



**NAPERVILLE PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS – MUNICIPAL CENTER  
FINAL AGENDA  
10/19/2011 - 7:00 p.m.**

**CALL TO ORDER:**

**A. Roll Call**

**B. Approve Minutes**

**C. Old Business**

**D. Public Hearings**

1. PC Case # PC 11-1-111 McDonald's at Design Pointe - Outlot B  
Petitioner: McDonald's USA, LLC  
Location: Design Pointe PUD south of the intersection of IL Route 59  
and Brookdale Road.

Request: Conduct the public hearing for PC 11-1-124, McDonald's at Design Pointe.

Official Notice: Published in the Naperville Sun on September 2, 2011.

2. PC Case # PC 11-1-123 Amendments to the B4 and B5 Zoning Districts  
Petitioner: City of Naperville  
Location: Not applicable

Request: Conduct the public hearing to consider text amendments to the B4 and B5 zoning districts in accordance with the recommendations of the Downtown2030 Plan.

Official Notice: Published in the Naperville Sun on September 28, 2011

3. PC Case # PC 11-1-124 B5 Rezoning  
Petitioner: City of Naperville on behalf of participating property owners.

**AGENDA**  
**NAPERVILLE PLANNING AND ZONING COMMISSION**  
**10/19/2011 - 7:00 p.m. - COUNCIL CHAMBERS**  
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Location: Includes properties along Center Street, Water Street, Jefferson Avenue, Main Street and Washington Street currently zoned B5, Secondary Commercial.

Request: Conduct the public hearing to consider rezoning of certain properties currently zoned B5, Secondary Commercial, in accordance with the recommendations of the Downtown2030 Plan.

Official Notice: Published in the Naperville Sun on 9/28

4. PC Case # PCV 11-1-127 68 Starling Lane  
Petitioner: Gene and Joanne Weaver  
Location: 68 Starling Lane, Naperville, IL 60565

Request: Conduct the public hearing to consider the petitioner's request for a front porch variance.

Official Notice: Published in the Naperville Sun: Friday, September 30, 2011

- E. Reports and Recommendations**
- F. Correspondence**
- G. New Business**
- H. Adjournment**

**Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Accessibility Coordinator at least 48 hours in advance of the scheduled meeting. The Accessibility Coordinator can be reached in person at 400 S. Eagle Street, Naperville, IL., via telephone at 630-420-6725 or 630-305-5205 (TDD) or via e-mail at [manningm@naperville.il.us](mailto:manningm@naperville.il.us). Every effort will be made to allow for meeting participation.**



# Naperville

## PLANNING AND ZONING COMMISSION AGENDA ITEM

**PZC CASE:**            11-1-111                            **AGENDA DATE:**        10/19/2011

**SUBJECT:**            McDonald's at Design Pointe Outlot B  
                                   Petitioner: McDonald's USA, LLC

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**LOCATION:**            East side of IL Route 59, south of Bond Street in the Design Pointe PUD.

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Correspondence        New Business            Old Business            Public Hearing

**SYNOPSIS:**

The petitioner requests:

- A major change to the Design Pointe PUD to accommodate a fast food restaurant with a drive-through on a lot previously planned for retail tenants. Additionally, as part of the major change the petitioner is seeking to reduce the monument sign setback from 2 feet to 1 foot, increase the height of the monument sign from 5 feet to 10 feet, orient the trash enclosure toward IL Route 59 and modify the outlot building design from the requirements stipulated in the Design Pointe PUD.
- A deviation to Section 6-9-3 (Off-Street Parking) to reduce the parking required on Outlot B for a fast food use by 24 spaces (Municipal Code Requires 67 spaces, 43 provided).
- A deviation to Section 6-9-3 (Off-Street Parking) due to a net reduction in the required parking in the overall Design Pointe PUD by 40 spaces.
- A deviation to Section 6-2-14 (Major Arterial Setback) to reduce the major arterial setback for parking from 20 feet to 3 feet.
- A deviation from Section 5-10-3 (Landscaping, Screening and Tree Preservation) to eliminate a required tree planting in a parking lot landscape island to accommodate placement of a monument sign.

**PLANNING AND ZONING COMMISSION ACTION PREVIOUSLY TAKEN:**

<b>Date</b>	<b>Action</b>
June 2005	Recommended approval of the Design Pointe PUD.

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Conduct the public hearing.

**PREPARED BY:**    Amy Emery, AICP, Community Planner

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*McDonald's at Design Pointe (PZC 11-1-111)*

*October 19, 2011*

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**EXISTING ZONING, LAND USE, AND LOCATION:**

The Design Pointe PUD was approved by City Council in November 2005 (Ordinance 05-207). The development includes 162,965 square feet of retail within two principal buildings and six (6) retail outlots along the IL Route 59 frontage, with a total of 788 parking spaces provided for the overall PUD. The subject parcel, Outlot B, is currently vacant and zoned B2 PUD.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

*Ordinance 05-207 – Conditional Use for PUD and PUD Plat*

The Design Pointe PUD Statement of Intent and Concept promotes the development as a ‘shopping campus’ that has a unique character reflected in the building architecture, focus on pedestrian safety and hardscape/landscape amenities. The PUD also established a 2 foot setback for monument signage from the property line with a maximum height of 5 feet.

*Ordinance 05-208 – Zoning of the Subject Property to B2 (Community Shopping Center)*

*Ordinance 05-205 – Annexing the Subject Property to the City of Naperville*

**RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:**

The future land use designation for this site, as adopted in the 1996 Northwest Sector Revision to the Comprehensive Master Plan, is “Commercial.”

**PLANNING SERVICES TEAM REVIEW:**

The petitioner requests a major change to the Design Pointe PUD with deviations to the Municipal Code and Design Pointe PUD. The Planning Services Team has reviewed the request and offers the following information and recommendations.

*Standards for Approving a Major Change to the PUD*

A major change to the Design Pointe PUD is required to accommodate a change in the planned land use of Lot B from retail to fast food restaurant with a drive-through. The proposed use is complementary to the mix of uses in the center and will provide a synergy to draw additional customers to the site. The building size, location, orientation, landscaping, building design and signage are respectful of the Design Pointe PUD. The petitioner has provided a response to the standards for granting a major change to the PUD. Staff concurs with the petitioners findings.

*Deviation to Parking on Outlot B for a Fast Food Restaurant*

The municipal code requires 17 parking spaces/1,000 square feet of gross floor area for a fast food restaurant. The petitioner has indicated that the number of parking spaces proposed on Outlot B for a fast food restaurant of the size proposed is more than adequate to support demand (67 spaces are required by the municipal code for a fast food restaurant, petitioner is proposing 43 off-street parking spaces). Attachment 6 provides the following information to support the petitioners requested deviation:

- Case studies of 30 other McDonald's locations of a similar building size noting parking provided.
- Parking count data for peak weekday and weekend periods at the case study locations. The data demonstrates similar restaurants can accommodate customer demands with 43 parking spaces on-site.

McDonald's at Design Pointe (PZC 11-1-111)

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The 24 space shortage will require approval of a deviation to the PUD, which is requested with the petition for development of the subject property<sup>1</sup>. Staff concurs with the petitioners empirical data which demonstrates that the proposed McDonald's parking demand can be accommodated by the quantity of parking proposed on Outlot B (see Attachment 6).

*Deviation to Parking for the Overall Design Pointe PUD*

The Design Pointe PUD was established with 4.8 parking spaces per 1,000 square feet. The Municipal Code requires 4.5 parking spaces per 1,000 square feet for retail uses. With the proposed development of Outlot B:

- The total number of parking spaces in Design Pointe is being reduced from the original lot layout to accommodate a drive-through (83 spaces down to 43).
- The building footprint of the building originally planned on Outlot B is being reduced from 7,000 square feet to 3,869 square feet, but the number of parking spaces required for the proposed tenant is increasing threefold (17/1,000 for fast food restaurant vs. 4.5/1,000 for retail uses initially anticipated for Outlot B).
- If the requested development of Outlot B is approved, 676 off-street parking spaces within the Design Pointe PUD will be available to accommodate the needs of the all remaining tenants within the development.

Based on the current tenant mix, and assuming existing vacant spaces with the main center, outbuildings and approved outlot square footage are to be occupied with retail uses, parking will exist at a ratio of 4.33 spaces/1,000 square feet (4.5/1,000 square feet gross floor area required). This is 40 spaces less than what the code requires. However, given variations in hours of operation and different peak demand times for different uses staff is supportive of the requested deviation. This shortage will require approval of a deviation to the PUD, which is requested with the petition for development of the subject property. In the future, should tenants requests be received for uses that require a higher parking ratio than that of retail use (e.g. additional restaurants) additional parking deviations may be required.

*Deviation to Major Arterial Setback for Parking*

Section 6-2-14 of the Municipal Code requires a 20 foot setback along major arterial roadways. This setback applies to building and parking. The Illinois Department of Transportation (IDOT) will be acquiring additional right-of-way (ROW) along the IL Route 59 frontage in conjunction with their efforts to expand IL Route 59. The ROW acquisition will reduce the existing setback 20 to 3 feet along the entire frontage of Design Pointe. The proposed parking will align with existing parking provided on other outlots within the Design Pointe development.

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<sup>1</sup> Deviations to PUD are evaluated on the following criteria (per section 6-4-3:12 of the Naperville Municipal Code): Whether the deviation undermine the purpose and intent of the PUD; AND Whether the deviation is a detriment to the provision of municipal services and infrastructure: AND Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit. These criteria are separate and distinct from those required to obtain a variance. No hardship demonstration is required for a PUD deviation.

*McDonald's at Design Pointe (PZC 11-1-111)*

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### *Landscape Plan and Deviation*

Open space and outdoor common areas within the Design Pointe PUD are not altered based on the proposed site development. All required perimeter site and perimeter parking lot landscaping will be completed within the reduced setback being created due to the Illinois Department of Transportation (IDOT) ROW acquisition. The petitioner will not be installing parkway trees at this time. The parkway trees will be installed after the roadway expansion is completed. The petitioner is seeking a deviation to Section 5-10-3: 5.1.3 in order to remove a required tree in the landscape island where the proposed monument sign will also be located. As is noted below, the petitioner is planning to install additional landscaping along IL Route 59. Staff supports the requested deviation.

### *Signage Deviations*

With the additional ROW acquisition by IDOT, the petitioner will be seeking to locate a ground sign within a parking island. The requested sign will be located 1 foot from the property line (2 foot setback is required as deviation was previously granted through Design Pointe PUD approval per Resolution 07-014). In addition, given the sign will be placed within a landscape island, with the potential for cars placed on either side, the ground sign height requested is higher than the restriction of 5'4" restriction included in the Design Pointe PUD (Per Resolution 07-041). The requested sign height is 10 feet, which complies with the municipal code requirement. The requested sign is classified as a "ground sign", not a monument sign because it is supported by two columns and there is a gap between the sign area and the ground. As such, it cannot be classified as a monument sign. Resolution 07-041 requires the sign to be a monument sign where the base is 100% of the width of the sign. As such, the requested ground sign requires an additional deviation. Lastly, the sign area, while compliant with the municipal code allowances, is 10 square feet greater than the restrictions associated with the Design Pointe PUD per resolution 07-041. Staff is supportive of the requested variations as they are each associated with the parking lot island location necessitated by the IDOT property acquisition.

All other signage, wall, awning, and complies fully with the requirements of the Naperville Municipal Code and the requirements of the Design Pointe PUD.

### *Building Elevations*

Design Pointe is an outstanding PUD with a strong emphasis on design. To support the design integrity of the overall PUD, a detailed book of design criteria is part of the ordinance approving the Design Pointe PUD.

The petitioner has been coordinating closely with staff to provide a building material palette that is respectful of the McDonald's brand, the Citywide Building Design Guidelines, and the intent and concept of the Design Pointe PUD which requires a "*minimum of 70 percent masonry or stone exterior finishes*". The proposed building includes an attractive mix of stone and masonry materials that complement those provided on the principal building façade. The building elevations are generally respectful of the Design Pointe PUD, with two notable exceptions.

Rooflines. The Design Pointe PUD stipulates that "*exposed pitched/curved rooflines shall be part of the design*". Furthermore, the PUD states, "*national or regional tenants who have a typical or recognizable building design are expected to review the Design*

McDonald's at Design Pointe (PZC 11-1-111)

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*Pointe and the Design Criteria and adjust their design to ensure compatibility and compliance with the Design Criteria.” To address this PUD design criteria, staff had proposed several options such as an arched arcade, column, balloon style awnings or arched window feature be included to respect the design requirements of the Design Pointe PUD. The proposed design differs from all other buildings in the Design Point PUD that include an arched feature or balloon style awnings (e.g. Chase Bank integrated stone arches, Grand's Appliance provided arched window and the retail strip center balloon awnings). McDonalds has indicated that their building design is trademarked and beyond material selections they are not able to accommodate any changes to the façade.*

Trash Enclosure. The Design Pointe PUD notes that *“All trash enclosures, utilities and service areas, shall be appropriately screened to hide them entirely from view. Outlot buildings will have trash enclosures inset into the building façade.”* The proposed McDonald's includes a series of hardiplank waste receptacle service doors facing IL Route 59 (hardiplank is a cementitious siding material that replicates the appearance of wood but provides a higher level of durability). To be consistent with the Design Pointe PUD design criteria, staff has requested that the service doors be turned opposite IL Route 59 with service times managed by the petitioner during non-peak drive-through hours. In an effort to mitigate this conflict, the petitioner is providing additional landscaping on IL Route 59 directly in front of the service doors. This landscaping will not screen views of the refuse areas to passing motorists approaching the property from either direction, but will provide screening directly in front of the site. The petitioner prefers the openings as proposed to avoid conflicts with drive-through traffic during service times. All other outlots have made necessary site modifications to comply with the approved design criteria.

**ATTACHMENTS:**

1. McDonald's – Development Petition – PC 11-1-111
2. McDonald's – Response to Standards for Major Change – PC 11-1-111
3. McDonald's – Location Map Aerial – PC 11-1-111
4. McDonald's – Site Plan – PC11-1-111
5. McDonald's – Preliminary/Final PUD Plat – PC 11-1-111
6. McDonald's – Parking Information – PC 11-1-111
7. McDonald's – Landscape Plan – PC 11-1-111
8. McDonald's – Signage Plan Information – PC 11-1-111
9. McDonald's – Elevations – PC11-1-111

**FIRST REVISED  
CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL**

Development Name: McDonald's at Design Pointe  
Development Address:  
PIN Number(s):  
Date of Submission: August 12, 2011

**I. APPLICANT:**

Name: McDonald's USA, LLC  
Address: 4320 Winfield Road  
Suite 400  
Warrenville, IL 60555  
Phone: (630) 836-9090  
Primary Contact: Henry S. Stillwell III, Attorney  
Phone: (630) 510-4909  
Fax: (630) 668-7350  
Email: [hstillwell@rathjewoodward.com](mailto:hstillwell@rathjewoodward.com)

**II. OWNER OF THE PROPERTY:**

Name: Quality Properties Asset Management Company, Bank of America, N.A.  
Address: 1000 South York Road, Elmhurst, IL 60126  
Phone: (630) 941-6710

**III. APPLICANT'S/PETITIONER'S STAFF:**

Attorney: Henry S. Stillwell III/Rathje & Woodward, LLC  
Phone: (630) 510-4909  
Email: [hstillwell@rathjewoodward.com](mailto:hstillwell@rathjewoodward.com)  
Fax: (630) 668-7350  
Address: 300 E. Roosevelt Road, Suite 300, Wheaton, IL 60187  
  
Engineer: Jeff Miller/Watermark Engineering  
Phone: (630) 375-1800 ext. 22

**IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):**

- |                                                                                                             |                                                                                                            |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Annexation (See <b>Section V</b> below)                                            | <input type="checkbox"/> Subdivision Waiver/Deviation to Platted Setback Line (Complete <b>Exhibit 4</b> ) |
| <input type="checkbox"/> Rezoning from ___ to ___<br>(Complete <b>Exhibit 2</b> )                           | <input type="checkbox"/> Zoning Variance<br>(Complete <b>Exhibit 5</b> )                                   |
| <input type="checkbox"/> Preliminary PUD Plat<br>(Complete <b>Exhibit 2</b> )                               | <input type="checkbox"/> Final PUD Plat<br>(Complete <b>Exhibit 2</b> )                                    |
| <input checked="" type="checkbox"/> Major Change to a Planned Unit Development (Complete <b>Exhibit 2</b> ) | <input type="checkbox"/> Minor Change to a Planned Unit Development (Complete <b>Exhibit 2</b> )           |
| <input type="checkbox"/> Preliminary Plat of Subdivision                                                    | <input checked="" type="checkbox"/> PUD Deviation (Zoning or Subdivision)                                  |
| <input type="checkbox"/> Conditional Use<br>(Complete <b>Exhibit 3</b> )                                    | <input type="checkbox"/> Final Plat of Subdivision                                                         |
| <input type="checkbox"/> Major Change to a Conditional Use<br>(Complete <b>Exhibit 3</b> )                  | <input type="checkbox"/> Minor Change to a Conditional Use<br>(Complete <b>Exhibit 3</b> )                 |
| <input checked="" type="checkbox"/> Site Plan Review                                                        | <input type="checkbox"/> Landscape Variance<br>(Complete <b>Exhibit 6</b> )                                |
| <input type="checkbox"/> Sign Variance<br>(Complete <b>Exhibit 5</b> )                                      | <input type="checkbox"/> Plat of Easement/Vacation/Dedication<br>(circle all that apply)                   |

**V. ANNEXATION**

Is this development within the City limits?

- Yes
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements
- No, *requesting annexation*
- Are there electors living on the property:
- Yes  No
- If yes, did they sign the Petition for Annexation?  Yes  No

**VI. SITE DATA:**

1. General description of site conditions (Including existing site improvements, i.e., buildings, parking, landscaping, etc.)

Subject property is Outlot B in Design Pointe shopping center. Design Pointe is approximately 60% developed, with primary in-line building constructed and partially occupied and three outlots built-out and occupied.

- 2. Existing Utility Services (water, sewer, electricity): Naperville water, sewer and electric is at site
- 3. Existing zoning on the site: B-2 PUD
- 4. Existing Land Use: Subject property is vacant outlot
- 5. Acreage & Square Footage of the site: 1.20 acres/52,455 sq.ft.
- 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):

Annexation Agreement dated 1/3/2006 recorded as document number R2006-022062; Naperville Ordinance No. 05-208 (Rezoning to B-2); Naperville Ordinance No. 05-27 (Approving Conditional Use for PUD); Naperville Resolution 07-041 (Authorizing Variances for Signage)

**VII. PROPOSED DEVELOPMENT:**

- 1. Type of Development (check all that apply):
 

<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Office
<input type="checkbox"/> Industrial	<input type="checkbox"/> Other: _____	
- 2. Proposed Zoning: B-2 PUD with conditional use for McDonald’s drive-thru restaurant

Description of Proposal: (including proposed land use, type of use, hours of operation, number of parking spaces, and all Exhibits mandated by the request (see **Page 2, Section IV** for Exhibit information) - attach additional pages if necessary):

Applicant proposes to construct, operate and maintain a McDonald’s restaurant with drive-thru service facilities, including two side-by-side drive-thru order lanes. The proposed hours of operation include 24 hour per day, seven days per week drive-thru service and inside dining hours from 5:00am to 2:00am. A total of 43 parking spaces (41 regular spaces and 2 ADA accessible spaces) will be provided on-site. The menu, service and operational standards for the proposed restaurant will be consistent with other newer McDonald’s restaurants, including those located at 75<sup>th</sup> Street and Naper Boulevard and 75<sup>th</sup> Street and Naper-Plainfield Road. In support of Applicant’s request for relief identified in this Petition, Applicant has attached hereto as Exhibits

A and B its response to standards pertaining to the requested major change to a PUD (Section 6-4-7) and PUD deviation (Section 6-4-3).

3. Description of Building (Including number of buildings, square footage of each building and use, maximum height, facade materials):

The proposed principal building is a single story, brick clad structure incorporating stone accents in the arcades and tower to provide integration and compatibility with the exterior design standards for Design Pointe. The height of the building to the top of the parapet wall is approximately 18'2". The height of the roof cap element on the tower is approximately 23'4". The building contains approximately 3900 square feet of gross floor area. The accessory trash/recycle corral will be constructed with materials and colors compatible with the restaurant.

4. Describe all requested Variances/Deviations from the underlying zoning regulations (i.e., parking, setbacks, density, height/bulk etc.) **NOTE:** Complete this section as well as **Exhibit 5** - attach additional pages if necessary:

- (i) Deviation to reduce required on-site parking from 83 spaces per the PUD/67 spaces per the Zoning Ordinance down to 43 spaces.
- (ii) Reduce the minimum setback requirement along a major arterial from twenty (20) feet down to three (3) feet.
- (iii) Increase the maximum height of the freestanding monument sign from five (5) feet per the PUD to ten (10) feet.
- (iv) Reduce the minimum setback of the freestanding monument sign from two (2) feet per the PUD down to one (1) foot.

5. Describe all requested waivers from the Subdivision Regulations: (i.e., R.O.W., widths, easements, etc.) **NOTE:** Complete this Section as well as **Exhibit 4** - attach additional pages if necessary:

N/A

6. Deviations from the Landscaping Regulations **NOTE:** Complete this section as well as **Exhibit 6** - attach additional pages if necessary:

N/A

7. General Land Use Data:

	Residntl	Comrc	Office	Indst	R.O.W.	Park	School	Private	Other*	Total
No. of Acres										
% of Total		100%								100%

\*Please explain:

Design Pointe is an integrated retail commercial shopping center governed by the applicable PUD documents identified in this Petition.

8. Development Densities: N/A

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Building square footage	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family						NA			
Townhome						NA			
Duplex						NA			
Apartment						NA			
Comrc.			NA	NA	NA				
Office			NA	NA	NA				
Industrial			NA	NA	NA				

- Gross Acres = land designated for land use type including right-of-way
- Gross Density = number of units divided by gross acres
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school/park dedications and open space areas
- Modified Gross Density = number of units divided by modified gross acres

**VIII. SCHOOL AND PARK DONATION REQUIREMENTS (calculation tables must be attached):**

1. Required School Donation of N/A acres will be met by a \_\_\_\_\_.

2. Required Park Donation of N/A acres will be met by a \_\_\_\_\_.

**IX. PRIVATE FACILITIES**

1. Private open space and recreational facilities include: N/A

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other (\_\_\_\_\_)

2. Outlots and/or detention/retention facilities include (size, number and location) N/A

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other (\_\_\_\_\_)

3. Detention, retention, open space/recreation and school uses within the development:  
Detention provided pursuant to PUD

	Private - Homeowners Association (acres)*	Public - To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*				
a. Park Site				
b. Common Areas*				
c. Private Facility*				
Sub-total				
School Site				
Total				

\*Please explain:

**Note: Please provide a brief explanation of the type of private facility, common area, open space or other acreage included in the development (Private facilities would include facilities such as clubhouses or private swim clubs. Other could include detention/facilities or outlots for landscape buffers, subdivision identification signage or similar purposes.)**

Respectfully submitted,

McDonald's USA, LLC, an Illinois limited liability company

By: \_\_\_\_\_  
Libby Fisher, Regional Construction Manager,  
Greater Chicago Region

STATE OF ILLINOIS        )  
COUNTY OF DUPAGE        )  
CITY OF NAPERVILLE     )

The foregoing petition was acknowledged before me by \_\_\_\_\_ on the \_\_\_\_\_  
day of \_\_\_\_\_ 2011 A.D.

By: \_\_\_\_\_  
Name: \_\_\_\_\_

Notary Public

**LLC PETITIONERS**

**LLC petitioners are required to produce the articles of organization that are on file with the Illinois Secretary of State's office. If an LLC is manager-managed, this petition may be executed by the manager identified within the articles of organization. If an LLC is member-managed, this petition must be executed by each member of the LLC**

**EFFECTIVE PERIOD OF APPLICATION**

**Please note that applications for development approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the applicant after the two year period has expired.**

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**RESPONSE TO STANDARDS FOR MAJOR  
CHANGE TO PLANNED UNIT DEVELOPMENT**

Re: McDonald's Restaurant  
Outlot B in Design Pointe, Naperville, Illinois

1. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.

**RESPONSE:** The Design Pointe PUD ("PUD") consists of an innovative and creative approach to the architectural design and integration of commercial land uses. The proposed major change to the PUD to permit the construction, use and maintenance of a McDonald's restaurant with drive-thru facilities furthers the underlying objectives of the PUD by (i) the incorporation of exterior architectural elements which are compatible with and complimentary to the design standards for the PUD, (ii) introducing a land use which enhances customer traffic, exposure and identification for the PUD and all tenants therein, and (iii) provides a land use which will service and support the existing and future tenants and customers of the PUD

2. The planned unit development meets the requirements and standards of the planned unit development regulations.

**RESPONSE:** The requested major amendment to the PUD has been designed to comply with the otherwise applicable standards of the planned unit development regulations, by virtue of its integration into, support of and compatibility with the PUD and the existing structures and uses therein.

3. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site. (Ord. 01-110, 6-5-2001)

**RESPONSE:** The requested major amendment to the PUD will provide a dynamic use on a vacant outlot ("Outlot B") within the PUD, with ready access to and use of the traffic access and circulation plan approved as a part of the PUD. The proposed site plan incorporates the natural features for Outlot B as contemplated under the PUD.

4. Open space, outdoor common area, and recreational facilities and provided. (Ord. 08-149, 8-19-2008)

**RESPONSE:** The requested major amendment to the PUD will not alter, lessen or interfere with the open space, common area or other amenities begin a part of the PUD, and will serve to support the same if approved.

5. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.

**RESPONSE:** No modifications in design standards or bulk regulations heretofore approved as a part of the PUD are requested.

6. The planned unit development is compatible with the adjacent properties and nearby land uses.

**RESPONSE:** The proposed major amendment to the PUD will not create incompatibility with adjacent properties and nearby uses. The commercial development along the east side of Illinois Route 59 within the City is consistent and compatible with the proposed use.

7. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.

**RESPONSE:** The proposed major amendment to the PUD will allow for the construction and operation of a commercial activity which will be supportive of and beneficial to the overall PUD. Said support will serve to further the City's planning policies and objectives for the PUD and the general planning area.

**FIRST REVISED**  
**RESPONSES TO STANDARDS**  
**FOR PUD DEVIATION**

Re: McDonald's Restaurant  
Outlot B in Design Pointe, Naperville, Illinois

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district.

**RESPONSE:** The requested deviation to reduce required on-site parking to a total of 43 spaces is consistent with the intent and purpose of the underlying zoning district, generally, and the PUD, specifically. Forty-three on-site parking spaces is consistent with, and in the middle of, the range of the number of parking spaces commonly provided by Applicant for the size restaurant proposed, including Applicant's facilities at other locations within the City. The high percentage of total sales generated through the use of the drive-thru system (generally 70 to 80 percent) impacts the parking demand for the subject use. The proposed number of parking spaces will be sufficient for on-site activities and not negatively impact the PUD. The requested deviations pertaining to the increase in the height of the freestanding monument sign and the reduction of minimum setbacks from the right-of-way for Route 59 are necessitated by the Illinois Department of Transportation's ("IDOT") pending taking of approximately thirteen (13) feet from Outlot B for additional right-of-way (the "Taking"). The Taking will reduce the amount of setback available for all of the outlots within the PUD, including Outlot B. The Taking will require moving the monument sign easterly into a landscape peninsula within the parking area which results in the need to increase the sign height to facilitate sign visibility over the tops of cars parked adjacent to the sign. The requested deviations are brought about by circumstances beyond Applicant's control, present a uniform condition impacting the PUD and are therefore consistent with and will further the intent and purpose of the PUD and the underlying zoning district.

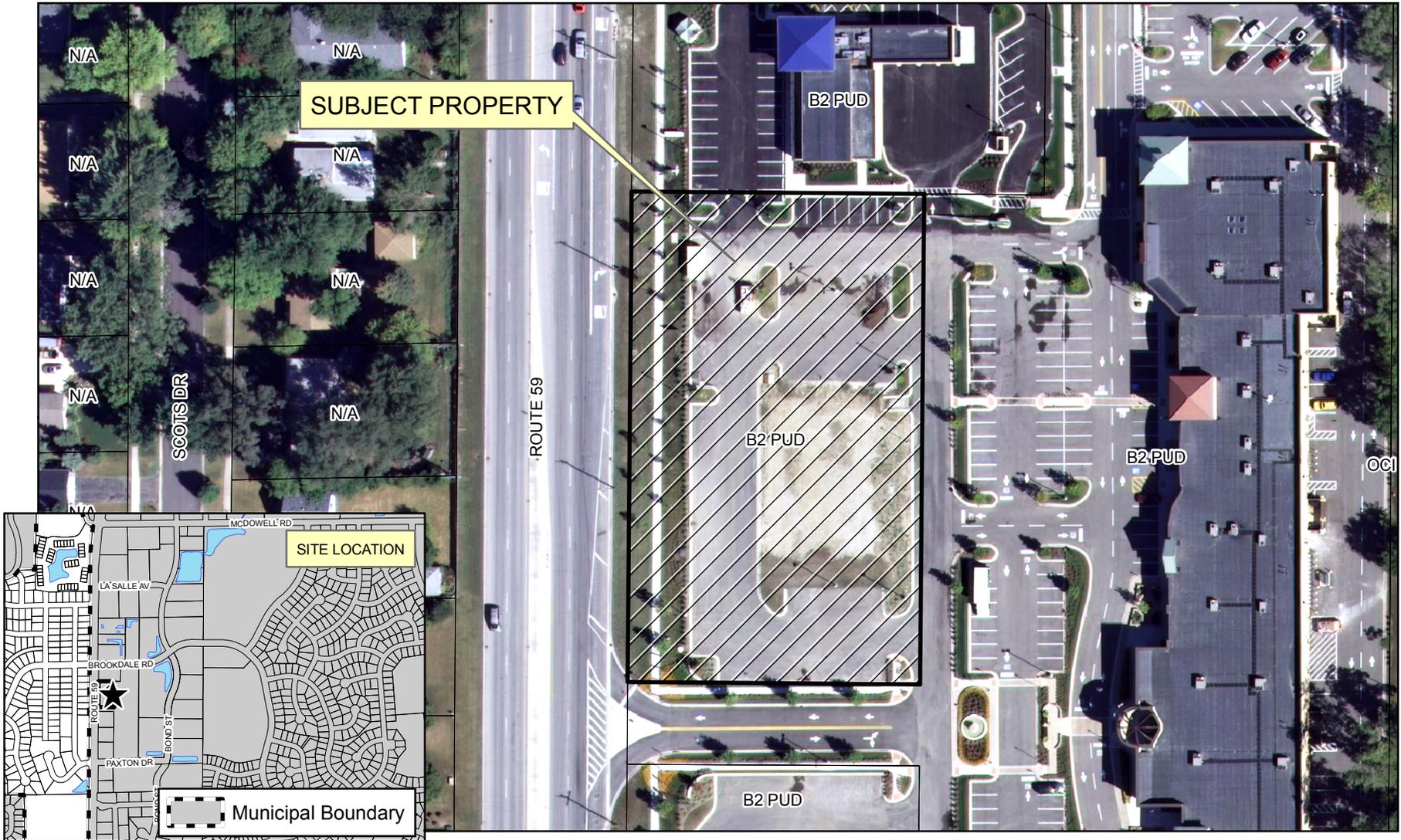
2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure.

**RESPONSE:** The requested deviations will have no impact upon the provision of municipal services and infrastructure. The number and design of the proposed on-site spaces facilitates effective traffic circulation on-site and within the PUD and will not impose negative impacts on adjacent public streets or City services. The setback and sign height deviations are necessitated due to the IDOT Taking and pertain to items unrelated to the provision of municipal services and infrastructure.

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.

**RESPONSE:** The requested deviations to reduce the number of on-site parking spaces, reduce the setbacks from Route 59 and increase the monument sign height will not lessen the architectural appeal or operational efficiency of the proposed development of Outlot B nor the overall PUD. Said deviations will support the requested land use which will further the objectives of the PUD and the vitality and viability of the same.

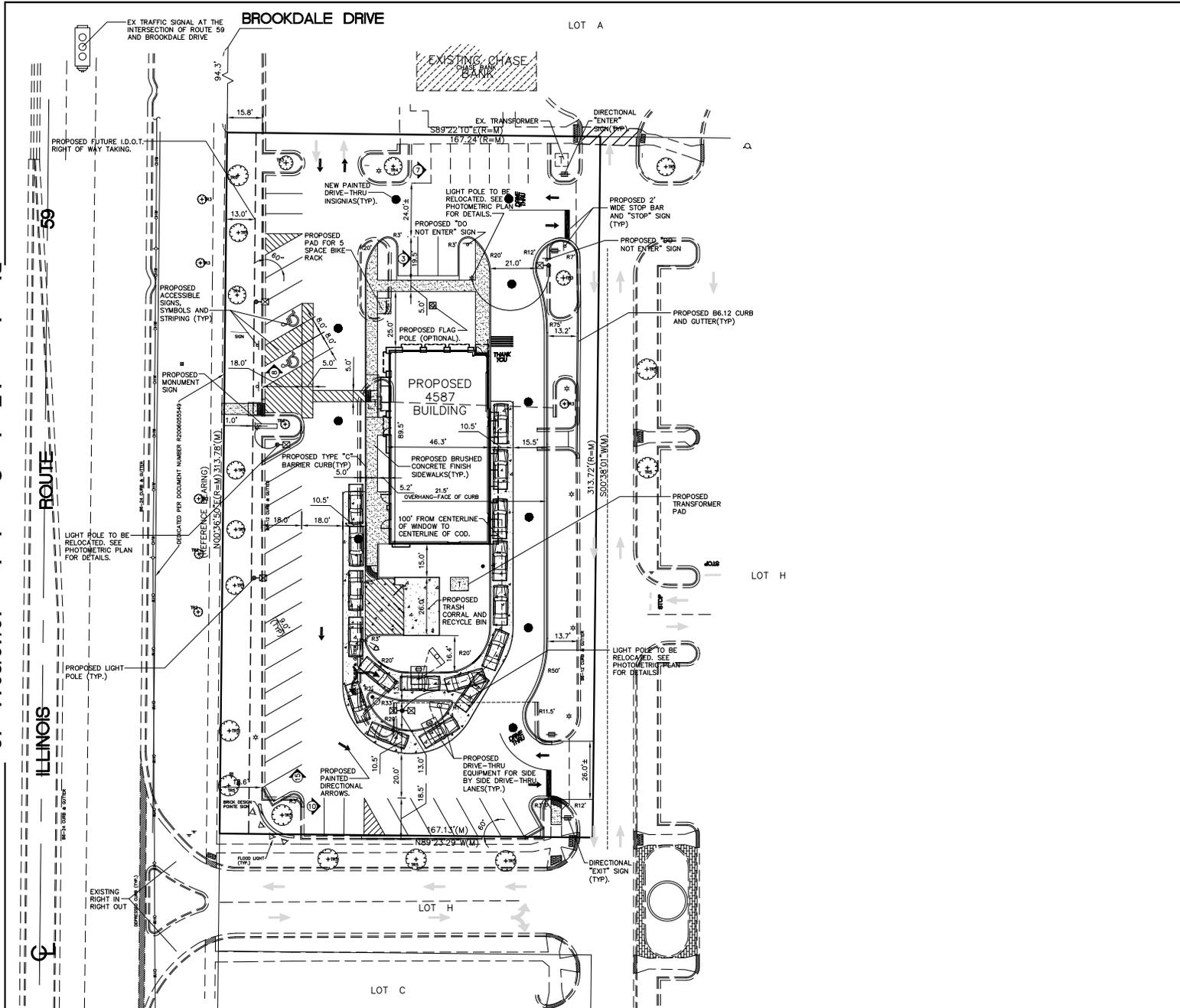
City of Naperville  
**McDONALD'S AT DESIGN POINTE**



Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6719  
[www.naperville.il.us](http://www.naperville.il.us)  
 September 2011



This map should be used for reference only.  
 The data is subject to change without notice.  
 City of Naperville assumes no liability in the use  
 or application of the data. Reproduction or redistribution is  
 forbidden without expressed written consent from the City of Naperville.



**GENERAL NOTES:**  
 1. THESE PLANS ARE BASED ON THE ALTA/ACSM AND TOPOGRAPHIC SURVEY (PROJECT#11-0069 DATED 04-27-11) PREPARED BY COMPASS SURVEYING LTD. 2631 GINGER WOODS PKWY SUITE 100, AURORA, IL 60502 630-820-9100  
 2. PRIOR TO CONSTRUCTION, CONTRACTOR TO CONTACT THE DESIGN ENGINEER AND ARCHITECT TO VERIFY THAT THEY ARE WORKING FROM THE MOST CURRENT SET OF PLANS AND SPECIFICATIONS.

**SITE PLAN NOTES:**  
 1. ALL PLAN DIMENSIONS ARE TO BACK OF CURB.  
 2. SEE ARCH. PLANS FOR EXACT BUILDING DIMENSIONS.  
 3. ALL STRIPING TO BE DOUBLE COATED 4" YELLOW PAINT UNLESS OTHERWISE NOTED.

**ON SITE PARKING DATA**

REGULAR SPACES PROVIDED	41
ADA ACCESSIBLE SPACES PROVIDED	2
TOTAL SPACES PROVIDED	43
TOTAL SPACES REQUIRED FOR FAST FOOD RESTAURANT 67 (17 SPACES PER 1000 SF OF FLOOR AREA)	2
43 SPACES PROVIDED < 67 SPACES REQUIRED	

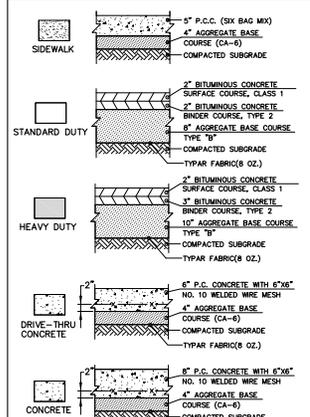
**BICYCLE PARKING DATA**

TOTAL BICYCLE SPACES PROVIDED	5
TOTAL SPACES REQUIRED 3.35 (5% OF VEHICLE PARKING REQUIREMENT OR MIN. OF 3)	3.35
5 BICYCLE SPACES PROVIDED > 3.35 BICYCLE SPACES REQUIRED	

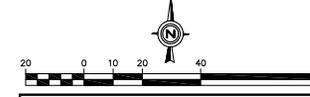
**SITE DATA**

LOT AREA =	1.20 ACRES (52,455 SF)
EXISTING IMPERVIOUS AREA =	44,298 (0.84%)
PROPOSED IMPERVIOUS AREA =	38,557 (0.74%)
EXISTING PERVIOUS AREA =	8,157 SF (0.16%)
PROPOSED PERVIOUS AREA =	13,898 SF (0.26%)
BUILDING AREA =	3,900 SF
F.A.R. =	0.07

**McDONALD'S PKWY PAVEMENT LEGEND**



**NOTES:**  
 1. REFERENCE I.D.O.T. STANDARD SPECIFICATIONS (LATEST EDITION) SECTION 406 FOR BINDER & SURFACE COURSES AND SECTION 351 FOR AGGREGATE BASE COURSE.  
 2. THE APPLICATION RATES FOR THE PRIME COAT AND TACK COAT ARE TO BE 0.30 AND 0.10 GALLONS PER SQUARE YARD, RESPECTIVELY.  
 3. THE ENTIRE SUBGRADE SHALL BE COMPACTED TO NOT LESS THAN 98% OF THE STANDARD LABORATORY DENSITY PER SECTION 301.  
 4. PROVIDE CONTRACTION JOINTS ON CONCRETE PAVEMENT AT 18' O.C. FOR SIDEWALKS, PROVIDE CONTROL JOINT AT 5' O.C., EXPANSION JOINTS AT 50' O.C.



**SITE PLAN**

DATE	09/29/11
REVISIONS	PER CITY OF NAPERVILLE
NO.	
Prepared For:	McDonald's Corporation 4500 Winfield Road, Suite 400 Naperville, IL 60565
Prepared	Walter Orlmark Engineering & Surveying, Inc. 1075 Olive Street, Suite 1000 Naperville, IL 60563 Phone: 630-275-8100 Fax: 630-275-8100
PROJECT NO.	10-076
CHECKED BY:	JMILLER
DESIGN BY:	K.SACK
DRAWN BY:	KS, DD
DATE:	AUGUST 11, 2011
SCALE:	1" = 20'
PROJECT NO.	10-076
C-2	
LC #12-2464	



# DESIGN POINTE - LOT B NAPERVILLE, ILLINOIS

PART OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

### LEGAL DESCRIPTION

LOT B IN DESIGN POINTE, BEING A SUBDIVISION PART OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 27, 2006 AS DOCUMENT NUMBER R2006-05549 IN DUPAGE COUNTY, ILLINOIS.

### NOTES:

1. ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
2. DIMENSIONS ALONG CURVED LINES ARE ARC DIMENSIONS.
3. BASIS OF BEARINGS: THE BEARINGS SHOWN ON THE PLAT MAP ARE BASED ON THE MERIDIAN BEARING OF THE NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 38 NORTH 30 SECONDS EAST.
4. THIS IS NOT A SUBDIVISION PLAT. FOR SUBDIVISION INFORMATION PLEASE REFER TO THE SUBDIVISION PLAT FOR THE SUBJECT PROPERTY WHICH IS A SEPARATE DOCUMENT.
5. PROPOSED INFORMATION PROVIDED BY WATERMARK ENGINEERING.
6. BLANKET PUBLIC UTILITY EXEMPTIONS PROVIDED BY DESIGN POINTE SUBDIVISION, ACCORDING TO DOCUMENT R2006-05549.
7. ALL SANITARY SEWER AND WATER MAIN SHALL BE PUBLICALLY MAINTAINED EXCEPT THE SERVICE LINES. ALL STORM SEWER SHALL BE PRIVATELY MAINTAINED.

**OWNER/DEVELOPER**  
MCDONALDS CORPORATION  
4320 WINDFORD ROAD  
WARRENVILLE, ILLINOIS 60555

**ENGINEER**  
WATERMARK ENGINEERING, LTD.  
1000 W. WASHINGTON STREET  
AURORA, IL 60502  
PHONE: (630) 820-9100  
FAX: (630) 820-7030

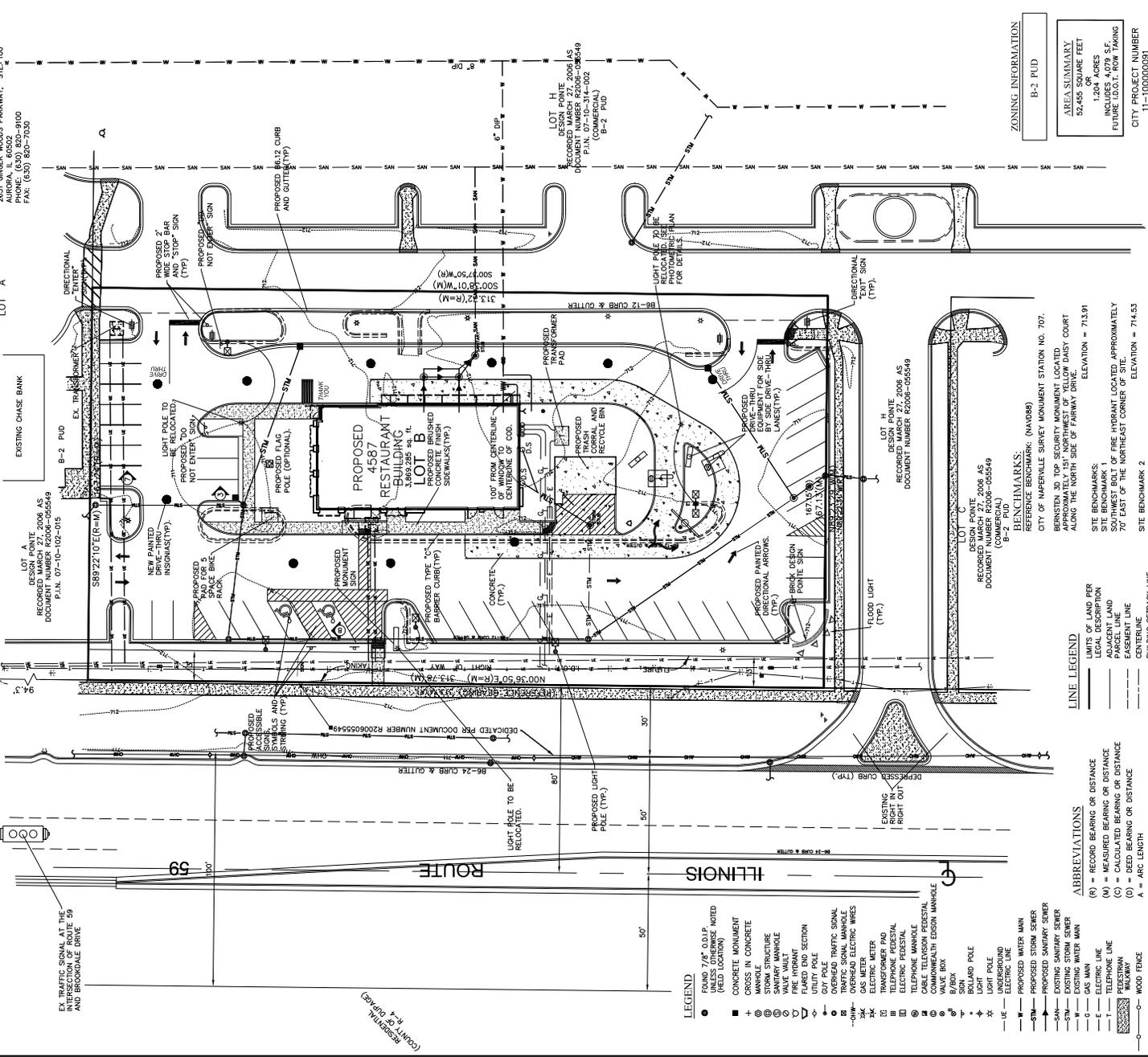
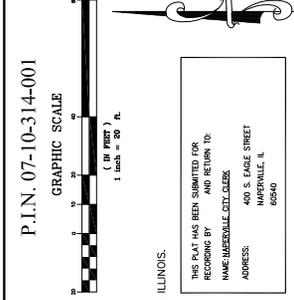
**LAND SURVEYOR**  
COMPASS SURVEYING, LTD.  
1000 W. WASHINGTON STREET  
AURORA, IL 60502  
PHONE: (630) 820-9100  
FAX: (630) 820-7030

THIS PLAT HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:  
NAME: IMBERVILLE CITY CLERK  
ADDRESS:  
400 S. LAKE STREET  
IMBERVILLE, IL  
60540

Planning Design Standards - L-1d-B

Land Use	Zoning	Building Height (Feet)	Min. Lot Area (S.F.)	Max. Lot Area (S.F.)	Min. Set Back (Feet)	Min. Front Set Back (Feet)	Min. Side Set Back (Feet)	Min. Rear Set Back (Feet)	Off-Street Parking (Spaces)	Off-Street Storage (Spaces)	Remarks
FAST FOOD RESTAURANT	B-2 PUD	1	22,474	52,655	167'13"	15'	15'	15'	3,800	43	*

\* DEVIATION REQUIRED TO REDUCE PARKING FROM 87 SPACES PER ORIGINAL DESIGN POINTE PRELIMINARY/FINAL PUD (R2006-067981) TO 43 SPACES PROPOSED



**ZONING INFORMATION**

B-2 PUD

**AREA SUMMARY**  
52,455 SQUARE FEET  
1.204 ACRES  
INCLUDES 4,079 S.F. FUTURE I.D.C.T. ROW TAKING  
CITY PROJECT NUMBER  
11-100000091

**BENCHMARKS:**  
REFERENCE BENCHMARK: (M)0889  
CITY OF IMPERVILLE SURVEY STATION NO. 707.  
BERNSTEIN 30 TOP SECURITY MONUMENT LOCATED APPROXIMATELY 15' NORTHWEST OF YELLOW DASHY CURB ALONG THE NORTH SIDE OF PARKWAY DRIVE. ELEVATION = 713.91  
SITE BENCHMARKS:  
1. SITE BENCHMARK 1 = FIRE HYDRANT LOCATED APPROXIMATELY 70' EAST OF THE NORTHEAST CORNER OF SITE. ELEVATION = 714.53  
2. SITE BENCHMARK 2 = FIRE HYDRANT LOCATED APPROXIMATELY 110' SOUTH OF THE SOUTHEAST CORNER OF SITE. ELEVATION = 713.21

**LINE LEGEND**

--- LINES OF LOTS PER RECORD MARCH 27, 2006 AS DOCUMENT NUMBER R2006-05549 (B-2 PUD)

--- ADJACENT LAND PARCEL LINE

--- EASEMENT LINE

--- SECTION LINE

--- BUILDING SETBACK LINE

--- EXISTING CONTOUR

**ABBREVIATIONS**

(R) = MEASURED BEARING OR DISTANCE  
(M) = MEASURED BEARING OR DISTANCE  
(C) = CALCULATED BEARING OR DISTANCE  
(D) = DEED BEARING OR DISTANCE  
A = ARC LENGTH  
CH = CHORD  
CB = CHORD BEARING

**LEGEND**

● PERMITS 7/4" O.D. P. UNLESS OTHERWISE NOTED (FIELD LOCATION)

■ CONCRETE MONUMENT

⊕ CROSS IN CONCRETE

⊙ MANHOLE

⊗ SANITARY MANHOLE

⊕ VALVE WALK

⊙ FENCED END SECTION

⊙ UTILITY POLE

⊙ DUTY POLE

⊙ OVERHEAD TRAFFIC SIGNAL

⊙ OVERHEAD LIGHTING

⊙ OVERHEAD ELECTRIC WIRES

⊙ ELECTRIC METER

⊙ TELEPHONE MANHOLE

⊙ TELEPHONE FEDESTAL

⊙ CABLE TELEVISION FEDESTAL

⊙ CABLE TELEVISION MANHOLE

⊙ VALVE BOX

⊙ B/BOX

⊙ BOLLARD POLE

⊙ LIGHT POLE

⊙ LIGHT

⊙ ELECTRIC LINE

⊙ PROPOSED WATER MAIN

⊙ PROPOSED STORM SEWER

⊙ EXISTING SANITARY SEWER

⊙ EXISTING STORM SEWER

⊙ EXISTING WATER MAIN

⊙ TELEPHONE LINE

⊙ PEDESTRIAN WALKWAY

⊙ WOOD FENCE

⊙ CHAIN LINK FENCE

⊙ METAL GUARDRAIL

PROJECT: MCDONALDS (LCH) 12-24(4)  
Route 59 & Broadendale Road  
CLIENT: MCDONALDS (C)  
Warrenville, Illinois 60555

SCALE: 1" = 20'

1 OF 2

PROJ. NO.: 11.00669-01

DATE: 8-10-11  
DRAWN BY: FTS  
CHECKED BY: WJZ  
ELEVATION: 713.21

DATE: 8-25-11  
BY: FTS

DESIGN POINTE LOT B  
PRELIMINARY/FINAL PUD PLAT

Page 20 - Agenda Item D.1.





CONSULTING ENGINEERS

## Memorandum

To: Elizabeth Stack  
McDonald's USA, LLC

From: Bill Grieve *BG*

Date: September 8, 2011

Subject: *Proposed McDonald's  
Design Pointe Shopping Center  
IL 59 @ Brookdale Drive - Naperville, Illinois*

850 Forest Edge Drive, Vernon Hills, IL 60061  
TEL 847.478.9700 ■ FAX 847.478.9701

820 Lakeside Drive, Suite 5, Gurnee, IL 60031  
TEL 847.855.1100 ■ FAX 847.855.1115

www.gha-engineers.com

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GEWALT HAMILTON ASSOCIATES, INC. (GHA) has conducted a parking study for the above captioned project. As proposed, McDonald's would build a new restaurant with 50 seats on an outlot of the Design Pointe Shopping Center in Naperville, Illinois. Per the site prepared by Watermark Engineering Resources, Ltd., the restaurant would have 43 parking spaces on its site, which requires a deviation from City code of 17 parking spaces.

To this end, GHA conducted weekday and Saturday parking surveys throughout the morning, midday, and evening peak periods at four nearby McDonald's that have similar operating characteristics, such as building size and number of customer seats. Also, the four comparable McDonald's restaurants have double drive-thru lanes, as proposed at the Design Pointe site and are located along busy roadway corridors, including...

- 28231 W. Diehl Road in Warrenville.
- 1298 S. Naper Boulevard in Naperville.
- 840 Boughton Road in Bolingbrook.
- 305 S. Neltnor Road (IL 59) in West Chicago.

In addition, GHA staff observed parking usage at another 25 McDonald's throughout the Chicago area on various weekdays and at various times during the peak periods.

*Exhibit 1* summarizes the extensive data collection efforts at the four comparable McDonald's. The survey worksheets are also attached. *Exhibit 2* summarizes the data collection efforts at the other McDonald's observed. Briefly highlighting the results...

- ✓ The highest demand occurred at the 1298 S. Naper Boulevard restaurant, when 38 parking spaces were occupied on a weekday morning.
- ✓ The highest Saturday demand occurred at the 305 S. Neltnor Road restaurant, when 27 parking spaces were occupied midday.
- ✓ The highest demand at the other restaurants observed occurred at the Gurnee Mills location, when 31 parking spaces were occupied midday on a weekday.

*Key Finding.* Based on the results of the extensive GHA data collection efforts, we believe that the proposed 43 parking spaces at the Design Pointe Shopping Center site should readily accommodate the busiest McDonald's customer and employee parking demands.

Exhibit 1  
**McDonald's Parking Survey Data**  
 Survey Dates: August 31 to September 8, 2011  
 Group 1 - 4 Comparable McDonald's

Location	Restaurant Data			Supply Spaces	Peak Parking Demands			
	Size	Seats	Drive-Thru		Weekday	Saturday	Time	Time
Bolingbrook, IL. Boughton Road @ I-355	3910 sq. ft.	71	Double	43	28	23	Midday	Midday
Naperville, IL. Naperville Blvd. @ 75th Street	4500 sq. ft.	95	Double	58	38	25	Morning	Midday
Warrenville, IL. 28231 Diehl Road	3870 sq. ft.	69	Double	52	27	12	Midday	Evening
West Chicago, IL. 305 S. Neltner Road	4220 sq. ft.	79	Double	41	27	27	Morning	Midday



## Exhibit 2

## McDonald's Parking Survey Data

Survey Dates: August 31 to September 8, 2011

Group 2 - Other McDonald's Various Data

Location	Drive-Thru	Supply Spaces	Parking Demands		
			Weekday	% Occupied	Time
Glenview, IL. IL 43 South of Glenview Rd.	Double	36	12	33%	7:30 AM
		36	24	67%	12:30 PM
		36	15	42%	5:30 PM
Berwyn, IL. Roosevelt Road East of IL 43	Double	24	27	113%	11:30 AM
			(includes 5 off-site)		
Forest Park, IL. Des Plaines Ave. @ Madison St.	Double	28	23	82%	12:15 PM
River Forest, IL. Harlem Ave. North of Lake St.	Double	17	19	112%	12:45 PM
			(includes 2 circulating for a space)		
Lindenhurst, IL. IL 132 @ Sand Lake Road	Single	40	14	35%	1:00 PM
Lake Villa, IL. IL 132 @ IL 83	Single	35	13	37%	12:45 PM
Fox Lake, IL. US 12 South of Grand	Single	59	19	32%	5:30 PM
McHenry, IL. IL 120 West of Oak Drive	Double	50	18	36%	5:15 PM
Round Lake Beach, IL. Rollins Road West of IL 83	Double	29	18	62%	8:30 AM
Highland Park, IL. US 41 North of IL 22	Single	49	15	31%	5:45 PM
Wauconda, IL. US 12 @ IL 176	Single	37	14	38%	5:45 PM
Lake Zurich, IL. US 12 @ Ela Road	Single	71	17	24%	5:15 PM
Libertyville, IL. IL 137 East of Butterfield Rd.	Single	71	17	24%	10:00 AM
Mundelein, IL. IL 60-83 @ Midlothian Rd.	Single	32	14	44%	9:30 AM
Vernon Hills, IL. IL 21 @ IL 60	Single	59	23	39%	7:15 AM
Buffalo Grove, IL. IL 21 South of Deerfield Rd.	Single	40	10	25%	7:00 AM
Lincolnshire, IL. IL 21 @ IL 22	Single	70	17	24%	7:15 AM
Libertyville, IL. IL 21 @ Winchester Road	Single	43	19	44%	7:15 AM
Gurnee, IL. IL 132 @ Gurnee Mills	Single	61	31	51%	1:15 PM
Streamwood, IL. IL 19 @ Bartlett Road	Single	58	15	26%	6:30 AM
Hanover Park, IL. Barrington Road @ IL 19	Single	38	18	47%	6:45 AM
Schaumburg, IL. Barrington Rd. @ Schaumburg Rd.	Single	77	15	19%	7:00 AM
Hoffman Estates, IL. IL 72 @ Governy Lane	Single	39	10	26%	8:45 AM
Grayslake, IL. US 45 @ IL 120	Single	37	20	54%	10:45 AM
Mundelein, IL. US 45 @ Division Street	Double	39	18	46%	11:15 AM
Gurnee, IL. IL 132 @ Dilley's Road	Single	97	12	12%	5:45 PM

## McDonalds Parking Lot Study

Date: Friday, September 02, 2011

Location: 840 Boughton Rd., Bolingbrook, IL.

Parking Capacity: 43 spots including 2 handicap

Time	Total Spots occupied	Handicap occupied	% Occupied
7:00	11	0	26%
7:15	15	0	35%
7:30	8	0	19%
7:45	11	0	26%
8:00	8	0	19%
8:15	12	0	28%
8:30	8	0	19%
8:45	7	0	16%
9:00	8	1	19%
Lunchtime			
11:00	10	0	23%
11:15	13	0	30%
11:30	20	0	47%
11:45	15	0	35%
Noon	23	1	53%
12:15	28	1	65%
12:30	24	0	56%
12:45	22	1	51%
1:00	22	1	51%
1:15	22	1	51%
1:30	22	0	51%
PM			
4:00	8	0	19%
4:15	20	0	47%
4:30	15	0	35%
4:45	17	1	40%
5:00	13	0	30%
5:15	14	0	33%
5:30	14	0	33%
5:45	14	0	33%
6:00	12	0	28%

## McDonalds Parking Lot Study

Date: Saturday, September 03, 2011

Location: 840 Boughton Rd., Bolingbrook, IL.

Parking Capacity: 43 spots including 2 handicap

Time	Total Spots occupied	Handicap occupied	% Occupied
7:00	12	0	28%
7:15	9	0	21%
7:30	8	0	19%
7:45	12	1	28%
8:00	14	1	33%
8:15	8	1	19%
8:30	11	0	26%
8:45	9	0	21%
9:00	8	0	19%
Lunchtime			
11:00	14	1	33%
11:15	10	1	23%
11:30	7	0	16%
11:45	16	1	37%
Noon	19	1	44%
12:15	23	0	53%
12:30	21	1	49%
12:45	16	0	37%
1:00	15	0	35%
1:15	16	0	37%
1:30	14	0	33%
PM			
4:00	9	1	21%
4:15	6	0	14%
4:30	5	0	12%
4:45	6	1	14%
5:00	4	0	9%
5:15	6	0	14%
5:30	7	0	16%
5:45	8	0	19%
6:00	6	0	14%

## McDonalds Parking Lot Study

Date: Tuesday, September 06, 2011

Location: 1298 Naper Blvd., Naperville, IL.

Parking Capacity: 58 spots including 3 handicap

Time AM	Total occupied	Handicap occupied	% Occupied
7:00	11	0	19%
7:15	18	0	31%
7:30	15	0	26%
7:45	15	0	26%
8:00	20	3	34%
8:15	30	3	52%
8:30	36	3	62%
8:45	30	3	52%
9:00	38	3	66%
10:00	38	3	66%
Lunchtime			
11:00	23	2	40%
11:15	22	1	38%
11:30	26	1	45%
11:45	25	1	43%
Noon	30	2	52%
12:15	30	2	52%
12:30	27	2	47%
12:45	32	1	55%
1:00	27	1	47%
1:15	27	2	47%
1:30	27	2	47%
PM			
4:00	17	1	29%
4:15	15	0	26%
4:30	15	0	26%
4:45	15	0	26%
5:00	16	0	28%
5:15	11	1	19%
5:30	14	1	24%
5:45	17	1	29%
6:00	17	0	29%

## McDonalds Parking Lot Study

Date: Saturday, September 03, 2011

Location: 1298 S. Naper Blvd., Naperville, IL.

Parking Capacity: 58 spots including 3 handicap

Time AM	Total occupied	Handicap occupied	% Occupied
7:00	17	0	29%
7:15	17	0	29%
7:30	15	0	26%
7:45	13	0	22%
8:00	14	1	24%
8:15	15	0	26%
8:30	11	0	19%
8:45	11	0	19%
9:00	13	1	22%
10:00	21	2	36%
Lunchtime			
11:00	16	0	28%
11:15	11	0	19%
11:30	9	0	16%
11:45	13	0	22%
Noon	23	1	40%
12:15	25	0	43%
12:30	25	1	43%
12:45	18	1	31%
1:00	22	1	38%
1:15	18	2	31%
1:30	19	2	33%
PM			
4:00	18	1	31%
4:15	20	1	34%
4:30	20	1	34%
4:45	18	1	31%
5:00	20	1	34%
5:15	8	1	14%
5:30	18	1	31%
5:45	14	1	24%
6:00	16	0	28%

## McDonalds Parking Lot Study

Date: Tuesday, September 06, 2011

Location: 28231 W. Diehl Rd., Warrenville, IL.

Parking Capacity: 52 spots including 3 handicap (revised)

Time AM	Total occupied	Handicap occupied	% Occupied
7:00	5	0	10%
7:15	4	1	8%
7:30	3	1	6%
7:45	7	0	13%
8:00	5	0	10%
8:15	5	0	10%
8:30	7	0	13%
8:45	5	0	10%
9:00	8	0	15%
Lunchtime			
11:00	7	0	13%
11:15	6	0	12%
11:30	12	0	23%
11:45	25	0	48%
Noon	17	0	33%
12:15	27	0	52%
12:30	21	0	40%
12:45	22	0	42%
1:00	17	0	33%
1:15	16	2	31%
1:30	11	1	21%
PM			
4:00	7	0	13%
4:15	7	0	13%
4:30	13	0	25%
4:45	17	0	33%
5:00	8	0	15%
5:15	8	0	15%
5:30	10	0	19%
5:45	4	0	8%
6:00	8	0	15%

## McDonalds Parking Lot Study

Date: Saturday, September 03, 2011

Location: 28231 W. Diehl Rd., Warrenville, IL.

Parking Capacity: 52 spots including 3 handicap

Time AM	Total Spots occupied	Handicap occupied	% Occupied
7:00	0	0	0%
7:15	0	0	0%
7:30	3	0	6%
7:45	2	1	4%
8:00	3	1	6%
8:15	1	1	2%
8:30	3	0	6%
8:45	4	0	8%
9:00	6	0	12%
Lunchtime			
11:00	4	1	8%
11:15	3	1	6%
11:30	7	0	13%
11:45	5	1	10%
Noon	7	1	13%
12:15	8	0	15%
12:30	6	1	12%
12:45	7	0	13%
1:00	8	0	15%
1:15	7	0	13%
1:30	8	0	15%
PM			
4:00	9	1	17%
4:15	12	0	23%
4:30	10	0	19%
4:45	7	1	13%
5:00	7	0	13%
5:15	5	0	10%
5:30	5	0	10%
5:45	4	0	8%
6:00	6	0	12%

## McDonalds Parking Lot Study

Date: Wednesday, September 07, 2011

Location: 305 S. Neltnor Rd., West Chicago, IL.

Parking Capacity: 41 spots including 2 handicap

Time AM	Total Spots occupied	Handicap occupied	% Occupied
7:00	27	1	66%
7:15	25	0	61%
7:30	22	1	54%
7:45	24	1	59%
8:00	24	1	59%
8:15	17	0	41%
8:30	27	0	66%
8:45	23	0	56%
9:00	23	0	56%
Lunchtime			
11:00	17	1	41%
11:15	17	1	41%
11:30	17	2	41%
11:45	19	2	46%
Noon	22	2	54%
12:15	16	1	39%
12:30	15	0	37%
12:45	16	1	39%
1:00	17	0	41%
1:15	17	0	41%
1:30	10	0	24%
PM			
4:00	16	0	39%
4:15	14	0	34%
4:30	13	0	32%
4:45	11	0	27%
5:00	13	0	32%
5:15	12	0	29%
5:30	11	0	27%
5:45	14	0	34%
6:00	9	1	22%

## McDonalds Parking Lot Study

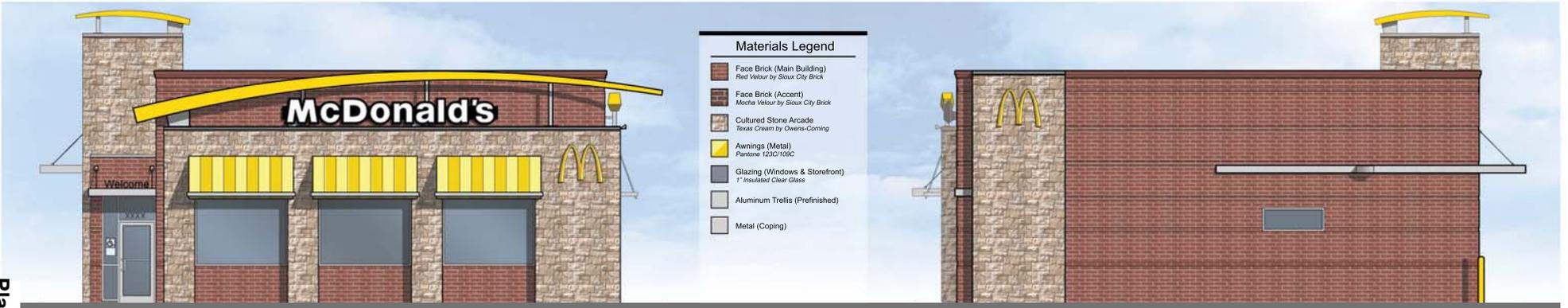
Date: Saturday, September 03, 2011

Location: 305 S. Neltnor Rd., West Chicago, IL.

Parking Capacity: 41 spots including 2 handicap

Time AM	Total Spots occupied	Handicap occupied	% Occupied
7:00	16	0	39%
7:15	17	0	41%
7:30	16	0	39%
7:45	19	0	46%
8:00	18	0	44%
8:15	17	0	41%
8:30	16	0	39%
8:45	19	0	46%
9:00	24	0	59%
Lunchtime			
11:00	15	0	37%
11:15	17	0	41%
11:30	22	0	54%
11:45	27	0	66%
Noon	25	0	61%
12:15	25	0	61%
12:30	23	0	56%
12:45	22	0	54%
1:00	16	0	39%
1:15	14	0	34%
1:30	16	0	39%
PM			
4:00	6	0	15%
4:15	6	0	15%
4:30	7	0	17%
4:45	9	0	22%
5:00	14	0	34%
5:15	12	0	29%
5:30	11	0	27%
5:45	11	0	27%
6:00	14	0	34%





Front Elevation

Rear Elevation



Non-Drive-Thru Side Elevation



Drive-Thru Side Elevation



# Naperville

## PLANNING AND ZONING COMMISSION AGENDA ITEM

**PC CASE:**                    11-1-123                                    **AGENDA DATE:**        10/19/2011

**SUBJECT:**                    B4 and B5 Zoning District Text Amendments

**LOCATION:**                    N/A

Correspondence        New Business            Old Business            Public Hearing

**SYNOPSIS:**

This is a request to amend the B4 (Downtown Core) and B5 (Secondary Commercial) Zoning Districts of Title 6 (Zoning Regulations) of the Municipal Code in accordance with recommendations included in the *Naperville Downtown2030 Plan*.

**PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item	Action
N/A		

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Conduct the public hearing.

**PREPARED BY:**        Amy Emery, AICP, Community Planner

**BACKGROUND**

After a nearly 2-year public process, the Naperville City Council approved *Naperville Downtown2030* on April 6, 2011\*. The plan provides a 20-year vision for the continued success of downtown Naperville, including very specific recommendations for zoning code changes to help achieve the plan’s vision (refer to Attachment 1 – Plan Pages 29-32). The recommendations were thoroughly vetted by the Plan Commission, as well as the Downtown Advisory Commission, Naperville Area Chamber of Commerce and Naperville Area Homeowners Confederation, and ultimately adopted by City Council. Accordingly, amendments to the B4 and B5 zoning district have been identified by the Downtown Advisory Commission as a top priority to the successful implementation of the *Naperville Downtown2030*.

The B4 and B5 zoning districts were created more than 30 years ago. They have been periodically amended, but over the last 30 years dramatic changes have happened in and around downtown. Moving forward, the Zoning Ordinance requires modifications to allow it to function in harmony with the city’s land use goals expressed in *Naperville Downtown2030*. The changes will also help to make the ordinance language more flexible to adapt to changing market conditions.

\*Plan available on-line at [www.naperville.il.us/napervilledowntown2030.aspx](http://www.naperville.il.us/napervilledowntown2030.aspx)

**DISCUSSION:**

*B4 Amendments*

The B4 (Downtown Core) District accommodates retail, restaurant and service uses. It is intended to be the most intense downtown district serving as a destination for people to walk, shop and dine. Parking in this district is provided in shared decks and lots to encourage people to get out of their cars to walk and explore. The B4 District is only found in Downtown Naperville (refer to Attachment 2 for a map of existing B4 properties).

Attachment 3 provides a detailed account of changes proposed to the permitted and conditional uses in the B4 District. Proposed deletions are shown with strikeout text and additions are shown in boldface type. New definitions are included, as well as, explanations for the reasons behind each change proposed. Key changes proposed to the B4 District include the following:

- Revised format to include general categories of defined uses (e.g., specialty food, general service, commercial service, etc.) rather than try to individually list every potential type of business. This change will make the code more flexible to adapt to changing market conditions.
- Establishing a 60 foot height maximum. Currently no maximum height exists in the B4 zoning district, although the existing floor area (FAR) limitation will remain in effect. The 60 foot height limit for the B4 zoning district was endorsed by DAC and City Council through the review and approval of the *Downtown2030 Plan*.
- Establishing a maximum setback. The objective of the B4 District is to create a concentrated environment for shopping and dining. Building to the property line is encouraged to create a line of storefronts (e.g. streetwall) for passing pedestrians. Interruptions to the streetwall can negatively impact the pedestrian experience. The proposed language is based on field measurements of all downtown storefronts. Accommodation has been added for outdoor dining uses, which provide a positive contribution to street activity and the overall downtown experience.
- The only proposed change to the mix of uses in the downtown is to allow showroom operations only on the second floor and above. Currently these uses are permitted on the first floor.<sup>1</sup> This change was recommended by the Downtown Advisory Commission, as these types of uses are often by appointment only for consultation services, unlike traditional retail spaces merchandise is not available for immediate sale, and in practice these uses generate relatively little pedestrian activity in comparison to a retail or restaurant use. While they still may be accommodated downtown, the intent of the B4 amendments is to reserve the first floor for uses that generate pedestrian activity. Showrooms are a permitted first floor downtown use in the B5 (Secondary Commercial) zoning district as well as other commercial districts in the city.

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<sup>1</sup> There are two existing first floor kitchen showrooms downtown. The building owners have been notified of these proposed code changes. These businesses may continue in their current locations. Any existing showroom would become a legal non-conforming (grandfathered) use. City code allows grandfathered uses to continue 'as is' in perpetuity. The grandfathered showroom space could be leased or sold to another showroom. However, it could not be expanded. If a first floor showroom is discontinued for a continuous period of six months, the space could no longer be used as a showroom.

*B4/B5 Zoning Amendments (PC#11-1-123)*

*October 19, 2011*

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### *B5 Amendments*

The purpose of the B5 (Secondary Downtown) District is to provide a transition between the intensity of activity in the downtown core and the outlying residential neighborhoods. However, the Zoning Code currently allows for the same uses to establish in both the B4 and B5 zoning districts. As such, there is little difference between these two zoning classifications.

The *Downtown2030 Plan* Future Land Use Map defines a very limited area for future B5 development on the eastern and western edges of downtown (refer to Attachment 4). Moreover, the *Downtown2030 Plan* seeks to further distinguish between the B4 and B5 zoning districts (refer to Attachment 1) by making the following changes to the B5 District:

- Change the mix of permitted uses to include residential and remove retail and restaurant uses (to reduce intensity).
- Prohibit drive-through uses.
- Establish a 50 foot height maximum (the existing FAR limitation will remain in effect).

Attachment 5 provides a detailed account of changes proposed to the permitted and conditional uses in the B5 District. Proposed deletions are shown with strikeout text and additions are shown in boldface type. New definitions are included, as well as, explanations for the reasons behind each change proposed.

### *Public Process and Downtown Advisory Commission Action*

Prior to Plan Commission consideration of the proposed text amendments, the following activities have been completed:

- Initial draft amendments were presented to the Naperville Area Chamber of Commerce in June 2011. The initial draft was well-received. Staff made minor revisions based on feedback provided at the meeting to minimize impact to existing businesses currently zoned B4 and B5.
- Information about the proposed amendments was mailed to every property owner with land zoned B4 and B5 in July 2011.
- E-news (e-mail notification to a list of approximately 600 participants in the *Downtown2030 Plan*) was sent about the pending zoning actions, scheduled open houses and this public hearing. An interactive project web site has been maintained throughout this process to provide additional information.
- Two open houses were hosted on August 31, 2011. Approximately 25 people attended to learn more about the amendments. No one expressed objection to the amendments.
- Statutory public hearing notice was sent to all property owners zoned B4 and B5 on September 30, 2011.

### *PC Case 11-1-124*

To address existing and potential future non-conforming uses, staff is working with property owners representing several parcels in and around downtown Naperville to petition for rezoning from B5 to B4 in accordance with the recommendations of the *Naperville Downtown2030 Plan*. Some additional requests for rezoning from B5 to B1 (Neighborhood Commercial) are being processed together with this petition to achieve the mixed-use objectives of the *5<sup>th</sup> Avenue Study*. These property owners have expressed their support for the proposed modifications to the B4 and B5 Districts. The primary impetus for the rezoning is that, as proposed, the B5 District will not

*B4/B5 Zoning Amendments (PC#11-1-123)*

*October 19, 2011*

*Page 4 of 4*

accommodate restaurant and retail uses. All of the properties for which rezoning is requested are currently developed or approved for development with these types of uses. Moreover, all of the rezoning are consistent with the recommendations of the *Naperville Downtown2030 Plan*.

*Downtown Advisory Commission (DAC) Review and Recommendation*

Completion of the proposed text amendments was included in the 2011 DAC Work Program. DAC's objective has been to facilitate completion of these text amendments in a timely manner to address conflicts with the existing Zoning Code and recommendations in the adopted *Naperville Downtown2030 Plan*. DAC completed a final review of the text amendments on September 21, 2011. After clarifying language related to first floor operations, DAC found the proposed amendments to be consistent with the *Naperville Downtown2030 Plan* and unanimously recommended approval.

*Summary*

The proposed amendments are being put forward in accordance with the recommendations and vision of *Naperville Downtown2030*. The Planning and Zoning Commission is being asked to look critically at the zoning language to make sure it is understandable and translates the established vision of *Naperville Downtown2030* into reality. Planning and Zoning Commission feedback is important because the adopted code will be the standard used by the Planning and Zoning Commission to measure all future development requests in the downtown.

**ATTACHMENTS:**

1. Excerpt from *Naperville Downtown2030 Plan* Related to Zoning Recommendations
2. Map of existing B4 / B5 Properties
3. Summary of B4 Amendments Proposed
4. Future Land Use Map from *Naperville Downtown2030 Plan*
5. Summary of B5 Amendments Proposed
6. FAQ Mailed to Property Owners in July 2011

Figure 2: Future Land Use Categories

The *Naperville Downtown 2030* Future Land Use map recommends eight primary future land use categories within the downtown study area. Below are descriptions of the future land use categories unique to the downtown.

Future Land Use Category	Purpose	Development Example	Allowable Uses*
<b>Downtown Core</b>	Serve as the retail and activity center of the downtown, allowing for the most intense development form and uses		Retail, eating establishments, specialty food establishments, commercial service, and retail banks on the ground floor and above, and parks  General service and office, financial institutions, and residential uses allowed 2nd floor or above
<b>Secondary Downtown</b>	Office, service and/or residential uses, in a manner less intense than the Downtown Core		Commercial service, general service and office, banks and financial institutions, parking lots/garages as a principal use, and parks  Residential uses, including condominiums, townhomes, or row houses permitted (no maximum density limitation). Residential uses may be co-located with another permitted use  Retail uses and eating establishments are prohibited
<b>Transitional Use</b>	Provide low-intensity office, service, and residential uses that are designed in a manner compatible with adjacent neighborhoods		Conversion of residential structures and construction of new residentially styled buildings for general service and office uses, and parks  Townhome or row house residential development of approximately 10 units per acre  Retail uses and eating establishments are prohibited
<b>Multi-Family Residential</b>	Allow for multi-family residential development in proximity to the downtown		Condominium, townhome, or row house residential development up of approximately 15 units per acre, and parks
<b>★★★★ North Downtown Special Planning Area ★★★★★</b>	Serve as the northern edge of downtown		Uses permitted within the Downtown Core and Secondary Commercial areas.  Eating establishments are prohibited, except as otherwise noted on page 32

\* Allowable uses will be permitted by right. These uses offer known benefits within their intended area and therefore do not require an additional level of review prior to occupancy.

continued on page 29

Figure 2: Future Land Use Categories (continued)

Recommendations for the single-family land use category are further detailed on page 38 and in the *Naperville Downtown2030 Spotlight: Downtown Residents*, page 8. No further changes are recommended to the underlying zoning for single-family, parks and open space, or institutional uses.

Conditional Uses**	Intensity of Development	Future Land Use Category
<p>Community centers, cultural institutions, civic buildings, farmer’s markets, parking lots/garages as a principal use, amusement establishments, health clubs (2nd floor or above only), and clubs/lodges</p> <p>Boutique hotels provided that the sleeping rooms are located on the 2nd floor or above; lobby space, retail, banquet, or restaurant space associated with the hotel may be allowed on the 1st floor</p>	<p>No building setbacks required; however, established streetwall should be maintained</p> <p>Establishment of maximum residential density is not recommended (FAR will be used)</p> <p>Parking provided on-site should be located in the rear of buildings or incorporated into a decked structure which includes ground floor retail uses; required parking to be determined based upon location/scale of development</p> <p>60’ maximum height limitation***</p>	<p><b>Downtown Core</b></p>
<p>Community centers, cultural institutions, civic buildings, farmer’s markets, health clubs, and clubs/lodges</p>	<p>Front and corner setbacks (5-10’) required for building and parking</p> <p>At least 50% of required parking provided on-site; required parking determined using the downtown parking generation rate; required parking to be determined based upon location/scale of development</p> <p>50’ maximum height limitation***</p>	<p><b>Secondary Downtown</b></p>
<p>Health spas, bed and breakfast inns, and commercial services, such as beauty shops, tailors, and repair services</p>	<p>Front and corner setbacks (10-15’) required for building and parking</p> <p>Full parking per code required on-site</p> <p>Intended for single lot development with limited consolidation</p> <p>40’ maximum height limitation***</p>	<p><b>Transitional Use</b></p>
<p>Single-family or duplex units</p>	<p>Front and corner setbacks (15-20’) required for building and parking</p> <p>On-site parking required (2 per unit)</p> <p>40’-50’ maximum height limitation***</p>	<p><b>Multi-Family Residential</b></p>
<p>Conditional uses within the Downtown Core and Secondary Commercial areas</p> <p>Eating establishments are prohibited, except as otherwise noted on Page 32</p>	<p>Required application of a PUD for multiple-lot consolidation. Secondary commercial setbacks required if lot-by-lot redevelopment</p> <p>Parking required to meet development demand</p> <p>60’ maximum height limitation (Benton to Franklin) ***</p> <p>50’ maximum height limitation (Franklin to Douglas) ***</p>	<p>★★★★ <b>North Downtown Special Planning Area</b> ★★★★</p>

\*\* Given their potential for higher impacts, such as parking, hours of operation, traffic and noise generation, conditional uses require review before the Plan Commission, with final approval from City Council, prior to occupancy.

\*\*\* See pages 41-43 for additional recommendations regarding building height.



Figure 3: Use Definitions

Within each future land use category noted on the previous page, a variety of uses are listed. The following provides additional information regarding these uses.



Apple Store, 120 W. Jackson Avenue  
Photo by City of Naperville

**RETAIL:** The general sale of merchandise directly to the consumer. Retail uses enhance the shopping environment, spur additional spending and activity within the downtown (as a result of walk-by customers and window shopping), and generate sales tax revenue. Retail uses largely depend on ground floor visibility for their success.

Retail Uses Include: General retail (including sale of apparel and home decor), internet cafes, and theaters.



Eating Establishments, 5-7 W. Jackson Avenue  
Photo by City of Naperville

**EATING ESTABLISHMENTS:** A building, structure, or portion thereof within which food is offered for sale and which permits consumption within the building or structure. Eating establishments provide a needed and desirable amenity for downtown visitors, customers, and employees. Eating establishments most beneficial to the 24-hour downtown environment will provide lunch and dinner options, thus minimizing storefronts which are closed during daytime hours. Permitted eating establishments may hold a liquor license provided that the principal use of the operation is the sale of food (not including liquor sales). Due to their potential for increased impact on the downtown, those uses in which liquor is the primary item sold and/or consumed on the premises do not qualify as eating establishments.

Eating Establishments Include: Restaurants, fast food (without drive-through facilities) or quick service establishments, and carryout establishments.



Penzeys Spices, 235 S. Washington Street  
Photo by City of Naperville

**SPECIALTY FOOD ESTABLISHMENT:** A limited service establishment that offers specialty snack and food products and/or nonalcoholic beverages. The specialty nature derives from a combination of some or all of the following qualities: uniqueness, exotic origin, particular processing design, limited supply, unusual application or extraordinary packaging. Specialty food stores satisfy a certain food niche within the downtown area and serve as a draw for downtown visitors, customers, and employees. Specialty food establishments do not include full-service, cafeteria, or fast food restaurants.

Specialty Food Establishments Include: Bakeries, butcher and produce markets, spice shops, coffee shops, and ice cream shops.

*continued on page 31*

Figure 3: Use Definitions (continued)



Zazu Salon and Day Spa, 135 S. Washington Street  
Photo by City of Naperville

**COMMERCIAL SERVICE:** The business or occupation of doing work for others for a fee with services performed on-site and goods available on-site for purchase. Commercial services provide conveniences to serve nearby residents and downtown employees. These services often spur additional impulse retail activity in the downtown (e.g., shopping after getting a haircut). Commercial services depend on visibility to attract walk-in customers.

Commercial Service Uses Include: Barbershops, beauty shops/salons, dry cleaning, shoe repair, tailor shops, photographer’s studio, commercial art galleries and the other similar uses. Accessory retail is allowed in conjunction with a permitted commercial service use.



Broadwind Energy, 47 E. Chicago Avenue (3rd Floor)  
Photo by City of Naperville

**GENERAL SERVICE AND OFFICE:** The business or occupation of doing work for others for a fee, but with no goods sold or inventory available on-site, or those with a primary business office, showroom, or training component. While a desired use within the downtown, general service and office uses are largely destination uses (e.g., patrons do not “happen upon” general service and office uses, they plan their visit). Accordingly, general service and office uses do not necessitate ground floor visibility to attract customers. However, like commercial service uses, general service and office uses do have the benefit of generating daytime population, spurring additional retail activity within the downtown, and adding to the downtown employment base.

General Service and Office Uses Include: Offices, including business, professional, medical or dental; workrooms or studios of artists, authors, interior designers, sculptors, or other tradespeople; training studios, including instruction in music, dance, home crafts and art; showrooms; and meeting/conference space.

*continued on page 32*

Figure 3: Use Definitions (continued)



Chase Bank, 175 W. Van Buren Avenue  
Photo by City of Naperville



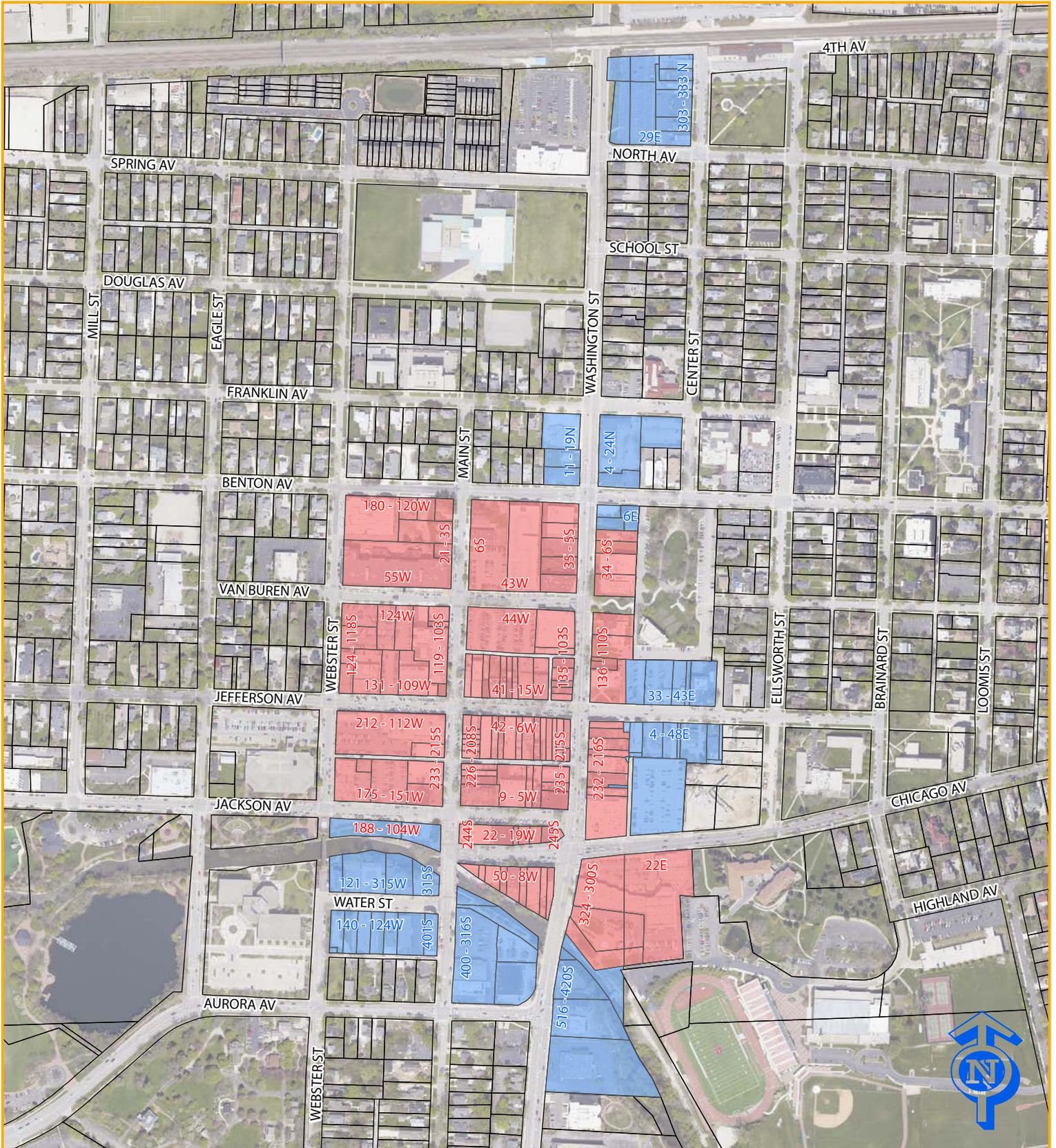
J.P. Morgan, 55 S. Main Street  
Photo by City of Naperville

**RETAIL BANK:** An organization, chartered by a state or federal government, which conducts retail banking operations on-site, including the receipt of deposits, payment of interest, certification of depositor's checks, issuance of drafts and loans, and withdrawal of cash through tellers or ATMs. Many retail banks rely on ground floor visibility as a convenience for their retail customers. When appropriately sited and designed, retail banks benefit the overall shopping environment and serve an important co-tenancy function. Accordingly, retail banks should be permitted by right in both the Downtown Core and Secondary Downtown. Given their retail customer-focus, retail banks shall be classified separately from financial institutions.

Retail Banks Include: Retail banks without drive-through facilities and ATMs.

**FINANCIAL INSTITUTIONS:** Private or public organizations that act as a channel between investors and borrowers of funds with primary services such as financial advising, brokerage, and investment. Customer activities are typically by appointment as compared to convenience-based retail bank operations. Given their service orientation, financial institutions largely serve as a destination use that does not require ground floor visibility to attract customers. Accordingly, financial institutions are prohibited from locating on the 1st floor of the Downtown Core. However, given their benefit of adding to the downtown employment base and generating some daytime customers, financial institutions should be permitted by right in the Secondary Downtown or on the 2nd floor or above in the Downtown Core.

Financial Institutions Include: Financial institutions without drive-through facilities, including credit unions, financial brokers, non-depository insurance companies, and mutual funds.



- Properties Currently Zoned B4
- Properties Currently Zoned B5

# Properties Currently Zoned B4 and B5

# B4 & B5 Text Amendments

## B4 Draft Amendments - Permitted Uses

B4 PERMITTED USES (Existing Code Language)	B4 PERMITTED USES (Proposed Code Language)	NOTES
Civic Buildings	<del>Civic Buildings</del>	Removed because all other civic buildings are considered assembly uses and addressed as conditional use with others.
General Retail	<b>Retail*</b> (including retail banks)	Change to terminology to streamline code and coordinate with Naperville Downtown2030 Plan. No change to what is currently permitted.
Eating and drinking establishments, including carryout establishments and coffee shops	<b>Eating and Drinking Establishments</b> <b>Specialty Food Establishments*</b>	Change is only to terminology to streamline code and coordinate with Naperville Downtown2030 Plan language. No change to what is permitted.
Services, including, but not limited to, barbershops, beauty shops/salons, dry cleaning, shoe repair, tailor shops, banks without drive-through facilities, and similar stores or shops which sell services on site; excluding business related services which have a primary business office component. Commercial Studios Health spas without lodging accommodation/massage establishment Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.	<b>Commercial Service*</b>	Change is only to terminology to streamline code and coordinate with Naperville Downtown2030 Plan language. No change to what is currently permitted.
Offices – business or professional (including financial institutions without drive-through facilities), second floor and above	<b>General Service*</b> and offices (professional, medical, dental, financial), on the second floor and above	This language allows training studios as a second story use as of right. Currently the code requires these uses obtain a conditional use permit. The second story requirement is contained in the conditions section. By including this requirement in the “conditions” section the opportunity to seek variance arises.
Offices/clinics – medical or dental, second floor and above		
Residential units on upper floors of commercial buildings	<b>Residential units, on the second floor and above</b>	Minor edit for consistent language. Requirement that residential uses be limited to the upper stories is provided in the conditions section. By including this requirement in the “conditions” section the opportunity to seek variance arises.
Theaters - indoor	<del>Theaters - indoor</del>	Removed because similar to community centers and cultural institutions and other assembly uses which are currently conditional uses in the B4 district. This changes provides more consistent regulation and does not create any non-conforming uses.
Automated Teller Machine (ATM) inset into an exterior wall. Free standing ATM machines may only be located within the interior of the principal building located on any parcel.	Automated Teller Machine (ATM) inset into an exterior wall. Free standing ATM machines may only be located within the interior of the principal building located on any parcel.	NO CHANGE
	<b>Parks, playgrounds and plazas</b>	Added to accommodate urban plaza spaces
Other uses which are of the same general character as the above permitted uses, as determined by the Zoning Administrator, but specifically prohibiting those uses which are first permitted in the B5 district.	<b>Other uses which are of the same general character as the above permitted uses, as determined by the Zoning Administrator</b>	Given the proposed changes to the B5 District to make it more distinct from the B4 (in accordance with the intent of the 2000 Downtown Plan and the recommendations of Downtown2030) staff no longer believes the reference to B5 is necessary.

**\*TERMS TO KNOW\***

**RETAIL:** Uses provide for the general sale of merchandise (e.g. apparel, pet supplies, books, home décor) directly to customers.

**SPECIALTY FOOD ESTABLISHMENT:** A limited service establishment (without wait staff) that offers specialty snack and food products and/or beverages.

- Examples include:
- bakeries,
  - butcher and produce markets,
  - spice shops,
  - tea shops,
  - coffee shops,
  - ice cream, candy, popcorn, and cookie shops, and
  - carry out establishments.

Specialty food establishments may have up to 25% of the interior customer space dedicated to patron seating.

**COMMERCIAL SERVICE:** The business or occupation of doing convenience work for others for a fee with the services performed on-site and goods available for purchase on-site. Commercial services depend on visibility to attract walk-in customers.

- Examples of commercial service uses include:
- barbershops,
  - beauty shops/salons,
  - dry cleaning,
  - shoe repair,
  - tailor shops,
  - photography studios,

Accessory retail is allowed, up to a maximum of 25% of the customer area, in conjunction with permitted commercial service uses.

**GENERAL SERVICE:** the business or occupation of doing work for others for a fee with a primary business, office, showroom or training component. General services are typically scheduled by appointment.

- Uses include:
- professional, medical or dental offices
  - workrooms or studios of artists, authors, interior designers, sculptors or other trades people,
  - training studios (including instruction in music, dance, fitness, home crafts and art);
  - showroom and meeting/conference space.
  - health spas without lodging facilities/massage establishments, and similar uses.

Accessory retail is allowed, up to a maximum of 10% of the customer area, in conjunction with permitted general service uses.



# B4 & B5 Text Amendments

## B4 Draft Amendments - Conditional Uses

B4 CONDITIONAL USES (Existing Code Language)	B4 PROPOSED CONDITIONAL USES (Proposed Code Language)	NOTES
Farmers Markets	Farmers Markets	NO CHANGE
Parking Lots and Garages as a Principal Use	Parking Lots and Garages as a Principal Use	
Amusement Establishments	Amusement Establishments	
Planned Unit Developments	Planned Unit Developments	
Public and private utility facilities	Public and private utility facilities	
Telecommunications facilities as required by Chapter 13 of this Title	Telecommunications facilities as required by Chapter 13 of this Title	
Radio and television stations and studios	Radio and television stations and studios	
Community Centers	Public Assembly Uses as defined in Section 6-2-29:4 of this title	Provides streamlined code without duplicating listing.
Cultural Institutions		
Religious institutions established prior to January 21, 2003		
Clubs and Lodges		
Health clubs/gymnasiums		
Theater - Indoor		
Training Studios, second story or above	Training Studios, second story or above	Added to permitted uses, second floor and above (per conditions in 6-7D-4).
	Hotel	New use based on recommendation of Downtown2030 Plan. Conditions provided in "conditions" section.

## Required Conditions, Yard Requirements, & Height Limitations

- Except as provided in this Subsection, ~~office general service uses (including training studios), public assembly uses, residential units, and hotels, health spas/massage establishments (established after September 19, 2006), and health clubs/gymnasiums shall not be permitted below the second floor of any building or structure.~~

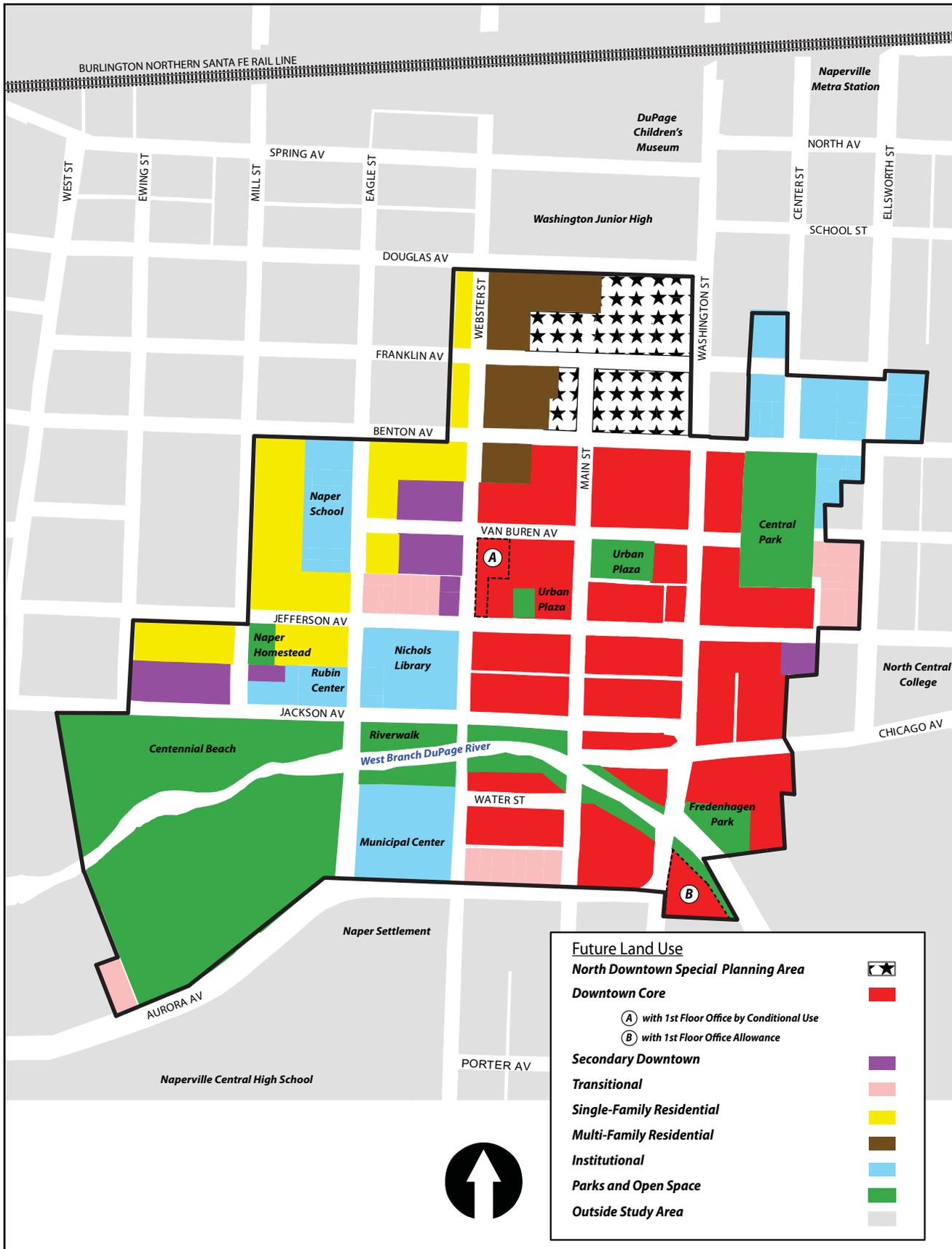
~~1.1: Office uses and health spas/massage establishments (established after September 19, 2006) shall be permitted in single-story buildings adjoining the B5 secondary commercial district, less than three thousand (3,000) square feet, which are set back at least forty (40) feet from the right-of-way.~~

~~1.2: Such office use, training studios, health spas/massage establishments (established after September 19, 2006), and health clubs/gymnasiums will not be continued where a building is remodeled in a manner that does not conform to the requirements of this Subsection.~~

~~1.3: If granted the conditional use, training studios and health clubs/gymnasiums shall be permitted in single-story buildings adjoining the B5 secondary commercial district, less than three thousand (3,000) square feet, which are set back at least forty (40) feet from the right-of-way.~~
  - All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
  - All business, servicing, or processing, except for off street parking or loading, shall be conducted within completely enclosed buildings. The normal services and sales offered at eating and drinking establishments are excluded from this provision. the City Council may waive this provision by designating certain days on which business establishments may conduct their businesses outside the building or structure. Provided, however, that the sale and storage of outdoor seasonal merchandise at retail shall be permitted in accordance with the provisions of Section 6-2-23 of this Title.
  - All outside storage areas of goods, materials and products shall be screened in accordance with Subsection 5-10-3.7 of this Code. Lighting of the facility shall comply with Chapter 14 of this Title. Provided, however, that the sale and storage of seasonal merchandise at retail shall be permitted in accordance with the provisions of Section 6-2-23 of this Title.
  - Parking provided for uses within the B4 downtown core district shall be located to the rear of the principal building or structure. Lots which have frontage on the river may seek approval from the Zoning Administrator for alternate parking locations on site.
  - [Drive throughs are prohibited in the B4 downtown core district.](#)
  - [Hotels shall be required to provide parking and loading in accordance with the hotel parking and loading requirements contained in Section 6-9-3:6 and 6-9-5:6 of this title.](#)
- YARD REQUIREMENTS:**  
There are no yard requirements in the B4 district.
- [For new construction or modifications to any exterior building wall made after MM DD, 2011, the setback shall be no greater than 6 feet from any property line. If permanent outdoor seating is proposed after MM DD, 2011, the setback shall be measured from the limit of the defined outdoor dining area.](#)
- HEIGHT LIMITATIONS/BULK REGULATIONS:**  
The maximum floor area ratio for all buildings and structures in the B4 district shall be 2.5. [The maximum height shall be 60 feet.](#)
- ~~For new construction projects proposed after November 1, 2011, to minimize the appearance of bulk and maintain the pedestrian scale, the third story and above of any property zoned B4, shall be setback 10 feet from the property line.~~



Map 1: Overall Future Land Use Map

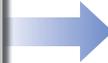


# B4 & B5 Text Amendments

## B5 Draft Amendments - Permitted Uses

### CURRENT DISTRICT INTENT

It is the intent of the B5 district to accommodate those commercial activities which may be incompatible with the predominately retail uses permitted in the B4 district, but are required to service the central retail core as well as provide for the expansion of the downtown core district.



### PROPOSED DISTRICT INTENT

It is the intent of this B5 district to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in the B4 district, but are required to service the central retail core as well as provide a transition to outlying residential areas. The B5 district accommodates a mix of office, service and multi-family residential uses in a pedestrian-oriented environment with sufficient parking provided to accommodate permitted uses.

### \*TERMS TO KNOW\*

**COMMERCIAL SERVICE:** The business or occupation of doing convenience work for others for a fee with the services performed on-site and goods available for purchase on-site. Commercial services depend on visibility to attract walk-in customers.

Examples of commercial service uses include:

- barbershops,
- beauty shops/salons,
- dry cleaning,
- shoe repair,
- tailor shops,
- photography studios,

Accessory retail is allowed, up to a maximum of 25% of the customer area, in conjunction with permitted commercial service uses.

**GENERAL SERVICE:** the business or occupation of doing work for others for a fee with a primary business, office, showroom or training component. General services are typically scheduled by appointment.

Uses include:

- professional, medical or dental offices
- workrooms or studios of artists, authors, interior designers, sculptors or other trades people,
- training studios (including instruction in music, dance, fitness, home crafts and art);
- showroom and meeting/conference space.
- health spas without lodging facilities/massage establishments, and similar uses.

Accessory retail is allowed, up to a maximum of 10% of the customer area, in conjunction with permitted general service uses.

B5 PERMITTED USES (Existing Code Language)	B5 PERMITTED USES (Proposed Code Language)	NOTES
Any permitted use in the B4 district.	<del>Any permitted use in the B4 district.</del>	Removed to distinguish between B4 and B5 Districts in accordance with Downtown2030 objectives
Clubs and lodges	<del>Clubs and lodges</del>	Consistent, from intensity standpoint with other assembly uses (e.g. religious institutions, community centers, cultural institutions, etc.). All these types of uses are conditional uses in the B5 district to ensure compatibility with adjacent residential uses and regulate impact on parking and traffic operations. Unlike B4, they could be permitted on the first floor.
Health clubs/gymnasiums	<del>Health clubs/gymnasiums</del>	
Parks, playgrounds, and plazas.	Parks, playgrounds, and plazas.	Revised term for consistency with proposed B4 district revisions and to be consistent with Downtown2030 Plan
Services, including, but not limited to, barbershops, beauty shops/salons, dry cleaning, shoe repair, tailor shops, banks and financial institutions without drive-through facilities, and similar stores or shops which sell services on site	Commercial Service*	Revised term for consistency with proposed B4 district revisions and to be consistent with Downtown2030 Plan
Wallpaper and hanging shops, furniture upholstery, and paint shops	General Service*	Revised term for consistency with proposed B4 district revisions and to be consistent with Downtown2030 Plan
Offices—Business or professional	Offices (professional, medical, dental)	Minor edit for consistent language
Offices/clinics—Medical or dental		
Parking lots and garages as a principal use	<del>Parking lots and garages as a principal use</del>	Moved to conditional uses
	Single family attached and multiple family residential uses. These same residential uses may also be permitted on any B5 property with another permitted use.	Addition of residential is new to the B5 District as recommended by the Downtown2030 Plan. There is no stated density limit as density will be controlled by the height, setback, and parking requirements contained in the municipal code.
Other uses which are of the same general character as the above permitted uses, as determined by the Zoning Administrator, but specifically prohibiting those uses which are permitted in the OCI district except as listed in Subsection 6-7E-2.1 of this Section	Other uses which are of the same general character as the above permitted uses, as determined by the Zoning Administrator, but specifically prohibiting those uses which are permitted in the OCI district except as listed in Subsection 6-7E-2.1 of this Section	NO CHANGE



# B4 & B5 Text Amendments

## B5 Draft Amendments - Conditional Uses

B5 CONDITIONAL USES (Existing Code Language)	B5 CONDITIONAL USES (Proposed Code Language)	NOTES
Any conditional uses in the B4 district except those that are now permitted uses in the B5 district.	Any conditional uses in the B4 district except those that are now permitted uses in the B5 district	NO CHANGE
Amusement establishments, including, but not limited to, bowling alleys, pool halls, dance halls, electronic game rooms, mechanical amusement arcades, and skating rinks	<del>Amusement establishments, including, but not limited to, bowling alleys, pool halls, dance halls, electronic game rooms, mechanical amusement arcades, and skating rinks</del>	Not necessary as this use is conditional in B4 and any conditional uses in the B4 district except those that are now permitted uses in the B5 district
Animal hospitals	<del>Animal hospitals</del>	These uses are considered General Services and would now be permitted in the B5 Zoning District
Undertaking establishments and funeral parlors	<del>Undertaking establishments and funeral parlors</del>	Eliminating drive-through options. If desired, variance to condition would be necessary or rezoning to OCI
Drive-through facilities	<del>Drive-through facilities</del>	Not necessary as this use is conditional in B4 and any conditional uses in the B4 district except those that are now permitted uses in the B5 district
Hotels	<del>Hotels</del>	Modified based on recommendations of Downtown2030 Plan. Proposed permitted use
Residential uses, including accessory parking, as part of a multi-family development on the first floor.	<del>Residential uses, including accessory parking, as part of a multi-family development on the first floor.</del>	

## Required Conditions & Height Limitations

The following conditions shall be required:

1. All business, servicing, or processing, except for off street parking or loading, shall be conducted within completely enclosed buildings. ~~Normal services and sales offered at eating and drinking establishments are excluded from this provision. The City Council may waive this provision by designating certain days on which business establishments may conduct their businesses outside the building or structure. Provided, however, that the sale and storage of seasonal merchandise at retail shall be permitted in accordance with the provisions of Section 6-2-23 of this Title.~~
2. All outside storage areas of goods, materials and products shall be screened in accordance with Subsection 5-10-3.7 of this Code. Lighting of the facility shall comply with Chapter 14 of this Title. ~~Provided, however, that the sale and storage of outdoor seasonal merchandise at retail shall be permitted in accordance with the provisions of Section 6-2-23 of this Title.~~
3. Processes and equipment employed within the B5 district shall comply with the applicable provisions of Chapter 14 of this Title.
4. Additional screening requirements are applicable in the B5 district for all permitted and conditional uses except parks and playgrounds as set forth in Section 5-10-3 of this Code.
5. Parking provided for uses within the B5 district shall be located to the rear of the principal building or structure. Lots which have frontage on the river may seek approval from the Zoning Administrator for alternate parking locations on site.
6. [Drive throughs are prohibited in the B5 downtown core district.](#)
7. [Hotels shall be required to provide parking and loading in accordance with the hotel parking and loading requirements contained in Section 6-9-3:6 and 6-9-5:6 of this title.](#)

### HEIGHT LIMITATION/BULK REGULATIONS

The maximum floor area ratio for all buildings and structures in the B5 district shall be 2.5. [The maximum height shall be 50 feet.](#)



## B4 / B5 Code Amendment FAQ

Some common questions surrounding the proposed zoning ordinance modifications are answered here for your convenience. More information about the project is available on-line at [www.naperville.il.us/napervilledowntown2030.aspx](http://www.naperville.il.us/napervilledowntown2030.aspx).

### What are the B4 and B5 Zoning Districts?

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Every property in the City of Naperville is assigned a zoning district classification. Zoning provides details for how a property can be developed and identifies what uses are permitted. Established in 1980, the B4 (Downtown Core) and B5 (Secondary Commercial) zoning districts are only found in and around downtown Naperville. The B4 district is intended to accommodate a mix of retail, service and offices uses found in the Downtown Core. Concurrently, the B5 District was designed to support the retail uses of the Downtown Core and accommodate other land uses that are compatible with both the Downtown Core and outlying residential neighborhoods. Each zoning classification includes a specific list of permitted uses, additional uses which require special city approval (i.e., conditional use), defined conditions, setback limits, and height and area requirements. The existing zoning requirements for the B4 and B5 zoning district regulations are available for viewing on-line at <http://www.naperville.il.us/municipalcode.aspx> (Select Title 6, Zoning Regulations and then Chapter 7, Business Districts to view the requirements of the B4 and B5 districts in Article D and Article E)

### Where are the properties zoned B4 and B5 located?

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The B4 zoning district is only found in Downtown Naperville. The B5 zoning district is located primarily on the perimeter of Downtown Naperville with some limited areas found near the Naperville Metra Station (please see attached map).

### Why is the City Modifying the Zoning Ordinance?

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The B4 and B5 zoning districts were created more than 30 years ago. They have been periodically amended, but over the last 30 years dramatic changes have happened in and around downtown. Moving forward, the zoning ordinance requires modifications to allow it to function in harmony with the city's land use goals. The changes will also help to make the zoning ordinance language more flexible to adapt to changing market conditions.

**After a nearly 2-year public process, the Naperville City Council approved *Naperville Downtown2030* (available on-line at [www.naperville.il.us/napervilledowntown2030.aspx](http://www.naperville.il.us/napervilledowntown2030.aspx)) on April 6, 2011. The plan provides a 20-year vision for the continued success of downtown Naperville, including very specific recommendations for zoning code changes to help achieve the plan's vision for a vibrant downtown.**

### Is the City rezoning your property?

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No. The City is not forcing any properties to be rezoned as a part of this process. The City is modifying the zoning ordinance to update permitted and conditional uses in the B4 and B5 districts to reflect the recommendations in the newly adopted *Naperville Downtown2030 Plan* (available on-line at [www.naperville.il.us/downtown2030.aspx](http://www.naperville.il.us/downtown2030.aspx)). Your current zoning will remain the same unless you petition to request rezoning. If you are interested in rezoning, please contact the Planning Services Team at 630-420-6100 extension 5 or via e-mail at [planning@naperville.il.us](mailto:planning@naperville.il.us). We are happy to discuss your particular property zoning in more detail and answer any specific questions you may have.

### What are the key changes proposed to the B4 Zoning District?

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Key changes include the following:

- Consolidation of terms to streamline and make a more user-friendly zoning ordinance. Currently, the zoning ordinance seeks to individually list every possible use ever contemplated. The revisions emphasize categories of uses (e.g. retail, eating establishments, commercial service, etc.) with supporting definitions to provide flexibility by regulating use categories, rather than trying to list each foreseeable use. The definition provides examples for easier understanding and context.
- Establishment of a 60 foot height limit.
- Creation of a six (6) foot maximum setback. This change is designed to ensure future buildings are constructed as close to the sidewalk as possible, thereby maintaining the intimate, walkable character of the downtown with an uninterrupted line of storefronts along the street.
- Hotel is being added as a permitted use.
- Training Studios (e.g. aerobics and yoga studios), located on the second floor and above, will no longer require conditional use and are now permitted by right.

To view all the proposed changes to the B4 district in detail visit [www.naperville.il.us/napervilledowntown2030.aspx](http://www.naperville.il.us/napervilledowntown2030.aspx).

### What are the key changes to the B5 zoning district?

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With the proposed ordinance changes, the B5 district will primarily accommodate office and service uses. In accordance with the recommendations contained within *the Naperville Downtown2030 Plan*, the district will no longer allow for the establishment of new retail or restaurant uses. Additional changes proposed to the B5 district include:

- Multiple-family residential will be added as a new permitted use.
- Establishment of drive-through uses will no longer be permitted. Any future drive through requests would require a variance to be approved.
- Establishment of a 50 foot height limit.

To view all the proposed changes to the B5 district in detail visit [www.naperville.il.us/naperville/downtown2030.aspx](http://www.naperville.il.us/naperville/downtown2030.aspx).

### What does non-conforming (grandfathered) mean?

---

Uses and structures that becoming non-conforming (grandfathered) as a result of the proposed ordinance amendments will be regulated by the Section 6-10 of the Municipal Code. For example, the proposed ordinance amendments will no longer allow retail and restaurant uses in the B5 district, thus rendering all existing retail and restaurant uses in the B5 district non-conforming (grandfathered). Non-conforming uses may continue to exist in their current configuration in perpetuity. They may even be sold or leased to new tenants of the same use as long as they do not remain vacant for a period of more than six months. Non-conforming uses may not be expanded.

### How Can You Participate in the Process?

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There are several ways to participate in this process. You may choose to pursue any or all of the following avenues:

- Attend a public meeting. Information about open houses, Downtown Advisory Commission meetings and the official public hearing is available on-line at [www.naperville.il.us/napervilledowntown2030.aspx](http://www.naperville.il.us/napervilledowntown2030.aspx).
- Sign-up for e-news to track progress on the project via e-mail notifications at [www.naperville.il.us/enews.aspx](http://www.naperville.il.us/enews.aspx).
- Call or provide written comments to:

Amy Emery, Community Planner  
City of Naperville  
400 S. Eagle Street  
Naperville, IL 60040  
Phone: 630-420-4179







B5 Rezoning (PC#11-1-124)

October 19, 2011

Page 2 of 2

and retail uses. All of the properties for which rezoning is requested are currently developed or approved for development with these types of uses. Attachment 2 is a map illustrating the location of each of the rezonings requested. Attachment 3 is a copy of the *Naperville Downtown2030* Future Land Use Map.

- *19 N. Washington Street*  
This property is currently under redevelopment into a restaurant use. The proposed B4 zoning will accommodate all the existing uses and is in compliance with the recommendations of the *Naperville Downtown2030*.
- *43 E. Jefferson*  
This property includes a restaurant/tavern (Quigley's) and retail shops. The proposed B4 zoning will accommodate all the existing uses and is the requested zoning is consistent with the recommendations of *Naperville Downtown2030*.
- *315 S. Main Street*  
This property includes a single story retail use. The proposed B4 zoning will accommodate all the existing use and is in conformance with the recommendations of the *Naperville Downtown2030*.
- *Water Street*  
The underlying zoning of the Water Street property is B5. The Water Street District is intended to accommodate a mix of restaurant and retail first floor uses. With the proposed changes to the B5 zoning district, these types of uses would not be permitted. To avoid conflict with tenant request, rezoning of the subject property to B4 is being requested. The PUD (approved by ordinance 07-241) and Water Street Vision Statement will still control land use of the subject property. The proposed rezoning is consistent with the recommendations of *Naperville Downtown2030* and the *Water Street Vision Statement*.
- *Properties Along Center Street*  
These properties are currently zoned B5. Existing uses include a photography studio, multiple family residential, and restaurant/tavern. The requested B1 (Neighborhood Commercial) zoning is in harmony with the recommendation of the *5<sup>th</sup> Avenue Study* for mixed use of this area. The B1 District can accommodate office, retail, restaurant and residential uses. The properties are also subject to a 50-foot maximum height established by the *5<sup>th</sup> Avenue Study* Overlay District approved on October 4, 2011.

**ATTACHMENTS:**

1. Petition
2. Map of Proposed Rezoning
3. *Naperville Downtown2030* Future Land Use Map



**CITY OF NAPERVILLE  
TRANSPORTATION, ENGINEERING, AND  
DEVELOPMENT (TED) BUSINESS GROUP**

**PETITION FOR  
DEVELOPMENT APPROVAL**

**December 2009**

**CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL**

Project Name: Rezoning in Conjunction with B4 / B5 Zoning District Amendments

Development Addresses: 333 & 329 Center Street, 321-325 Center Street, 313 Center Street, 301-303 Center Street, 315 S. Main Street, 19 N. Washington Street, 43 E. Jefferson, and 112, 117, 121, 123, 124, 125, 126, 130, 134, 140 Water Street

Date of Submission: \_\_\_\_\_

**I. APPLICANT:**

Name	Corporation	
Street		
City	State	Zip Code
<b>Primary Contact Person</b>	Relationship to Applicant	Telephone Number
Fax Number	E-Mail Address	

**II. OWNER OF THE PROPERTY:**

Name
Address

**III. APPLICANT'S/PETITIONER'S STAFF:**

**Attorney:** \_\_\_\_\_ **Telephone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_ **Fax Number:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):**  
Rezoning in accordance with the recommendations of the Naperville Downtown2030 Plan and supporting B4 / B5 text amendments (PZC Case 11-1-124)

**V. ANNEXATION**

Is this development within the City limits?

X  Yes.

Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.

No, *requesting annexation*

Are there electors living on the property:

Yes   No

If yes, did they sign the Petition for Annexation?   Yes   No

**VI. PROPOSED ZONING:**

Address	PIN(s)	Current Zoning	Proposed Zoning
333 & 329 Center Street	08-18-125-003 08-18-125-004	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
321-325 Center Street	08-18-125-006, 08-18-125-010	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
313 Center Street	08-18-125-007	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
301-303 Center Street	08-18-125-008	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
315 S. Main Street	07-13-440-003	B5 (Secondary Downtown)	B4 (Downtown Core)
19 N. Washington Street	07-13-411-006	B5 (Secondary Downtown)	B4 (Downtown Core)
43 E. Jefferson Street	08-18-313-021	B5 (Secondary Downtown)	B4 (Downtown Core)
112, 117, 121, 123, 124, 125, 126, 130, 134, 140 Water Street	07-13-442-020, 07-13-442-006, 07-13-442-005, 07-13-442-004, 07-13-442-003, 07-13-442-001, 07-13-440-004, 07-13-440-005	B5 (Secondary Downtown)	B4 (Downtown Core)

Respectfully Submitted,

By *[Signature]*: \_\_\_\_\_

*[Type in Name of Signatory]*: \_\_\_\_\_

*[Type in Title of Signatory (e.g. Owner, Atty., etc.)]*: \_\_\_\_\_

*[Representative for Property Address(es)]*: \_\_\_\_\_

STATE OF ILLINOIS     )  
COUNTY OF DUPAGE    )  
CITY OF NAPERVILLE   )

The foregoing petition was acknowledged before me by *[Type in Name of Notary]* on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D.

By: \_\_\_\_\_  
*[Type in Name of Notary]*  
Notary Public

**LLC PETITIONERS**

LLC petitioners are required to produce the articles of organization that are on file with the Illinois Secretary of State’s Office. If an LLC is manager-managed, this petitioner may be executed by the manager identified within the articles of organization. If an LLC is member-managed, this petition must be executed by each member of the LLC

**EFFECTIVE PERIOD OF APPLICATION**

Please note that applications for development approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the applicant after the two year period has expired.

**CITY OF NAPERVILLE  
DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

2. Nature of Benefit sought: \_\_\_\_\_

3. Nature of Applicant (Please check one):

a. Natural Person	<input type="checkbox"/>	d. Trust/Trustee	<input type="checkbox"/>
b. Corporation	<input type="checkbox"/>	e. Partnership	<input type="checkbox"/>
c. Land Trust/ Trustee	<input type="checkbox"/>	f. Joint Venture	<input type="checkbox"/>

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant:  
\_\_\_\_\_

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

6. Name, address and capacity of person making this disclosure on behalf of the applicant:  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT NOTE:** In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

**VERIFICATION**

I, \_\_\_\_\_, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: \_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

**CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL**

Project Name: Rezoning in Conjunction with B4 / B5 Zoning District Amendments

Development Addresses: 333 & 329 Center Street, 321-325 Center Street, 313 Center Street, 301-303 Center Street, 315 S. Main Street, 19 N. Washington Street, and 112, 117, 121, 123, 124, 125, 126, 130, 134, 140 Water Street

Date of Submission: September 21, 2011

**I. APPLICANT:**

MP Water Street District, LLC

Name	Corporation	
401 South Main Street, Suite 300		
Street		
Naperville	Illinois	60540
City	State	Zip Code
Kathleen C. West	Attorney	630-355-5800
<b>Primary Contact Person</b>	<b>Relationship to Applicant</b>	<b>Telephone Number</b>
630-470-6657		kcw@dbcw.com
Fax Number	E-Mail Address	

**II. OWNER OF THE PROPERTY:**

Marquette Water St. Partnership, LLC/Webster St. District Development

Name
401 South Main Street, Suite 300, Naperville, Illinois 60540
Address

**III. APPLICANT'S/PETITIONER'S STAFF:**

**Attorney:** Dommermuth, Brestal, Cobine & West, Ltd.  
(Kathleen C. West) Telephone Number: 630-355-5800

Email Address: kcw@dbcw.com Fax Number: 630-470-6657

Address: 123 Water St., Naperville, Illinois 60540

**IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):**  
Rezoning in accordance with the recommendations of the Naperville Downtown2030 Plan and supporting B4 / B5 text amendments (PZC Case 11-1-123)

**V. ANNEXATION**

Is this development within the City limits?

Yes.

Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.

No, *requesting annexation*

Are there electors living on the property:

Yes  No

If yes, did they sign the Petition for Annexation?  Yes  No

**VI. PROPOSED ZONING:**

Address	PIN(s)	Current Zoning	Proposed Zoning
333 & 329 Center Street	08-18-125-003 08-18-125-004	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
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313 Center Street	08-18-125-007	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
301-303 Center Street	08-18-125-008	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
315 S. Main Street	07-13-440-003	B5 (Secondary Downtown)	B4 (Downtown Core)
19 N. Washington Street	07-13-411-006	B5 (Secondary Downtown)	B4 (Downtown Core)
112, 117, 121, 123, 124, 125, 126, 130, 134, 140 Water Street	07-13-442-020, 07-13-442-006, 07-13-442-005, 07-13-442-004, 07-13-442-003, 07-13-442-002, 07-13-442-001, 07-13-440-001, 07-13-440-004, 07-13-440-005	B5 (Secondary Downtown)	B4 (Downtown Core)

Respectfully Submitted,

By [Signature]: Kathleen C. West

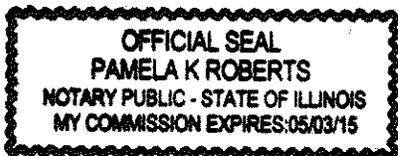
[Type in Name of Signatory]: Kathleen C. West

[Type in Title of Signatory (e.g. Owner, Atty., etc.)]: Attorney

[Representative for Property Address(es)]: 112, 117, 121, 123, 124, 125, 126,  
130, 134, 140 Water Street

STATE OF ILLINOIS )  
COUNTY OF DUPAGE )  
CITY OF NAPERVILLE )

The foregoing petition was acknowledged before me by [Type in Name of Notary] on the 13<sup>th</sup> day of October, 2011 A.D.



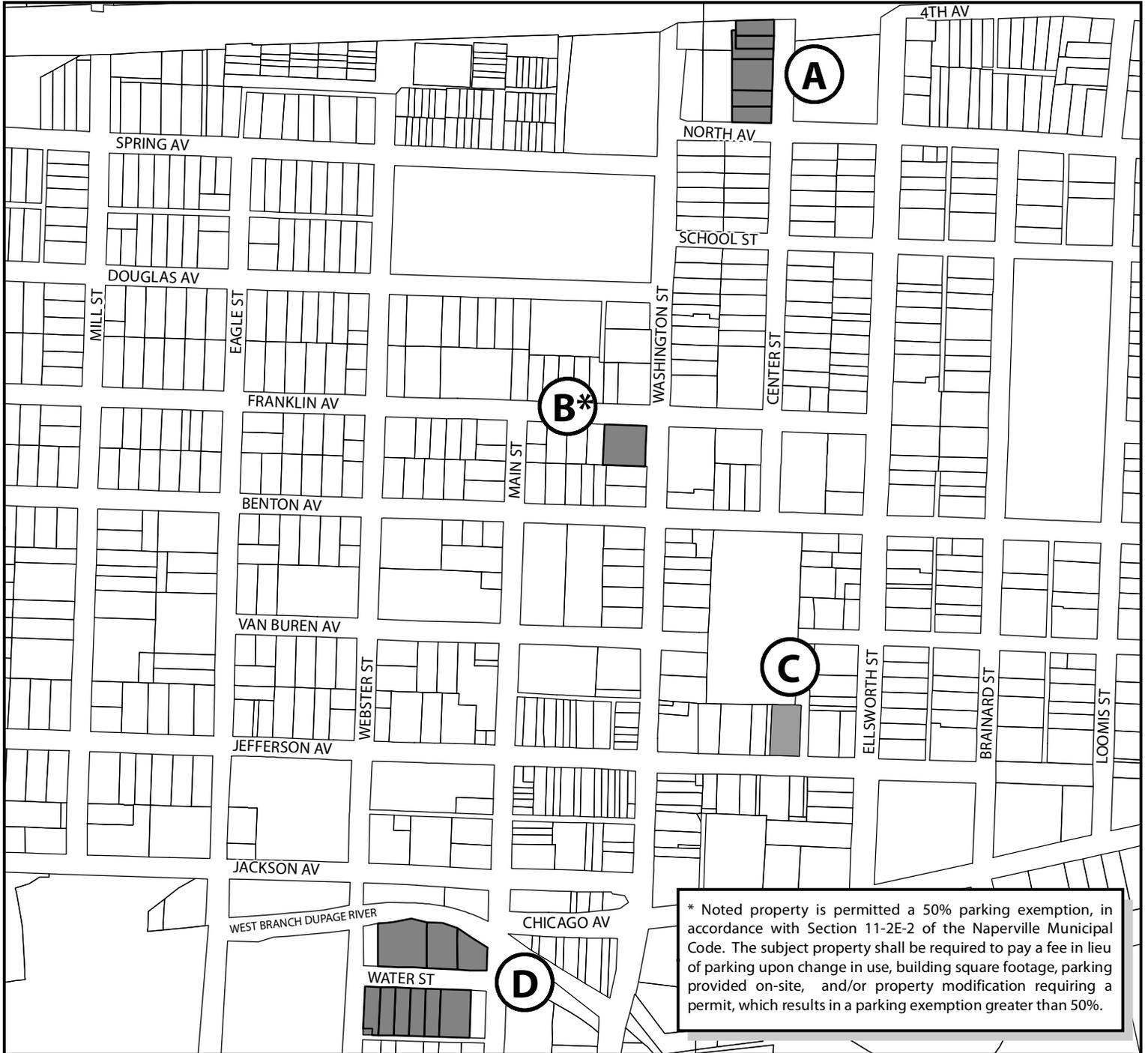
By: [Signature]  
[Type in Name of Notary]  
Notary Public - Pamela K. Roberts

**LLC PETITIONERS**

LLC petitioners are required to produce the articles of organization that are on file with the Illinois Secretary of State's Office. If an LLC is manager-managed, this petitioner may be executed by the manager identified within the articles of organization. If an LLC is member-managed, this petition must be executed by each member of the LLC

**EFFECTIVE PERIOD OF APPLICATION**

Please note that applications for development approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the applicant after the two year period has expired.



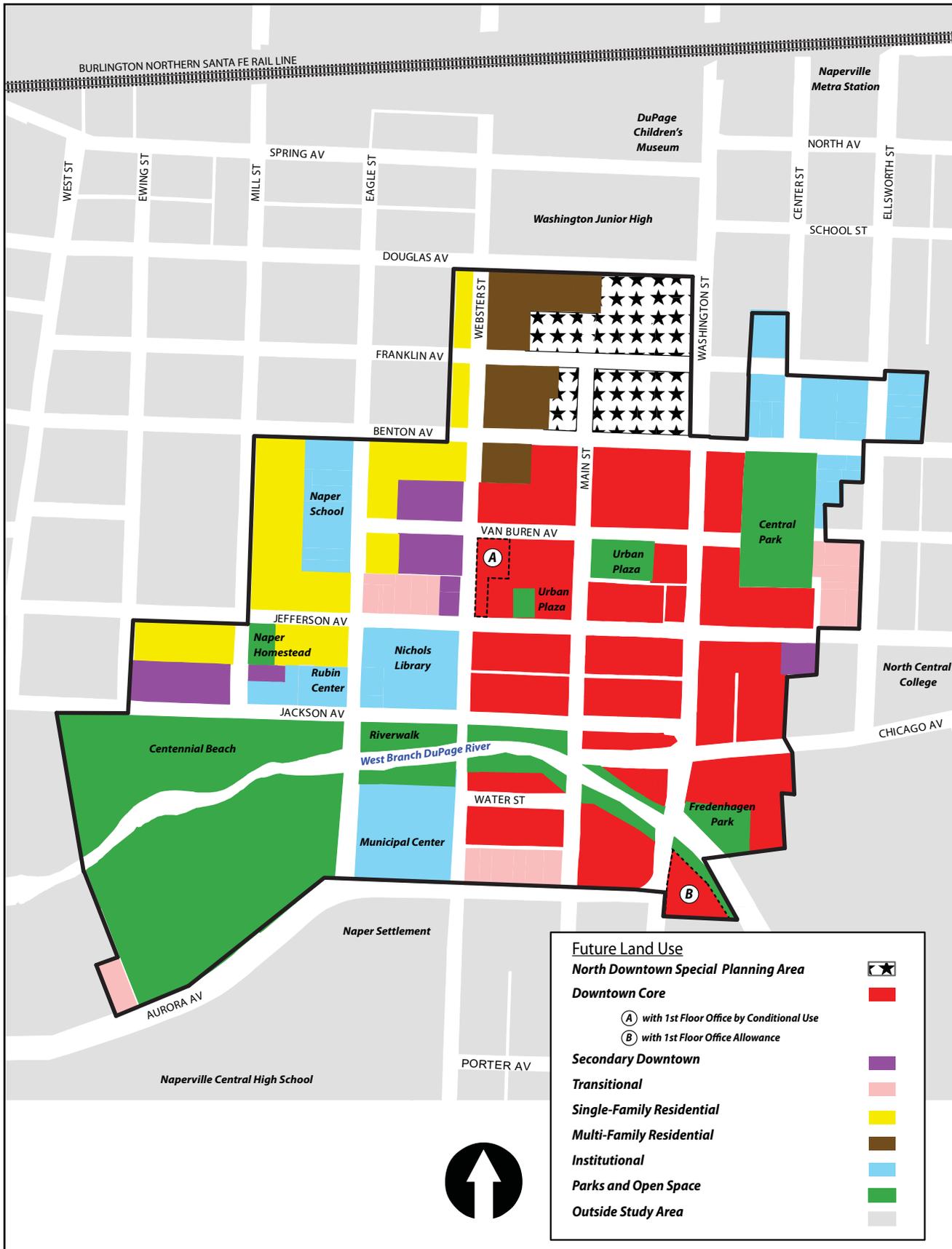
\* Noted property is permitted a 50% parking exemption, in accordance with Section 11-2E-2 of the Naperville Municipal Code. The subject property shall be required to pay a fee in lieu of parking upon change in use, building square footage, parking provided on-site, and/or property modification requiring a permit, which results in a parking exemption greater than 50%.

Location	Address	PIN(s)	Current Zoning	Proposed Zoning
A	333 & 329 Center Street	08-18-125-003, 08-18-125-004	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
	321-325 Center Street	08-18-125-006, 08-18-125-010	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
	313 Center Street	08-18-125-007	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
	301-303 Center Street	08-18-125-008	B5 (Secondary Downtown)	B1 (Neighborhood Commercial)
B	19 N. Washington Street	07-13-411-006	B5 (Secondary Downtown)	B4 (Downtown Core)
C	43 E. Jefferson Street	08-18-313-021	B5 (Secondary Downtown)	B4 (Downtown Core)
D	315 S. Main Street	07-13-440-003	B5 (Secondary Downtown)	B4 (Downtown Core)
	112, 117, 121, 123, 124, 125, 126, 130, 134, 140 Water Street	07-13-442-020, 07-13-442-006, 07-13-442-005, 07-13-442-004, 07-13-442-003, 07-13-442-001, 07-13-440-004, 07-13-440-005, 07-13-442-002	B5 (Secondary Downtown)	B4 (Downtown Core) Water Street Vision Statement and Planned Unit Development approved by Ordinance 07-241 and 10-127 shall remain in effect.



# Proposed Rezoning Requests

Map 1: Overall Future Land Use Map





# Naperville

## NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

**CASE:** 11-1-127 **AGENDA DATE:** 7/6/2011  
**SUBJECT:** 68 Starling Lane Zoning Variance - PCZ 11-1-127

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**LOCATION:** 68 Starling Lane, Naperville, IL 60565

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Correspondence      New Business      Old Business      Public Hearing

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**SYNOPSIS:**

The petitioner requests a variance from Section 6-6A-7 (R1A, Yard Requirements) of the Naperville Municipal Code to allow for the construction of a covered front porch and roof overhang that encroaches 5’ into the required thirty-foot (30’) front yard setback for the property located at 68 Starling Lane, PCZ 11-1-127.

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**PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
N/A	N/A	N/A

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Conduct the public hearing.

**PREPARED BY:** Katie Forystek, AICP, Planning Services Team

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**EXISTING ZONING, LAND USE, AND LOCATION:**

The subject parcel, zoned R1A (Low Density Single-Family Residence District), is located in the Maplebrook Unit 2 Subdivision and encompasses approximately 0.24 acres. The subject property is improved with a single-family residence. The surrounding parcels are also zoned R1A and improved with single-family residences.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

N/A

**PLANNING SERVICES TEAM REVIEW:**

The petitioners, Gene and Joanne Weaver, requests a variance form Section 6-6A-7:1 (R1A Yard Requirements) of the Naperville Municipal Code to allow a covered front porch and roof overhang to encroach 5’ into the required 30’ front yard setback.

In accordance with Section 6-6A-7:1 (R1A, Yard Requirements) of the Municipal Code, all R1A zoned properties are required to maintain a minimum thirty-foot (30’) front yard setback.

68 Starling Lane – PCZ 11-1-127

October 19, 2011

Page 2 of 2

Pursuant to Section 6-2-3:3-2 (Required Yards), porches which have a permanent roof must comply with all required yard setbacks. Per Section 6-2-3 (Yard Requirements) of the Municipal Code, eaves are permitted to encroach a maximum of 3' into the required front yard setback. The petitioner proposes to construct a covered front porch and a roof overhang that would extend across the front facade of the existing single-family residence. The proposed front porch and roof overhang would encroach approximately 5' into the required 30' front yard setback

*Staff Summary*

In 2008, the City Council directed staff to prepare a report discussing the impacts of covered porches in the front yard setback and the potential for a text amendment to allow encroachments for covered porches by right. As a result, it was determined that covered front porches which encroach into the required setback should not be permitted by right, but rather considered through the variance process within the local context of the neighborhood.

Staff has reviewed the petitioner's request for variance and finds that the proposed covered front porch and roof overhang provides aesthetic and functional relief to the existing building facade and enhances neighborhood streetscape. Granting the requested variance would enable the preservation and enhancement of the existing structure.

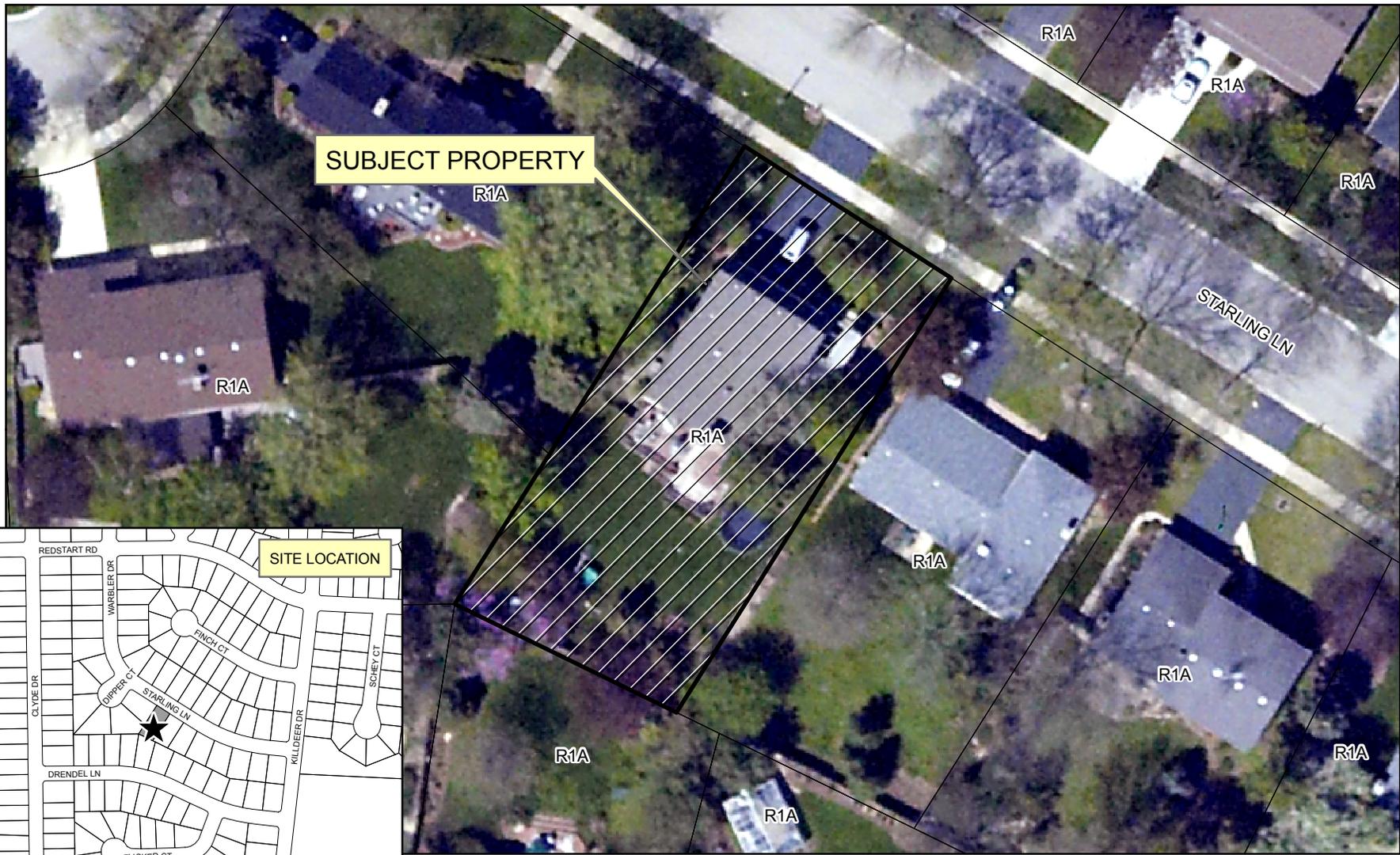
**ACTION REQUESTED:**

Conduct the public hearing.

**ATTACHMENTS:**

1. 68 Starling Lane – Petition – PCZ 11-1-127
2. 68 Starling Lane – Location Map – PCZ 11-1-127
3. 68 Starling Lane – Site Plan – PCZ 11-1-127
4. 68 Starling Lane – Building Elevations – PCZ 11-1-127

City of Naperville  
68 STARLING LANE - PCZ 11-1-127



Transportation, Engineering and  
Development Business Group  
Questions Contact (630) 420-6719  
[www.naperville.il.us](http://www.naperville.il.us)  
October 2011



This map should be used for reference only.  
The data is subject to change without notice.  
City of Naperville assumes no liability in the use  
or application of the data. Reproduction or redistribution is  
forbidden without expressed written consent from the City of Naperville.

# CITY OF NAPERVILLE APPLICATION FOR A ZONING VARIANCE

ADDRESS OF SUBJECT PROPERTY: 68 Starling Lane Naperville 60565

APPLICANT'S NAME: Gene + Joanne Weaver

APPLICANT'S ADDRESS: 68 Starling Lane

CITY: Naperville STATE: IL ZIP CODE: 60565

APPLICANT'S DAYTIME PHONE: 630.369.0147 / 630.561.2094

E-MAIL ADDRESS: gene\_w64@gmail.com

OWNER OF PROPERTY: Gene + Joanne Weaver

OWNER'S ADDRESS: 68 Starling Lane

CITY: Naperville STATE: IL ZIP CODE: 60565

OWNER'S DAYTIME PHONE: 630.369.0147 / 630.561.2094

ZONING OF PROPERTY: \_\_\_\_\_

AREA OF PROPERTY (Acres or sq ft): \_\_\_\_\_

List Improvements on property (buildings, fences, pools, decks, etc.)

RAISED WOOD DECK - REAR YARD

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

*Contact person*

EXTENSION INTO 30' FRONT YARD SETBACK FOR PORCH  
ROOF + FASCIA REMODEL

The above information, to the best of my knowledge, is true and accurate:

[Signature]  
(signature of applicant)

8/29/2011  
(date)

SUBSCRIBED AND SWORN TO before me this 29th day of Aug, 20 11

[Signature]



(Notary Public and Seal)

EXHIBIT A

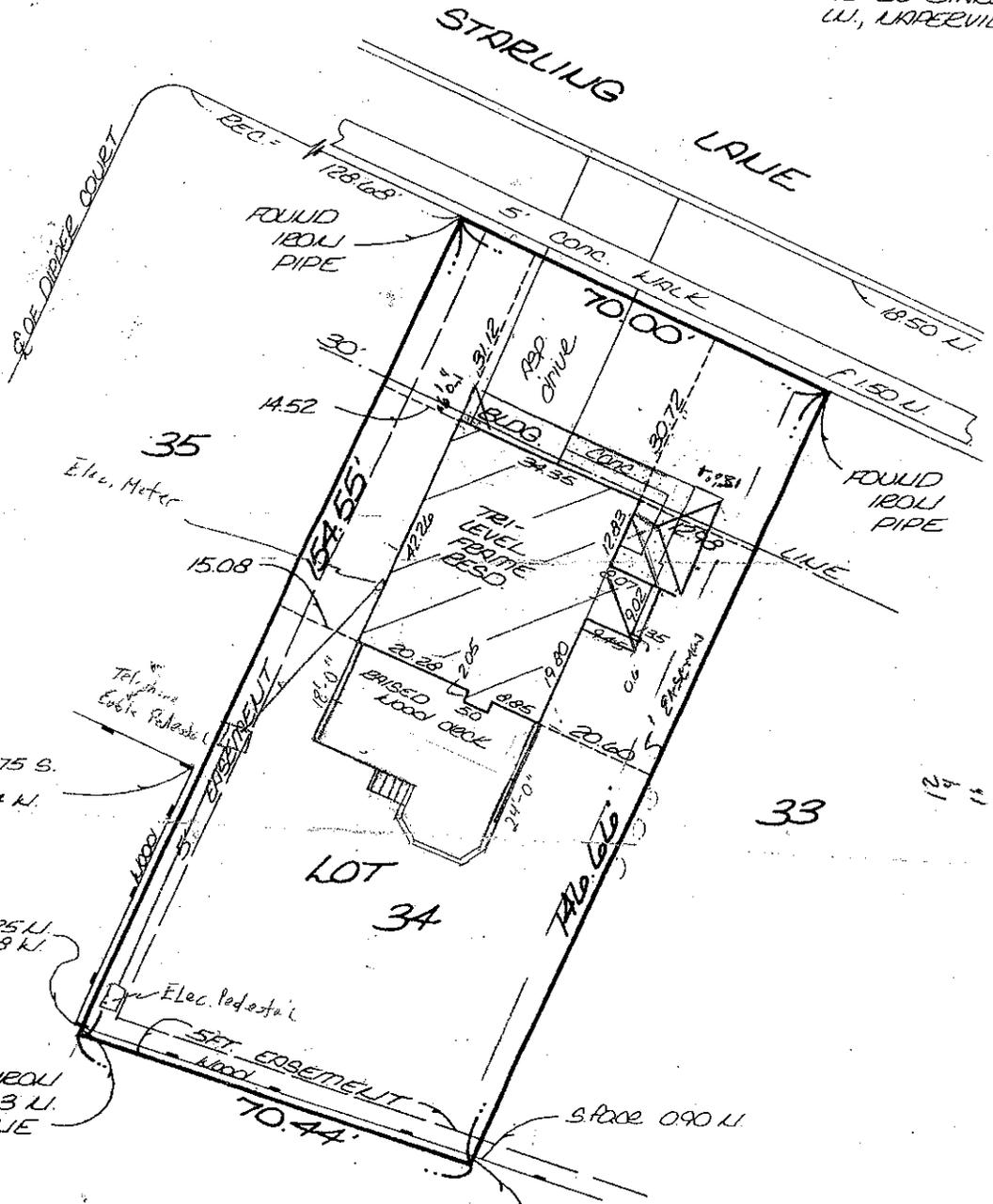
**GENTILE and ASSOCIATES, INC.**

registered land surveyors

LOT 34 IN BLOCK 23 IN MAPLEBROOK UNIT NO. 2, BEING A SUBDIVISION OF PART OF SECTIONS 30 AND 31, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 1, 1964 AS DOCUMENT 264-14568, AND CERTIFICATE OF CORRECTION FILED DECEMBER 3, 1964 AS DOCUMENT 264-45469 IN DUPAGE COUNTY, ILLINOIS.

P.L.L. 08-31; 211-026

COMMONLY KNOWN AS: 68 STRABELLA LN, MAPLEVILLE,



Base Scale: 1 inch = 20 feet due to copy reduction 1 inch = 27 feet  
Distances are marked in feet and decimal parts thereof  
Ordered by: ATTY. ROSENBERG  
Checked by: hk  
Surveyed by: jj, mb

STATE OF ILLINOIS  
COUNTY OF DUPAGE S.S.

I, FRANK J. GENTILE HEREBY CERTIFY THAT A SURVEY HAS BEEN MADE AT AND UNDER MY DIRECTION, OF THE PROPERTY DESCRIBED ABOVE AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF THE SAME.

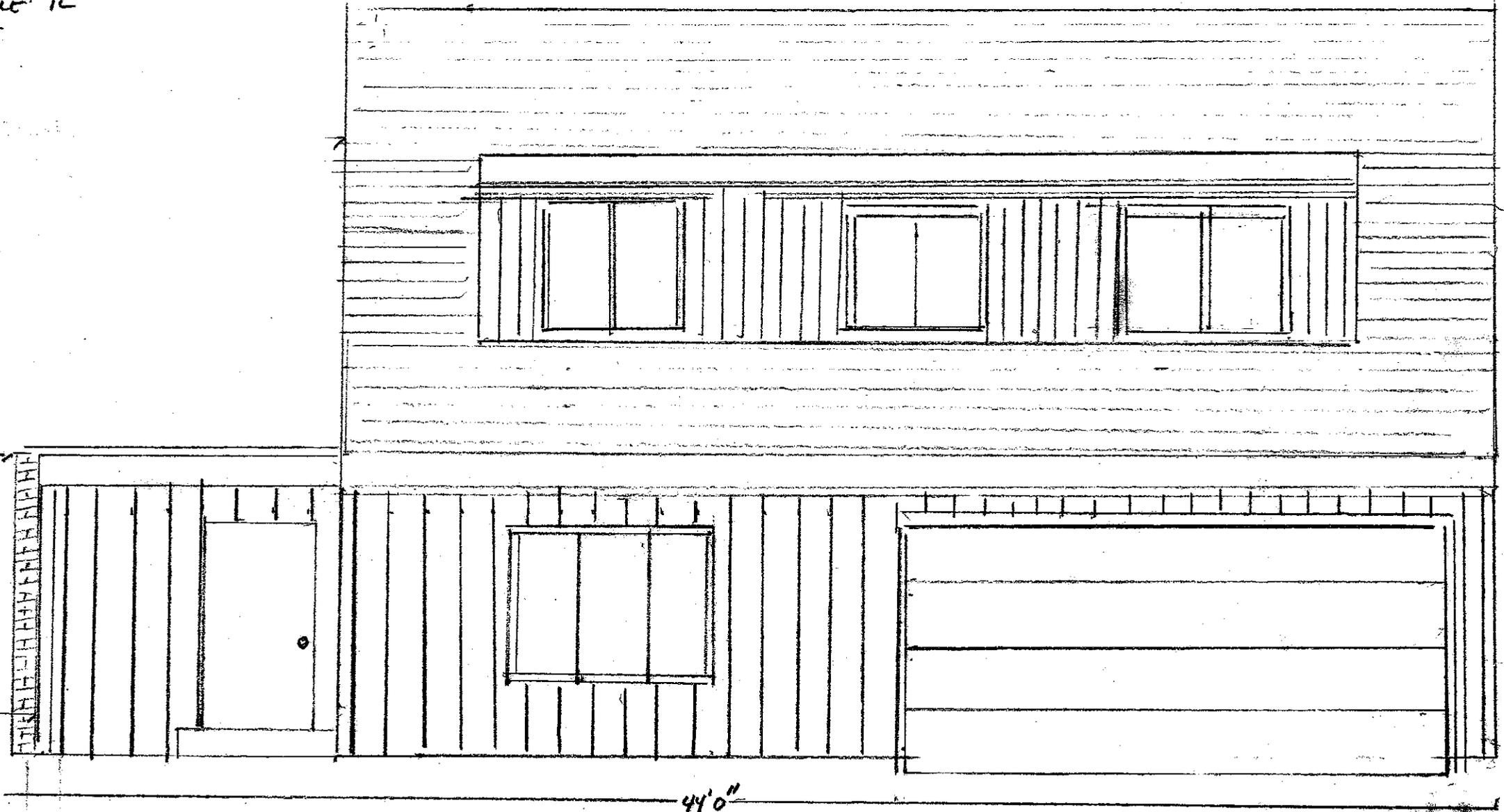
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT DEED, CONTRACT AND ZONING ORDINANCES.

EXISTING ELEVATION :

Scale 1/4" = 1'0"

Geese & Joanna Weaver

68 STARLING LN  
MAPERVILLE IL  
60565

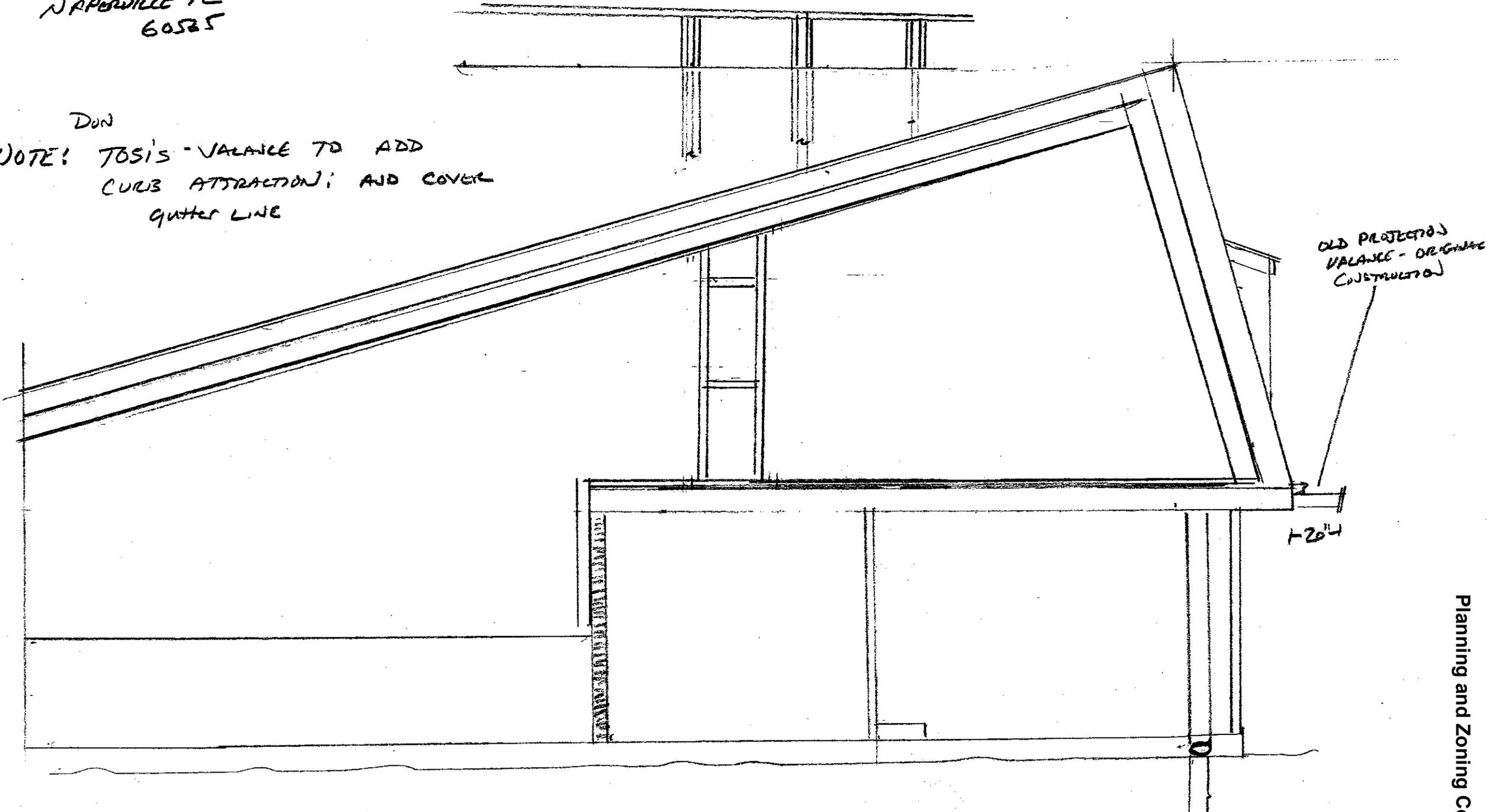


EXISTING VIEW (SIDE)  
OF 68 STARLINE LN  
NAPERVILLE IL  
60585

TOP VIEW VALANCE (BUILT WHEN HOUSE CONSTRUCTED  
REMOVED AFTER DECAY)

DON

NOTE! TOSI'S - VALANCE TO ADD  
CURB ATTRACTION; AND COVER  
GUTTER LINE



PROPOSED 4' ROOF EXTENSION INTO SETBACK (30')

6'0"

EXISTING 24" 2ND FLOOR CANTILEVER

5'0"

TOP VIEW NEW PORCH + ROOF LINES  
OVER EXISTING FLAT ROOF AND FLAT PORCH

EXISTING STOOP

WEAVER  
68 STARLINE LN  
NAPERVILLE IL  
60565

PROPOSED FRONT ELEVATION :

Scale 1/4" = 1'0"

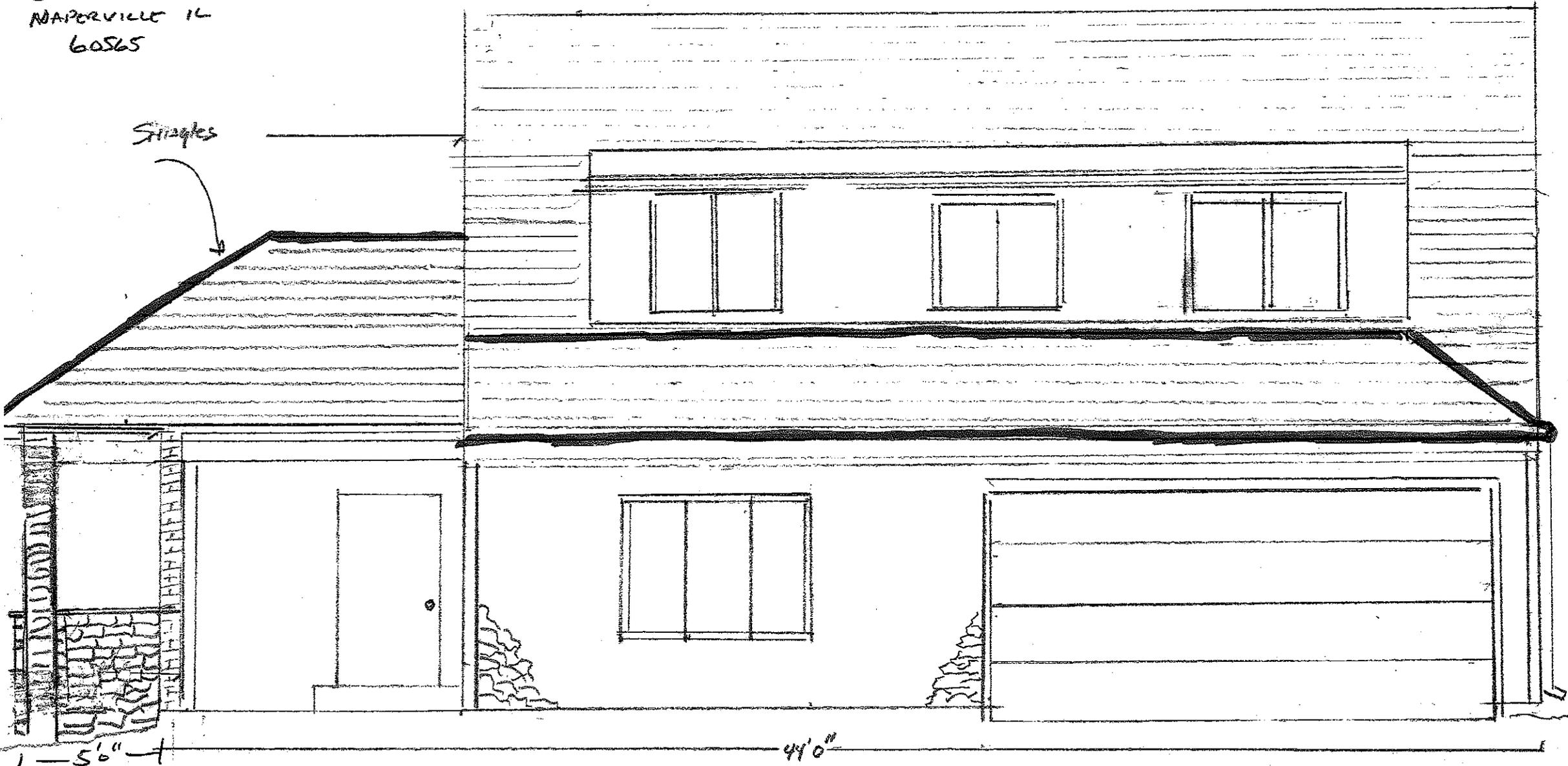
NEW ROOF AND SIDING / STONE ACCENTS

OBJECTIVE: ADD CURB APPEAL

Gene & Joanne Weaver

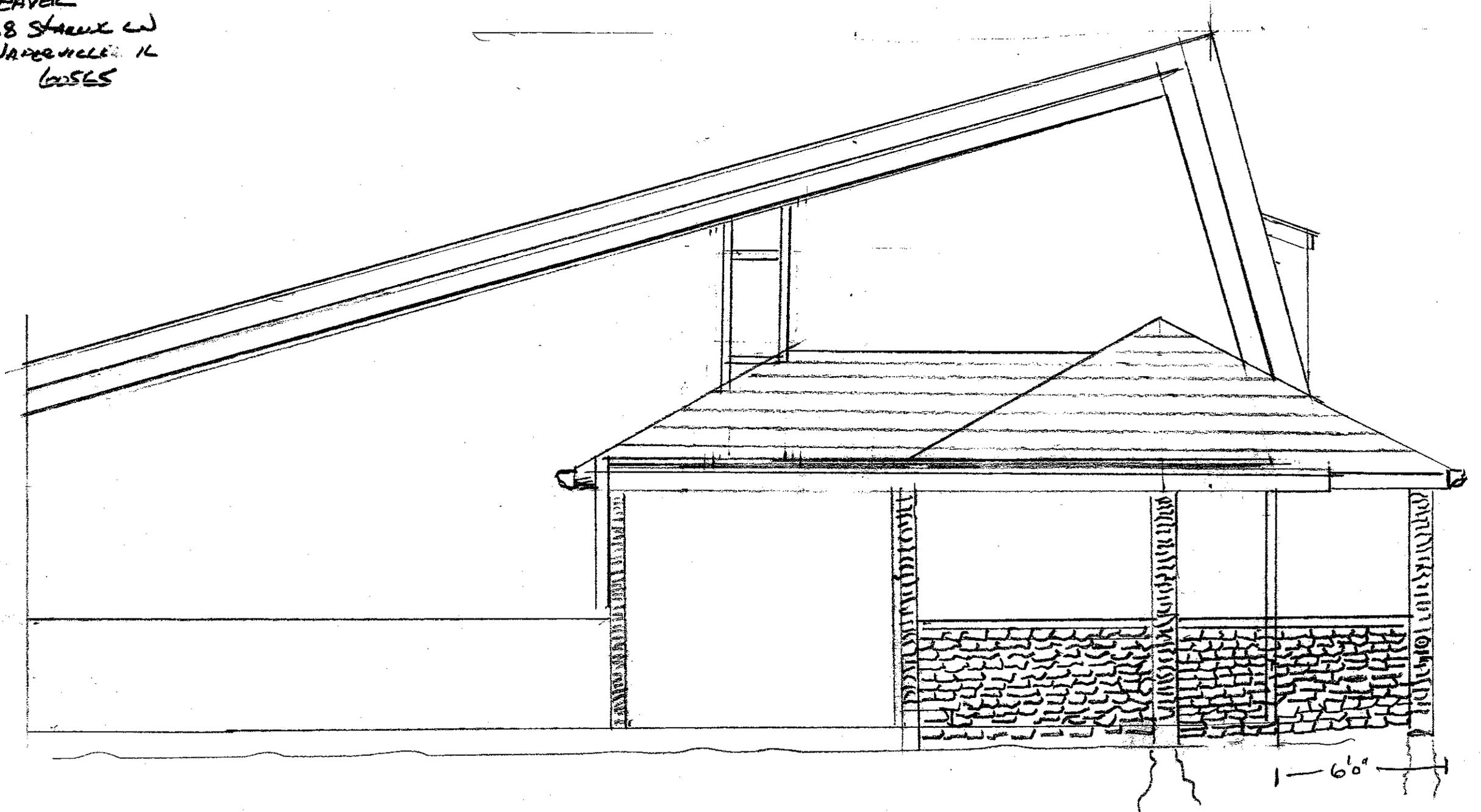
68 STARKING LN  
NAPERVILLE IL  
60565

Staircase

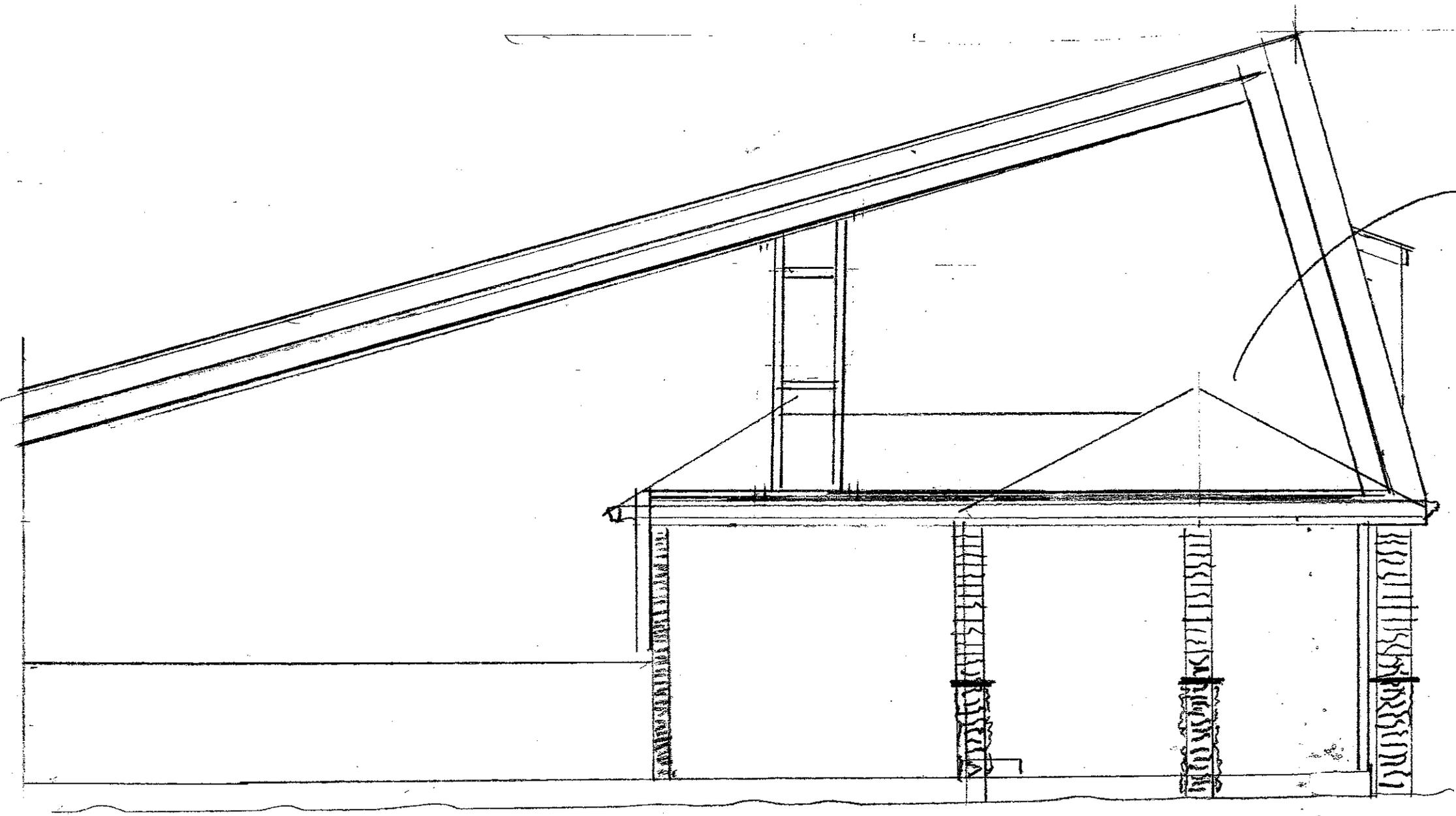


PROPOSED SIDE VIEW NEW PORCH ADDITION

WEAVER  
68 STARK W  
NAPERVILLE IL  
60565



\* OPTION IF VARIANCE IS REJECTED:



BASTARD  
PITCH  
(UNEVEN)  
TO KEEP ROOF  
LOW

ALLOW FOR  
HAD ROOF  
+ SHINGLES  
TO REMOVE  
FLAT  
ROOF