

Legislation Text

File #: 18-314B, Version: 1

PLANNING AND ZONING COMMISSION AGENDA ITEM**ACTION REQUESTED:**

Receive the staff report for R.R. Breitwieser Corner located at 41 W. Jefferson Avenue, Naperville - PZC 18-1-004 (Item 1 of 3)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on April 18, 2018 and voted to recommend approval of the request (approved, 7-0). Staff concurs.

BACKGROUND:

The subject property is located at the northeast corner of Main Street and Jefferson Avenue with a common address of 41 W. Jefferson Avenue. The 3,950 square foot subject property was previously the site of Russell's Dry Cleaners prior to the demolition of the building in the Fall of 2017. The petitioner, Jefferson & Main LLC, intends to construct an approximately 3,290 square foot building with retail tenants on the subject property. The [Naperville Downtown2030](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf) [<https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf>](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf) plan identifies the future land use of the property as "Downtown Core." The proposed building is consistent with the purpose of the Downtown Core to "serve as the retail and activity center of the downtown, allowing for the most intense development form and uses."

The petitioner requests approval of a variance to exceed the maximum setback of 6' in the B4 (Downtown Core) District to permit a rear yard of 17.08'.

DISCUSSION:

Per Section [6-7D-7 \(B4 District: Yard Requirements\)](#) https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTDB4DOCODI of the Municipal Code, the maximum setback from any property line in the B4 District is 6'. The petitioner is proposing to exceed the maximum setback requirement by 11.08' for a rear yard setback of 17.08' at its greatest extent (note: the 17.08' setback is for the eastern rear portion of the building adjacent to Ted's Montana Grill; the rear setback of the building for the western portion of the building nearest Main Street is 13.41'). The proposed setback variance is requested in order to accommodate a 10' pedestrian easement (see discussion below), the outward swing on the doors of the mechanical rooms, and a future grease trap. The proposed building will be built to the property lines on the remaining property lines along Jefferson Avenue and Main Street, and the east property line abutting Ted's Montana Grill.

The purpose of the maximum setback requirement is to create a consistent ground floor streetwall. Per the Naperville Downtown2030 plan, a streetwall is established by continuous building fronts at or near the front property line without gaps in between. The requested variance increases the required building setback in the rear of the subject property; however, it does not affect the existing or proposed streetwall along Jefferson Avenue or Main Street. Therefore, staff is in support of the proposed variance request.

As a note, the petitioner is requesting the attached ordinance note the rear yard setback at 17.50' from the north property line in order to accommodate any off-sets that may occur during construction.

Pedestrian Easement

One of the focuses of the [Naperville Downtown2030](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf) [<https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf>](https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf) plan is establishing and maintaining a successful pedestrian environment. The Plan identifies several areas throughout downtown that lack fluid pedestrian connections. To help combat these pedestrian gaps, the plan recommends a pedestrian only path located to the north (in the rear) of the subject property. The City has requested the petitioner dedicate a 10' easement on the north of the subject property to accommodate a future pedestrian path; this easement falls within the rear yard setback area and will align with an easement previously provided by Ted's Montana Grill. The path will not be constructed now but rather in the future once all the necessary easements have been secured.

Easement Encroachment Agreement

In conjunction with the proposed variance request, the petitioner is requesting approval of an easement encroachment agreement. The agreement will allow the building canopies to extend over the public sidewalk and will also allow the grease trap to be located within the 10' pedestrian easement.

Findings of Fact

The petitioner's responses to the standards for granting a variance are attached. Upon review, staff is in agreement with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

Planning and Zoning Commission Action

The Planning and Zoning Commission opened the public hearing to consider PZC 18-1-004 on April 4, 2018. Paul Mitchell, attorney with Kuhn, Mitchell, and Moss, spoke on behalf of the petitioner. No members of the public spoke during public testimony. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 18-1-004 (Approved, 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

Key Takeaways

- The petitioner is requesting a variance to exceed the maximum B4 district setback of 6' to permit a rear yard setback of 17.08' on the subject property.
- Staff supports the request because it does not affect the downtown streetwall and it accommodates a 10' easement for a pedestrian path that is supported by the Naperville Downtown2030 Plan.

Related Items

The following agenda items are related to PZC 18-1-004:

- Pass the ordinance granting a variance to exceed the required 6 foot maximum setback requirement in the B4 (Downtown Core) District pursuant to Section 6-7D-6 (B4 District: Yard Requirements) of the Naperville Municipal Code at the subject property located at 41 W. Jefferson Avenue (R.R. Breitwieser Corner) (Item 2 of 3)
- Adopt the resolution approving an encroachment license agreement for the subject property located at 41 W. Jefferson Avenue (R.R. Breitwieser Corner) (Item 3 of 3)

FISCAL IMPACT:

N/A