



## Legislation Details (With Text)

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<b>Title:</b>	Receive the staff report regarding the properties located at 1, 3, 13, 15 and 21 S. Main Street (Main Street Promenade Phase III) - PZC 20-1-016 (Item 1 of 5)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Application, 2. Development Petition, 3. Engineering Plans, 4. Photometric Plan, 5. Parking Study, 6. 4/29/20 PZC Minutes		

Date	Ver.	Action By	Action	Result
6/2/2020	1	City Council	approved	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the staff report regarding the properties located at 1, 3, 13, 15 and 21 S. Main Street (Main Street Promenade Phase III) - PZC 20-1-016 (Item 1 of 5)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

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

The Planning and Zoning Commission considered this matter on April 29, 2020 and voted to recommend approval of the request (Approved 8-0). Staff concurs.

#### **BACKGROUND:**

The subject property consists of approximately 0.83 acres located at the southwest corner of Main Street and Benton Avenue. The property is currently vacant and zoned B4 (Downtown Core) PUD. The petitioner proposes developing the property with a five story, mixed use building oriented towards Main Street with a surface parking lot behind the building. As part of the development proposal, the petitioner requests approval of: revocation of the Planned Unit Development for the Main Street Promenade Addition property (Ordinances 08-221 and 08-223); a conditional use to establish the Main Street Promenade Phase III PUD, with deviations to the required location and number of parking spaces, and setbacks along the west property line; a preliminary/final subdivision plat consolidating multiple lots into one lot; and, approval of a payment in lieu of providing parking relative to the development's first floor commercial component.

The subject property is located within the study boundaries of the City's [Naperville Downtown 2030 \(2011\)](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf) <<https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf>> (Downtown Plan) plan, and is governed by the plan's specific goals

and recommendations to maintain the vibrancy of downtown and further enhance its desired character. Staff finds the petitioner's proposal to be consistent with the recommendations of the Downtown Plan and is supportive of the petitioner's requests.

## **DISCUSSION:**

### ***Project History***

On June 19, 2019, the Planning and Zoning Commission considered a proposal from the petitioner to construct a five-story, mixed-use building that surrounded an on-site parking deck. Multiple property owners from the adjacent Benton Terrace development spoke against the proposal noting insufficient separation between Benton Terrace and the proposed Main Street Promenade Phase III, concerns with building bulk and height, and inconsistency with the previously approved Main Street Promenade Addition PUD. The meeting resulted in no recommendation from the Planning and Zoning Commission, with a vote of 4 to 4.

Since this meeting, and in response to feedback received, the proposal has undergone significant changes. The petitioner comes before the Planning and Zoning Commission with a new proposal for a five-story, mixed-use building that is oriented towards Main Street with a surface parking lot behind it. The building includes approximately 14,000 sq. ft. of retail and 47 residential units (as opposed to the 12,774 sq. ft. of commercial and 76 residential units previously proposed), and maintains a 130 foot setback from the property line shared with Benton Terrace, which is more consistent with previous approvals for the site.

### ***Items for City Council Consideration***

#### ***Revocation of the Main Street Promenade Addition PUD***

The subject property is currently part of the Main Street Promenade Addition PUD, established in 2008 per Ordinances 08-221 and 08-223. This prior PUD approval anticipated a mixed-use building with retail on the first floor and offices on the upper floors. Following the approvals for the Main Street Promenade Addition PUD, no final plat of subdivision was ever approved or recorded, no development fees were paid, and no further activity took place on the subject property. At this time, the petitioner is seeking to revoke the Main Street Promenade Addition PUD as it relates to the subject property, allowing the land to be governed by new ordinances pertaining to the Main Street Promenade Phase III PUD.

#### **Section 6-4-8 (Effective Period of Planned Unit Development)**

**<[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH4PLUNDE_6-4-8EFPEPLUNDE)**

**nodeId=TIT6ZORE\_CH4PLUNDE\_6-4-8EFPEPLUNDE>** of the Municipal Code permits the City Council or the owner of the parcel of land on which the PUD is to be constructed to apply for revocation of the planned unit development. The petitioner's request meets the required conditions for revocation of the Main Street Promenade Addition PUD as it relates to the subject property, and does not impact the remaining properties within the original PUD. Staff finds the proposed revocation appropriate and is supportive of the request.

#### ***Downtown Parking - Payment in Lieu***

The subject property is located within the boundaries of the downtown Special Service Areas (SSAs) pertaining to parking. However, due to a lack of final approvals and associated development fees, as well as the property's vacancy, the property has not contributed to SSA payments to date. Furthermore, the SSA will be expiring in October of 2020 and will not be renewed.

With the first floor of the proposed development being reserved for commercial/non-residential uses,

the petitioner seeks City Council's approval to provide a payment in lieu of Code required parking for non-residential uses. Per Section 11-2E-3 (Special Service Area Reimbursement Policy: Parking Fee in Lieu of Providing Parking in the Downtown), the Petitioner is required to pay a parking fee in lieu payment to the City in the amount of \$158,650.00 prior to recordation of the preliminary/final plat.

On-site parking will continue to be required for the residential units proposed. Should the City Council approve a payment in lieu of providing parking, the petitioner will be subject to inclusion in future downtown maintenance SSAs through a provision in the Owner's Acknowledgement and Acceptance (OAA). Staff is supportive of the proposed payment in lieu of parking for the subject property.

The petitioner's development proposal assumes Council approval of the payment in lieu. Should City Council not grant this request, the petitioner will be required to return to the Planning and Zoning Commission with a request for a parking variance since the number of parking spaces currently proposed on-site is not Code compliant or sufficient to accommodate the development's commercial components.

### ***Conditional Use to Establish a Planned Unit Development (PUD) & Preliminary PUD Plat***

Establishment of a PUD for Main Street Promenade Phase III will effectively regulate development of the property and help promote each of the design standards and criteria identified in [Section 6-4-3 \(Design Standards and Criteria\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH4PLUNDE_6-4-3DESTCR)

[nodeId=TIT6ZORE\\_CH4PLUNDE\\_6-4-3DESTCR](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH4PLUNDE_6-4-3DESTCR)> of the Municipal Code. The petitioner requests approval of a conditional use to establish a PUD and a Preliminary PUD Plat to develop a five story, mixed-use building within the downtown. Commercial uses are planned for the first floor, and floors two thru five will consist of multi-family residential dwelling units.

The Municipal Code identifies that the objective of a PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. A PUD is intended to permit and encourage flexibility so long as the design criteria identified in [Section 6-4-3 \(Planned Unit Developments/Design Standards and Criteria\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH4PLUNDE_6-4-3DESTCR)

[nodeId=TIT6ZORE\\_CH4PLUNDE\\_6-4-3DESTCR](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH4PLUNDE_6-4-3DESTCR)> of the Municipal Code are met. The proposed Main Street Promenade Phase III will feature on-site amenities including a fitness area and common areas, and building elevations that incorporate an arcade over the existing alleyway and accentuated corner and apartment lobby entrances. Additionally, the petitioner plans to install uniform signage and awnings to further enhance the aesthetic appeal of the building. Staff believes that the proposed design and amenities satisfy the intent of the City's PUD standards.

### ***Outdoor Common Area and Site Amenities***

The subject property is currently zoned B4 (Downtown Core). Within the B4 zoning district, mixed use PUDs are not subject to minimum outdoor common area percentage requirements if they incorporate common area or site amenity features that achieve other purposes. Main Street Promenade Phase III achieves these through the proposed installation of a streetscape that meets the City's streetscape standards, and on-site amenities including fitness and common areas.

### ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Planned Unit Development 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.

### **Requested PUD Deviations**

- **Parking:** The petitioner has requested a deviation to [Section 6-9-3 \(Schedule of Off Street Parking Requirements\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-3SCOFSTPARE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE)> of the Naperville Municipal Code to allow for a reduced parking ratio for the residential portions of the development. Section 6-9-3:1 of the Code requires multiple-family dwellings to have a parking ratio of 2.25 parking spaces per dwelling unit to accommodate residents and guests. This would require the petitioner to provide 106 on-site parking spaces for the 47-unit building.

The petitioner proposes a site plan with 57 on-site parking spaces and requests approval of a parking variance that eliminates the need for 49 additional parking spaces. The on-site parking spaces will be assigned to residents. The petitioner has secured an additional 9 parking spaces which will be provided off-site at the adjacent Main Street Promenade East property and will be reserved for guests. A summary table of Naperville requirements versus the proposed parking numbers for Main Street Promenade Phase III is provided below:

NAPERVILLE REQUIREMENTS			MAIN STREET PROMENADE PHASE III	
	# of spaces per unit	Total # of spaces	# of spaces per unit	Total # of spaces
<b>Overall Parking</b>	<b>2.25</b>	<b>106</b>	<b>Overall Parki1.2</b>	<b>57</b>
Resident Parking	2.0	94	Resident Park1.2	57
Guest Parking	0.25	12	Off-Site Gues0.19	9

To support the requested variance, the petitioner has submitted a detailed parking study that compares the City's parking requirements to other Illinois suburbs, U.S. Census Bureau data, and comparable residential developments. This data indicates that the amount of parking provided for the proposed bedroom mix surpasses the parking needs of the average renter-occupied, multiple-family residential dwelling unit proximate to alternative transportation options in an urban setting.

Staff also notes that the current proposal includes 43 one-bedroom units and 4 two-bedroom units. The petitioner has committed to restricting one-bedroom units to one parking space, and two-bedroom units to two parking spaces. This ensures that larger units with the potential for multiple people to live in them will maintain a parking ratio of 2 parking spaces per unit. Staff is supportive of the requested parking deviation subject to the condition that parking spaces are formally assigned/reserved to each unit and a minimum of 0.1 guest parking spaces per dwelling unit continues to be maintained. By securing the 9 off-site parking spaces, the petitioner complies with this condition.

### **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.

- **Increase in Maximum Setback:** [Section 6-7D-7 \(Yard Requirements\)](https://library.municode.com/search?statelId=13&clientId=3470&searchText=6-7d-) <<https://library.municode.com/search?statelId=13&clientId=3470&searchText=6-7d->> of the Municipal Code specifies that for new construction in the B4 district, the setback shall

be no greater than 6 feet from any property line. The goal of this requirement is to maintain a dense development pattern and active streetwall within the downtown. The petitioner proposes increasing the maximum permitted setback of 6 feet to 130 feet along the western property line, adjacent to Benton Terrace. The proposed setback is more consistent with the previously approved Main Street Promenade Addition PUD.

When the petitioner first came before the Planning and Zoning Commission in June of 2019, several residents from Benton Terrace expressed concern that Main Street Promenade Phase III did not maintain enough of a setback between their building and the one proposed. It is staff's understanding that a larger setback along the subject property's west property line is preferred by neighboring property owners, and staff notes that the proposed site plan is consistent with prior PUD approvals granted.

To mitigate the impacts of an increased setback in the downtown, staff recommended that the petitioner provide a continuous row of landscaping along the subject property's Benton Avenue frontage to maintain a barrier, or streetwall effect, for pedestrians. The petitioner has included a variety of plant material that will maintain a height of 3 feet, as well as decorative fencing to achieve the desired effect.

#### *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.

- **Parking Location:** The petitioner requests approval of a deviation to [Section 6-7D-4:5 \(Required Conditions\) <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodetd=TIT6ZORE\\_CH7BUDI\\_ARTDB4DOCODI\\_6-7D-4RECO>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodetd=TIT6ZORE_CH7BUDI_ARTDB4DOCODI_6-7D-4RECO) to permit parking facilities to be located in the interior side yard as opposed to the rear yard. This deviation is requested to accommodate an increased setback from the west property line, adjacent to Benton Terrace, and maintain consistency with prior PUD approvals.

To improve the aesthetics of the surface parking lot, the petitioner proposes maintaining a continuous, 3-foot tall landscape barrier and decorative fencing along the subject property's Benton Avenue frontage, and installing black parking canopies to shade and shield resident's cars. These elements are planned to provide an attractive visual and physical buffer between pedestrians and the parking lot proposed.

#### *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.

### ***Preliminary/Final Plat of Subdivision***

In conjunction with the rezoning and establishment of the Main Street Promenade Phase III PUD, the petitioner requests approval of a preliminary/final plat of subdivision. The proposed subdivision consolidates multiple lots into one lot zoned B4 (Downtown Core). Staff finds that the proposed preliminary/final plat of subdivision for Main Street Promenade Phase III meets all technical requirements for approval.

### ***Owner's Acknowledgement and Acceptance***

An Owner's Acknowledgement & Acceptance Agreement has been referenced within the ordinance

approving the Preliminary/Final Plat of Subdivision. The OAA contains the following:

***School & Park Donations:*** Per Code, the petitioner is required to make donations to the School and Park Districts. The petitioner requested a credit for the 5 single-family residences that previously existed on the subject property. The residences were demolished in approximately 2008. The credit reduced the School donation from \$22,281 to \$0 and the Park donation from \$232,312.44 to \$191,538.84. Both Community School District 203 and Naperville Park District were informed of the petitioner's requested credit and did not voice any objections.

***Watermain Recapture:*** The Department of Utilities-Water/Wastewater installed 270 linear feet of 12 inch watermain along Main Street adjacent to the Subject Property. In order to tap on to this watermain, the Petitioner will pay a recapture fee of \$23,448.23 prior to recordation of the preliminary/final plat.

***Parking Fee-in-lieu:*** The Petitioner is required to pay a parking fee-in-lieu of payment in order to benefit from the use of the parking facilities provided in the downtown area. Per Section 11-2E-3 (Special Service Area Reimbursement Policy: Parking Fee in Lieu of Providing Parking in the Downtown), the Petitioner is required to pay a parking fee in lieu payment to the City in the amount of \$158,650.00 prior to recordation of the preliminary/final plat.

***Downtown Special Service Area:*** The Subject Property is not currently within the boundary of any Special Service Area. Special Service Area 26 (the City's downtown property owners' share of downtown maintenance and marketing costs) is due to expire in October of 2020. The City will create a new downtown maintenance and marketing SSA to replace SSA 26. The Petitioner acknowledges and agrees that the Subject Property will be subject to the newly created SSA, and every subsequent SSA.

### ***Building Elevations***

The petitioner has worked with staff to refine the building elevations and ensure they are consistent with the high-quality character desired in the downtown. Main Street Promenade Phase III utilizes a traditional architectural style, comprised predominantly of modular brick with cast stone accents and synthetic stucco with scoring for visual interest on upper floors. A cast stone corner enhancement has been provided on the northeast building façade, as well as around the apartment lobby entrance to distinguish it on the north elevation. An arcade is visible on the east elevation to provide continuous alley access. The proposed building height is 59 feet and 11 inches, which complies with the downtown's height limitations.

### ***Landscape Plan***

The proposed landscape plan is consistent with the City's downtown streetscape standards, and includes consistent paving treatments, street furniture, and planters with street trees and annual plantings. Additionally, the petitioner has included a variety of plant material that will maintain a continuous height of 3 feet, as well as decorative fencing along the property's Benton Avenue frontage to achieve a desired streetwall effect. Staff is supportive of the landscape plan as proposed.

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

The Planning and Zoning Commission considered this matter at their meeting on April 29, 2020. Two members of the public spoke in favor of the project and commented that the development follows the intent of the original PUD and expressed appreciation towards the developer and the plan revisions



proposed. The Planning and Zoning Commission voiced support for the project and commended the developer for working with neighboring property owners. 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 20-1-016 (approved 8-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner requests revocation of the Planned Unit Development for the Main Street Promenade Addition property (Ordinances 08-221 and 08-223) and approval of a payment in lieu of providing parking relative to the first-floor commercial component. Staff is supportive of the petitioner's request.
- The petitioner requests approval of a conditional use to establish the Main Street Promenade Phase III PUD, with deviations to the required setbacks along the west property line, the required amount of parking, and the location of the parking. The Planning and Zoning Commission and staff find that each request meets the required standards.
- The petitioner requests approval of a preliminary/final plat of subdivision to consolidate multiple lots into one lot. Staff finds that the proposed subdivision meets all technical requirements for approval.
- The Planning and Zoning Commission and staff are supportive of the proposed development on the subject property and find it to be consistent with the City's Downtown 2030 Plan.

### ***Related Files***

The following agenda items are related to PZC 20-1-016:

- Pass the ordinance revoking Ordinances 08-221 and 08-223 (Main Street Promenade Addition PUD) as they relate to the subject property (Main Street Promenade Phase III) - PZC 20-1-016 (Item 2 of 5)
- Pass the ordinance approving a conditional use for a planned unit development, and a preliminary/final PUD plat with deviations to Section 6-9-3, Section 6-7D-7, and Section 6-7D-4 of the Naperville Municipal Code for Main Street Promenade Phase III - PZC 20-1-016 (Item 3 of 5)
- Pass the ordinance approving a preliminary/final plat of subdivision for Main Street Promenade Phase III - PZC 20-1-016 (Item 4 of 5)
- Pass the resolution in support of a payment in lieu of parking for the non-residential portions of Main Street Promenade Phase III - PZC 20-1-016 (Item 5 of 5)

### ***Fiscal Impact***

The Petitioner is required to pay a parking fee in lieu payment to the City in the amount of \$158,650.00 prior to recordation of the preliminary/final plat.