Legislation Details (With Text)

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Title:	Conduct the public hearing to consider a major change to the Fox River Commons Resubdivision PUD to allow for approval of a conditional use and a parking deviation for the subject property located at 909 S. Route 59 (The Matrix) - PZC 20-1-027		
Sponsors:			
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Attachments:	1. Development Petition, 2. Disclosure of Beneficiaries, 3. Response to Standards, 4. Site Plan, 5. Building Elevations & Floor Plan, 6. PARKING STUDY 808 & 776 S Rte 59, 7. 808 S. ROUTE 59 USE OPERATION HOURS, 8. Owner Letter of Support, 9. Legal Description		

Date	Ver.	Action By	Action	Result
3/3/2021	1	Planning and Zoning Commission	approved	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:
Conduct the public hearing to consider a major change to the Fox River Commons Resubdivision PUD to allow for approval of a conditional use and a parking deviation for the subject property located at 909 S. Route 59 (The Matrix) - PZC 20-1-027

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Amy Emery, AICP, TED Operations Manager

BOARD/COMMISSION REVIEW:
Official notice for the public hearing for PZC 20-1-027 was published in the Daily Herald on Monday, February 15, 2021.

BACKGROUND:
The subject property at 808 S. Route 59 includes a single 136,446 square foot commercial building and surface parking constructed more than 20 years ago as part of the Fox River Commons Shopping Center. It was occupied by Sam's Club from the time of construction until it was vacated in 2014. The property is zoned B2 (Community Shopping Center District) and includes approximately 9.78 acres.

The petitioner, Project Naperville 808 LLC, KPW Investments, LLC is proposing to convert the existing building into mixed use space with multiple tenants, including a 1200 seat banquet hall, 250 seat restaurant, performing arts academy, 200 seat theater, art gallery, recording studio and sport court complex. The project also includes façade and site improvements to provide a modern refresh and rebranding of the property. The development will support a synergy of uses with the adjacent

Mall of India (776 S. Route 59) to establish a dining, shopping, entertainment and recreation destination. The proposed banquet hall, theater and sports complex uses are amusement establishments requiring conditional use approval in the B2 zoning district as well as a major change to the Fox River Commons Resubdivision PUD. In addition, the petitioner is seeking a parking deviation of approximately 320 spaces.

DISCUSSION:

Conditional Use for Amusement Establishment Uses

The unique mix of tenants proposed at the subject property will add to the interest and success of the project. It offers a distinct array of tenants that cannot be found elsewhere and will enjoy a great synergy with the adjacent Mall of India development. For example, students at the performing arts academy and sport complex may visit the food court and dance studio uses in the Mall of India. Likewise, a proposed daycare and activity center in the Mall of India may serve customers attending events at the banquet facility and theater in The Matrix. As such, it is anticipated that many customers will visit both facilities in a single visit.

The property also enjoys convenient transportation access to IL Route 59 and proposes levels of activity consistent with its commercial-corridor setting. Adequate setbacks and landscape screening exist to buffer the property to residential uses to the east.

Deviation for Off-Street Parking

Per 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>, the resulting mix of uses will require 847 parking spaces and will result in a deficit of 320 parking spaces on the subject property. As such, the petitioner requests a deviation from the off-street parking requirements as detailed in the table below:.

The Matrix, 808 S. Route 59			
PROPOSED USE DensityCITY OF NAPERVILLE PARKING REQUIREDPARKING SPACES REQUIRED			
Banquet Hall	21,790 Square Feet	10 Spaces/1,000 Sq Ft	218
Restaurant	6,682 Square Feet	10 Spaces/1,000 Sq Ft	67
Live Theater	200 Seats	1 Spaces Per 2.5 Seats	80
Athletic Fields	24,170 Square Feet	5 Spaces/1,000 Sq Ft	121
Retail	80,166 Square Feet	4.5 Spaces/1,000 Sq Ft	361
TOTAL SPACES REQUIRED (a)			847
TOTAL SPACES AT 808 S. ROUTE 59 (b)527			
PARKING VARIANCE REQUIRED [b-a]			320

A parking study has been submitted by the petitioner to support the requested deviation. Using data from the ITE (Institute of Transportation Engineers') *Parking Generation Manual*, the study examined

the parking at both the 808 S. Route 59 (The Matrix) and 776 S. Route 59 (Mall of India) given their proximity, shared egress and relationship between the site uses.

The Parking Study conclusion (provided on Page 8 of the attached report) provides professional, technical support for the variance request finding the overall parking supply in the shopping center, given the sharing of parking that will occur between the different uses will be adequate in meeting the parking demands including the Mall of India and the redevelopment of the Sam's Club building. It is expected that the distinct uses within each development will have different peak times of activity allowing for convenient sharing of the overall parking supply. For example, the grocery store and retail uses will see more activity during the daytime hours than would the theater and banquet spaces which are expected to be busier in the evening hours and on weekends. A peak activity exhibit has also been provided by the petitioner.

Staff recommends approval of the deviation subject to the following condition:

> *If the City's Zoning Administrator determines that the current and proposed tenants' parking needs cannot be accommodated within the parking supply at 776 and 808 S. Route 59, , the owner of the Subject Property (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each unit, restricting the number of leasable units, or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate tenant parking needs on the Subject Property to the satisfaction of the City's Zoning Administrator may result in the City's revocation of one or more of the variances approved herein.*

The Owner's of the Mall of India have provided a letter (attached) expressing their support for the variance request at The Matrix (808 S. Route 59). The letter notes their expectation and understanding that parking will be shared between the two sites as the customers are expected to frequent both locations often on a single visit, and agreement with the condition recommended by staff to remedy any issue should it arise.

Major Change to Amend a Planned Unit Development

As noted above, the subject property is known as the Fox River Commons Resubdivision PUD. The petitioner is requesting a deviation to reduce the required amount of off-street parking on the subject property and permission to allow uses which require conditional use approval in the underlying B2 Zoning District. Per Section 6-4-6:1 (Changes to Final Planned Unit Development: Major Change), such requests require approval of a major change to the PUD. Staff is supportive of the request for a major change finding that the proposed uses are compatible with the approved and planned uses in the current PUD. Additionally, the petitioner has provided sufficient justification for the request for a parking deviation via the submitted parking study.

Key Takeaways

- The petitioner is proposing to add a 1200 seat banquet hall, 250 seat restaurant, performing arts academy, a 200 seat theater, art gallery, recording studio and sport court complex in the vacant building at 808 S. Route 59.
- This requires a major change to the Fox River Commons PUD to permit a deviation to reduce the required off-street parking requirements and uses which require conditional use in the

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underlying B2 Zoning District.

- Staff is supportive of the requests subject to the conditions noted in the staff report.

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