



## Legislation Details (With Text)

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**File #:** 21-0051      **Version:** 1

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

**File created:** 1/7/2021      **In control:** City Council

**On agenda:** 1/19/2021      **Final action:** 1/19/2021

**Title:** Waive the first reading and pass an ordinance amending Section 6-7F-3 of the Naperville Municipal Code to allow eating establishments, when located within a Planned Unit Development, as a conditional use in the Office, Commercial, and Institutional zoning district (PZC 20-1-124) (requires 6 positive votes)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. OCI Amendment Ordinance, 2. PZC Meeting Minutes 1-6-21 DRAFT

Date	Ver.	Action By	Action	Result
1/19/2021	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Waive the first reading and pass an ordinance amending Section 6-7F-3 of the Naperville Municipal Code to allow eating establishments, when located within a Planned Unit Development, as a conditional use in the Office, Commercial, and Institutional zoning district (PZC 20-1-124) (requires 6 positive votes)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) conducted the public hearing regarding the proposed text amendment on January 6, 2021 and voted to recommend approval of the amendment (approved 6-0). Staff concurs.

**BACKGROUND:**

A development petition has been submitted by Inter-Continental Real Estate & Development Corporation for CityGate West, a mixed-use development in the City's Office, Commercial, and Institutional (OCI) zoning district. In conjunction with this development request, the petitioner requested that a text amendment to 6-7F-3 be processed to designate eating establishments as a conditional use in the OCI zoning district when they are part of a Planned Unit Development (PUD). The PZC concurred with this request and initiated the text amendment on December 16, 2020. The PZC then considered the proposed amendment on January 6, 2021 and voted to recommend approval of the amendment (approved 6-0). Staff concurs.

## **DISCUSSION:**

The intent of the OCI zoning district is to act as a transitional zone between intensive business areas and residential neighborhoods. This district should contain office, residential, institutional and support commercial facilities. Currently, several commercial uses including offices, financial institutions, civic buildings, daycare centers, fitness facilities, and services such as barber shops, cleaners, pet grooming, repair shops, and similar businesses are permissible uses in the OCI zoning district. Full-service hotels, general retail, multi-family residential, and other uses are also conditional uses in the OCI district.

The petitioner requests approval of a text amendment to designate eating establishments as a conditional use in the OCI zoning district when they are part of a PUD. The petitioner believes that restaurants are a complementary use to those already permitted and that they offer a supporting amenity. Additionally, full-service hotels within the OCI zoning district are required to have eating establishments available to them (whether they are internal to the hotel or provided within a campus or PUD setting).

Staff agrees that eating establishments are appropriate within the OCI zoning district and notes that these uses are often a critical component of a regional destination, such as the anticipated CityGate West development. Staff believes that amending [Section 6-7F-3 \(OCI/Conditional Uses\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTFOCOFCOINDI_6-7F-3COUS) of the Naperville Municipal Code to allow eating establishments as conditional uses when they are part of a PUD will benefit properties zoned OCI without changing the intent of previous amendments or disrupting surrounding residential neighborhoods. Conditional uses are reviewed on a case by case basis, and each development proposed will be reviewed for its appropriateness within its own surrounding context.

The ordinance reflecting the above changes is attached. The proposed code language is underlined.

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

The PZC considered this matter on January 6, 2021. There were no public speakers on this item. After limited discussion, the Commission closed the public hearing and voted to recommend approval of the OCI Text Amendment as proposed (approved 6-0). Staff concurs with the recommendation.

### ***Recommendation to Waive the First Reading***

Staff is recommending that the City Council waive the first reading and pass the ordinance (note: waiving the first reading requires 6 positive votes); this request is being made since the proposed amendment is not extensive and was unanimously supported by the PZC and staff.

## **FISCAL IMPACT:**

N/A