ordinance approving a major change to the River Main PUD to allow a height deviation and denying the requested FAR deviation for the property located at 315 S. Main Street (River Main) - PZC 19-1-131

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** .....

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 2/18/2020 | 1    | City Council | passed | Pass   |

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

**Option A:** Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a major change to the River Main PUD to allow height and FAR deviations, and a fee in lieu of parking for the property located at 315 S. Main Street (River Main) - PZC 19-1-131; or

**Option B:** Concur with staff and pass the ordinance approving a major change to the River Main PUD to allow a height deviation and denying the requested FAR deviation for the property located at 315 S. Main Street (River Main) - PZC 19-1-131

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on January 15, 2020, and voted to recommend approval of the Petitioner’s requests (Approved 9-0).

**BACKGROUND:**

The subject property is zoned B4 (Central Business District) with a conditional use for the River Main PUD. The property is currently vacant and consists of approximately 0.26 acres at the northwest corner of Main Street and Water Street.

On March 7, 2017, City Council passed Ordinance 17-030, approving a conditional use for a planned

unit development and a preliminary/final planned unit development plat for River Main. When the River Main PUD was first established, a four-story, mixed-use building was planned for the subject property. The proposed building and site plan complied with all applicable zoning regulations and no deviations were included as part of the proposal.

The subject property has remained vacant since the 2017 approvals. At this time, the petitioner requests approval of a major change to the River Main PUD to allow the River Main building to exceed the maximum permitted height of sixty (60) feet and the maximum floor area ratio (FAR) of 2.5. A five-story, mixed-use building measuring sixty-nine (69) feet in height with an FAR of 2.88 is planned for the site. Staff finds the height of the building to be compatible with adjacent buildings but is not supportive of the FAR deviation requested.

**DISCUSSION:**

***River Main PUD Background***

The subject property is located within the boundaries of the Water Street District. Consequently, development in this area is guided by the *Water Street Area Vision Statement (2006)* and the *Downtown 2030 Plan*. The *Water Street Area Vision Statement* (Vision Statement) calls for development proposals in this area to utilize the Planned Unit Development (PUD) process to accomplish a flexible, comprehensive, and cohesive development. The establishment of the River Main PUD was responsive to the Vision Statement and the requirement that development proposals in the Water Street District utilize the PUD process.

***Major Change to Allow a Height Deviation***

The petitioner requests approval of a major change to the River Main PUD to allow a five-story, mixed-use building to be constructed. [Section 6-7D-8 \(B4/Height Limitations\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTDB4DOCODI_6-7D-8HELIBURE) < [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH7BUDI\\_ARTDB4DOCODI\\_6-7D-8HELIBURE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTDB4DOCODI_6-7D-8HELIBURE) > of the Naperville Municipal Code identifies a maximum permitted height of sixty (60) feet for buildings in the B4 zoning district. The roof deck of the proposed River Main building measures sixty-nine (69) feet in height. The petitioner indicates that the requested height deviation of nine (9) feet will allow for design elements that are compatible and complimentary with, while serving to enhance the grandeur of, the existing Water Street buildings. Furthermore, staff notes that the adjacent buildings within the Water Street PUD also exceed the maximum permitted height of sixty feet. The Water Street PUD was approved before maximum heights were established in the B4 zoning district (2011).

[Section 6-2-4 \(Building Height and Bulk\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-4BUHEBU) <

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-4BUHEBU](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-4BUHEBU) > of the Municipal Code outlines that building height is measured at the roof surface, and does not include parapet walls. Parapet walls and mechanical equipment may be erected to their customary height regardless of the height limitations of the zoning district they are located in. The proposed height of the River Main building compared to adjacent buildings is summarized in the table below:

| <b>Building</b>     | <b>Building Height</b>                                |
|---------------------|---|
| Proposed River Main | ▪ 69 ft. to roof deck (74 ft. at the highest point)   |
| Loggia Building     | ▪ 61 ft. 8 in. to roof deck (69 ft. to highest point) |

- Hotel Indigo Building
- 61 ft. 8 in. to roof deck (69 ft. to highest point)

To minimize the perceived impacts of the additional height proposed for River Main, the petitioner has stepped the majority of the fifth floor back so it is not flush with the main building façade on elevations adjacent to public rights-of-way (Water Street, Main Street, DuPage River). Along these facades, the predominant building façade/fourth story measures 56 ft. 8 in. in height. To further reduce the perceived building mass and bulk, design elements that add articulation are incorporated into each elevation and include: changing materials; decorative cornices; a steel canopy; expansive windows; and, a custom sun dial to anchor the corner of the building.

Staff finds that the window space provided on each story of the building creates a facade transparency that enhances the aesthetic appeal of building, provides visual interest and fosters a sense of security and vibrancy for pedestrians which are all goals established in the City's Building Design Guidelines.

Additionally, staff notes that horizontal development of the subject property is limited due to the adjacent DuPage River that traverses the northern portion of the site. Staff believes that the requested height deviation is justified due to the horizontal limitations of the site and consistency with adjacent buildings.

#### *Findings of Fact*

The petitioner's responses to the Standards for Approving a PUD 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 adoption by City Council.

#### **Major Change to Allow a FAR Deviation**

##### [Section 6-7D-8 \(B4/Height Limitations\) <](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTDB4DOCODI_6-7D-8HELIBURE)

[nodeId=TIT6ZORE\\_CH7BUDI\\_ARTDB4DOCODI\\_6-7D-8HELIBURE>](#) of the Naperville Municipal Code establishes a maximum FAR for all buildings in the B4 zoning district of 2.5. The purpose of this requirement is to ensure that building height and bulk remain compatible with surrounding land uses. The petitioner has requested a deviation to increase the maximum permitted FAR from 2.5 to 2.88. Staff is not supportive of the requested deviation, noting that the overall height of the building measures 69 feet, which also exceeds the B4 district's maximum height allowances. Staff finds that a building that exceeds both maximum height and FAR could result in too much building bulk on the River Main property.

The proposed River Main development maximizes the site's buildable lot area by building to the lot line on the east, south and west sides of the property. Staff notes that the subject property is larger than it appears and that a substantial portion of the property extends through pedestrian easements and into the DuPage River to the north. Though these elements limit horizontal development on the site, the square footage of these encumbered areas is included in the property's FAR calculation. The petitioner proposes an FAR deviation despite receiving the benefit of additional, unbuildable square footage on the subject property.

#### *Parking Fee in Lieu*

##### [Section 11-2E-2 \(Qualifications/Eligibility Criteria\) <](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?)

nodeId=TIT11MOVETR\_CH2PA\_ARTESPSEARREPO\_11-2E-2QUELCR≥ of the Naperville Municipal Code identifies eligibility criteria for downtown properties to be exempt from providing off-street parking. One of these criteria is a maximum floor area ratio of 2.5. Developments that do not comply with the eligibility criteria for parking exemptions are required to pay a fee in lieu of parking for that portion of the project that exceeds the 2.5 FAR limitation, subject to City Council's approval.

[Section 11-2E-3 \(Parking Fee in Lieu of Providing Parking in the Downtown\) <](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT11MOVETR_CH2PA_ARTESPSEARREPO_11-2E-3PAFELIPRPADO)

nodeId=TIT11MOVETR\_CH2PA\_ARTESPSEARREPO\_11-2E-3PAFELIPRPADO≥ of the Municipal Code includes parking fee in lieu of provisions that identify that the subject property is required to meet a net parking demand of six off-street parking spaces on site and that the required payment in lieu of providing parking is \$47,595. A detailed calculation outlining how this cost was identified is included in the attachments.

*Findings of Fact*

The petitioner's responses to the Standards for Approving a PUD Deviation for increasing the permissible FAR can be found in the attachments. Upon review, the Planning and Zoning Commission agreed with the petitioner's findings and recommend their adoption by City Council. Staff does not concur with the responses submitted by the petitioner. Staff's comments with respect to the proposed findings for the requested deviation are as follows:

*Deviation Standard #1: Whether the requested deviation would undermine the intent and purpose of the underlying zoning district, and*

*Staff comments:* FAR regulations are identified to ensure that building height and bulk remain compatible with the surrounding properties. The proposed River Main building maximizes the buildable area of the site by utilizing zero setbacks where possible and exceeding the maximum permitted height of 60 feet. As a result, staff does not find an increase in permissible FAR to be appropriate or consistent with the intent of the B4 zoning district.

*Deviation Standard #2: Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure and*

*Staff comments:* [Section 11-2E-2 \(Qualifications/Eligibility Criteria\) <](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT11MOVETR_CH2PA_ARTESPSEARREPO_11-2E-2QUELCR)

nodeId=TIT11MOVETR\_CH2PA\_ARTESPSEARREPO\_11-2E-2QUELCR≥ of the Naperville Municipal Code states that to be considered exempt from off street parking otherwise required by Code, Downtown developments may have a maximum floor area ratio of 2.5. With a proposed FAR of 2.88, staff finds that the requested deviation could be a detriment to the provision of municipal services and infrastructure (specifically, parking within the Downtown); however, notes that developments that do not comply with the eligibility criteria for parking exemptions may be able to pay a fee in lieu of parking, subject to City Council's approval.

*Deviation Standard #3: Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.*

*Staff comments:* Staff does not find the requested FAR deviation to serve as an enhancement to the River Main PUD. Instead, it is found to be a contributing factor to unnecessary bulk on the site when

paired with the requested height deviation that has also been requested. The proposed River Main does not include any residential units, therefore does not enhance community vitality through the inclusion of attainable or barrier free housing.

### ***Planning & Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on January 15, 2020. Two members of the public provided testimony and expressed support for the proposed development. Following limited comments, the Planning and Zoning Commission closed the public hearing, and moved to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-131 (approved 9-0). Staff is supportive of the height deviation requested; however, is not supportive of the FAR deviation.

### ***Key Takeaways***

- The petitioner requests approval of a major change to the River Main PUD to allow a height deviation of approximately 9 feet, resulting in a building that measures 69 feet in height. Staff supports the request due to the height of nearby buildings and the building elevations proposed.
- The petitioner requests approval of a major change to the River Main PUD to allow an increase in FAR from 2.5 to 2.88. Staff does not support the request due to perceived building bulk and combined height deviation.
- The petitioner requests approval to pay a fee in lieu of parking for the River Main building. Staff has identified the cost of the fee in lieu to be \$47,595.

### ***Related Files***

N/A