



## Legislation Text

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File #: 18-254, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Deny the petitioner's request for approval of a temporary use for a period of eight months to allow three donation structures to be located at the Riverbrook Shopping Center, 1523 North Aurora Road

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Assistant Planner

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

Not required.

#### **BACKGROUND:**

The petitioner, Dennis Ryan, applied for a donation box permit to allow for three donation structures to be located at Riverbrook Shopping Center, 1523 North Aurora Road. Upon review of the permit request, it was determined that the proposed donation bins did not comply with several standards of Municipal Code Section 6-2-22: Donation Boxes, including location of the bins within required parking spaces, location of more than one bin on a subject property, height of the bins in excess of 6.5', and signage on the bins. Therefore, the permit could not be issued administratively. The petitioner also proposed an attended donation hut which per Section 6-2-22:5.1, requires temporary use approval subject to Section 6-2-11: Temporary Buildings Structures and Uses of Land. In addition to this, the petitioner proposed a time frame that exceeds the six month period which can be approved by the Zoning Administrator. Accordingly, staff advised the petitioner that the requested donation boxes would require temporary use approval, subject to City Council review.

#### **DISCUSSION:**

The petitioner requests approval of a temporary use to allow a trailer, attended hut, and donation bin to be located at Riverbrook Shopping Center, 1523 North Aurora Road for a period of eight months. The dimensions of the structures are as follows: trailer- 25' long by eight' wide and 12' tall; attended hut - 5' long by 5' wide and 7' tall; donation bin - 4' long by 4' wide and 6' tall. The trailer will serve to store any donations that are in excess of what can fit into the donation bin. The attended hut will have a fulltime attendant, 7 days a week 9:00 am to 5:00 pm, who will assist donors with unloading their donated goods and promptly contain any donated goods that may have been left outside of either bin. The bin is a self-service bin which donors can drop their donated goods into.

As shown in the attached site plans, the proposed bins will be located next to a landscape island within six parking spaces along the southwest end of the parking lot. The petitioner requests approval to allow the three donation structures on the subject property for a period of eight months.

#### ***Staff Review***

Staff has reviewed the submitted temporary use request and finds that the proposal will have an

adverse impact on the character of the Riverbrook Shopping Center. The proposed donation bins and trailer are not consistent with several provisions of Section 6-2-22 (Donation Box Regulations) and far exceeds the intent of said regulations, as follows:

<i>Section 6-2-22: Donation Box Regulations</i>	<i>Current Proposal</i>
2.2 Donation Boxes are not permitted within a required parking space	The proposed donation bins will be located within 6 parking spaces
2.5 Only one donation box shall be permitted per shopping center	The proposal calls for 3 donation bins, one of which is a significantly sized trailer
2.6 Donation Boxes shall not exceed 6.5' in height	The tallest proposed structure proposed is 12'
2.8 Signage on donation boxes shall not exceed 5" letter height	The proposed signage will cover the majority of the 25' x 8' x 12' trailer

Based on this information and the overall proposal, staff recommends denial of the request to locate three donation bins at the Riverbrook Shopping Center, 1523 North Aurora Road. Should City Council support the proposal, it would be appropriate to direct staff to prepare an ordinance approving the temporary use for consideration at a future meeting.

**Key Takeaways**

- The proposal does not comply with the donation box regulations in terms of location of the bins within required parking spaces, location of more than one bin on a subject property, height of the bins in excess of 6.5', and signage on the bins. In addition, staff has concerns with the overall proposal fitting in with the character of the shopping center and recommends denial of the request.
- Staff recommends denial of the request for approval of a temporary use for a period of eight months to allow three donation bins at Riverbrook Shopping Center, 1523 North Aurora Road, Naperville.

**FISCAL IMPACT:**

N/A