



Legislation Text

File #: 17-897B, Version: 1

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Receive the staff report for the Martinez Property located at 9S065, 9S080 and 9S081 Route 59, Naperville - PZC 17-1-093 (Item 1 of 6)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard, AICP

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered PZC 17-1-093 on December 6, 2017 and voted to recommend approval of the rezoning (Approved, 6-1) and denial of the variances (Not Approved, 2-5). Staff concurs with the recommendation to approve the rezoning and recommends approval of the proposed variances.

BACKGROUND:

The petitioner, Cristina Martinez, is requesting approval of rezoning to B2 (Community Shopping Center District) upon annexation. In conjunction with the annexation and rezoning requests, the petitioner is requesting variances regarding the design and setback of the drive-through and the number of off-street loading berths. The petitioner intends to construct an approximately 15,000 square foot multi-tenant commercial building on the subject property.

The subject property is located on the east side of Route 59, south of 79th Street with common addresses of 9S065, 9S080 and 9S081 Route 59. The 1.6 acre property is comprised of three lots, each improved with a single-family residential home. The Southwest Community Area Plan (2002) identifies the future land use of the subject property as medium density residential. The proposed development is not consistent with the future land use designation but is consistent with the commercial nature of Route 59 and with the development of adjacent residential properties as "Principal Arterial Offices" as permitted by DuPage County (similar to home-to-office conversions).

DISCUSSION:

Annexation

The subject property is located in unincorporated DuPage County and is not currently contiguous to property within the City of Naperville. Annexation of the subject property is contingent upon the annexation of the property to the north. Provided the City Council approves the annexation of the World Missions Society Church of God property, the subject property will gain contiguity to the City of Naperville and will be eligible for annexation.

Rezoning

Upon annexation, the petitioner is seeking to rezone the subject property to B2 (Community

Shopping Center District) and to construct an approximately 15,109 square foot multi-tenant commercial building. The building will be divided into two tenant spaces with Best Buy Carpet and Granite occupying 12,483 square feet. The remaining tenant space will be 2,626 square feet with a drive-through window. 83 parking spaces will be provided on site and 82 parking spaces are required. Based on the information provided, the remaining tenant is targeted as an eating establishment and parking has been provided as such at 10 spaces per 1,000 square feet of gross floor area. The development will have one right in/right out access point on Route 59. Cross access is also platted to the north, south, and east in anticipation of potential future development.

According to the Municipal Code, it is the intent of the B2 district to accommodate the needs of a much larger consumer population than is served by the neighborhood convenience shopping center district. A wider range of uses and structure sizes is permitted for both daily and occasional shopping. The requested B2 zoning designation is consistent with surrounding annexed properties to the south (Oxford Place Bank) and north (Ashley Furniture). The subject property, in combination with the B2 zoned property to the north, exceeds the 10 acre B2 district minimum.

Staff finds the proposed B2 zoning to be appropriate and compatible with incorporated properties in the surrounding area as well as the commercial character of the Route 59 corridor. The petitioner's responses to the standards for granting a rezoning are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the City Council.

Preliminary Plat of Subdivision

The petitioner requests approval of a preliminary/final plat of subdivision for Best Buy Carpet and Granite in order to consolidate three lots that are currently platted as single-family sized lots into Lot 1 (totaling 1.6 acres) of the proposed Best Buy Carpet and Granite Subdivision. Staff finds that the proposed preliminary/final plat of subdivision for Best Buy Carpet and Granite meets all technical requirements for approval. It should be noted that the petitioner's request is not reviewed by City Council; the request can be approved administratively per [Section 7-2-5 \(Administrative Plat Procedures\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT7SURE_CH2SUPLPR_7-2-5ADPLPR) <https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT7SURE_CH2SUPLPR_7-2-5ADPLPR>.

Variance for Drive-Through Location

Per [Section 6-9-6:2.1.1 \(Supplemental Standards for Drive-through Stacking Lanes: Setbacks and Landscaping\)](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-6SUSTDRROSTLA) <https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-6SUSTDRROSTLA>, the minimum distance from any drive-through facility to any residential area shall be 40'. This distance is measured at the narrowest point between the property line of the residential property and the dedicated drive-through bypass lane. The property to the east of the subject property is residential. The proposed drive-through bypass lane is located approximately 15' from the residential property line to the east, requiring a 25' variance.

The intent of this requirement is to provide a buffer for residents from the drive-through. While the residential property line is located 15' from the drive-through, the nearest residential building is approximately 95' from the drive-through. The proposed drive-through will also be screened from the residential properties to the east with a 6' board on board fence and landscaping. Staff finds the variance request meets the intent of the code because the actual distance between the residential homes to the east and the drive-through stacking lane is greater than 40' and the drive-through is sufficiently screened. The petitioner's responses to the standards for granting a variance are

attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

Variance for Stacking Lane Design

The petitioner is requesting a variance from [Section 6-9-6:2.3 \(Supplemental Standards for Drive-through Stacking Lanes: Stacking Lane Design\)](#)

https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-6SUSTDRROSTLA

to allow a drive-through stacking lane that blocks access to a parking space. The north tenant space in the proposed building is designed with a drive-through window. The 12' drive-through lane and accompanying 13'-14' bypass lane encircle the building and will block access to the parking spaces located at the rear (east) of the building. The parking spaces at the rear of the building will be employee only parking spaces and will be signed accordingly. Given that the spaces will not be used by customers, staff finds the variance request reasonable. The petitioner's responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

Variance for Off-Street Loading

Per [Municipal Code Section 6-9-5 \(Schedule of Off Street Loading Requirements\)](#)

https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-5SCOFSTLORE

buildings containing 7,000 to 60,000 square feet of gross floor area are required to provide one loading berth. The petitioner requests a variance from Section 6-9-5 to reduce the loading berth requirement for the proposed building from one loading berth to zero. Per the petitioner, Best Buy Carpet and Granite functions as a showroom and does not require deliveries. The petitioner anticipates that any deliveries for the remaining tenant can be accommodated in the employee only parking area in the rear of the building. Given the petitioner's statements, staff anticipates the reduction in required loading berths is appropriate for the subject property. The petitioner's responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

Planning and Zoning Commission

The Planning and Zoning Commission opened the public hearing to consider PZC 17-1-093 on December 6, 2017. Kevin Carrara, attorney with Rathje & Woodward, LLC., spoke on behalf of the petitioner. 19 members of the public spoke against the request discussing issues including increased traffic on Aero Drive, the amount of vacant retail space on Route 59, and the quality of life in the Aero Estates community. Points of discussion during the Planning and Zoning Commission deliberation included the appropriateness of commercial zoning for the property due to its location on Route 59 and the proposed variances.

The Planning and Zoning Commission closed the public hearing and voted to recommend approval of the rezoning (Approved, 6-1) and denial of the variances (Not Approved, 2-5). Chairwoman Martinez, Vice Chair Hansen and Commissioners Fessler and Hastings found the proposed zoning to be compatible with the surrounding properties but did not believe the variances met the standards for approval. Commissioner Williams did not find the proposed rezoning nor variances met the standards for approval. Finally, Commissioners Hanson and Losurdo found that commercial zoning was appropriate for the property and believed the proposed variances were appropriate for the site. Staff concurs with the Planning and Zoning Commission's recommendation for rezoning and also

recommends approval of the proposed variances.

Key Takeaways

- The petitioner is requesting annexation into the City of Naperville, which is contingent upon annexation of the World Missions Society Church of God property to the north.
- Upon annexation, the petitioner is requesting rezoning to B2 (Community Shopping Center District). Staff is in support of the request for rezoning because it is consistent with the zoning of surrounding annexed properties, the intent of the B2 district, and the commercial character of the Route 59 corridor.
- The petitioner also requests variances for the setback and design of the drive-through and the number of off-street loading berths. Staff finds the variance requests meet the standards for granting a variance.

Related Items

The following agenda items are related to PZC 17-1-093:

- Conduct the public hearing to consider the Annexation Agreement for the Martinez Property and World Missions Society Church of God - PZC 17-1-093 & PZC 17-1-094 (Item 2 of 6)
- Pass the ordinance authorizing the execution of an Annexation Agreement for the property located at 29W771 79th Street and 9S060, 9S080 and 9S081 Route 59, Naperville (World Missions Society Church of God and Martinez Property) - PZC 17-1-093 & 17-1-094 (Item 3 of 6)
- Pass the ordinance annexing certain property located at 9S065, 9S080 and 9S081 Route 59, Naperville (Martinez Property) - PZC 17-1-093 (Item 4 of 6)
- Pass the ordinance rezoning the property located at 9S065, 9S080 and 9S081 Route 59, Naperville to B2 (Community Shopping Center District) (Martinez Property) - PZC 17-1-093 (Item 5 of 6)
- Concur with staff and the petitioner and pass the ordinance granting variances to Section 6-9-6 and Section 6-9-5 of the Naperville Municipal Code for the property at 9S065, 9S080 and 9S081 Route 59, Naperville (Martinez Property) - PZC 17-1-093; or
Concur with the Planning and Zoning Commission and deny variances to Section 6-9-6 and Section 6-9-5 of the Naperville Municipal Code for the property at 9S065, 9S080 and 9S081 Route 59, Naperville (Martinez Property) (Item 6 of 6)

FISCAL IMPACT:

N/A