

PLAN COMMISSION / ZONING BOARD OF APPEALS

COMMUNITY DEVELOPMENT STAFF REPORT

4S040 ROUTE 59 – MULTI-TENANT RETAIL REDEVELOPMENT

REVISED October 6, 2022

Project Number

SUP-2022—1001

Applicant

Thomas Mouroukas - 4M
Enterprises

Subject Property Location

4S040 Route 59

North of Ferry Road, West of
Illinois 59

Property Owner

4M Enterprises – Mourville, LLC

Existing Zoning

B-4 Motorist Service

Existing Land Use

Commercial/Retail

Comprehensive Plan

Commercial

Approvals Sought

Special Use Permits – Permanent
outdoor seating, drive-through
Variations – Sign setback and
landscape relief

Submittals

General Application Form
Special Use Application
Variance Application
Submitted Plans



LOCATION MAP

PROJECT DESCRIPTION

The Subject Property, commonly known as 4S040 Route 59, is generally located north of Ferry Road and West of Illinois 59. Currently, there is a commercial building on the site that has been vacant for a number of years. The prior use was a restaurant.

Thomas Mouroukas of 4M Enterprises (the “applicant”) is requesting a special use permit for a drive-through facility, another special use permit for permanent outdoor seating area, a variance to reduce a monument sign setback from ten feet (10’) to three feet (3’), and foundational landscape relief. If approved, the vacant building would be redeveloped into a multi-tenant retail building. A site plan, elevation plans, renderings, and engineering plans have been included in this proposal.

BACKGROUND

The legal notice of public hearing was published in the Daily Herald newspaper on July 6, 2022.

A formal public hearing for the subject project was held on July 21, 2022 as was required under the provisions of the City of Warrenville Zoning Ordinance. A copy of

the meeting minutes from the July 21, 2022 meeting is attached as Exhibit D. The Plan Commission/Zoning Board of Appeals continued the public hearing until September 8 in order to allow the Applicant to revise their submittal to address staff's review comments and the Plan Commission input provided at the initial public hearing. Subsequently, the applicant submitted revised plans at the end of August. The September 8, 2022 public meeting was canceled to allow staff ample time to review the applicant's revised plans and prepare a staff recommendation. The September 22, 2022 public hearing meeting will be considered the second public hearing.

The Plan Commission is responsible for making recommendations to the City Council on special use approval requests. The Zoning Board of Appeals is responsible for making recommendations to the City Council on variation requests.

ANALYSIS

The revised plans and drawings listed and attached as Exhibit A, including revised Engineering Plans dated September 20, 2022, have been distributed to the Plan Commission and are posted on the City's website at the following link: <https://www.warrenville.il.us/838/4S040-Route-59>.

Overview of project:

The applicant is interested in renovating the vacant retail building into a multi-tenant retail building with a drive-through. Proposed improvements include renovations to the interior and exterior of the building, building façades, site improvements, including an outdoor dining, a drive-through lane, parking lot improvements, and a monument sign.

The building area footprint will be modified to square off the front and include parking spaces, a bike area, and outdoor dining area along the east building façade facing IL-59. A steel railing is shown around the outdoor dining area. A detail for the steel railing was not provided, but will be required to be submitted to indicate the style and height.

Floor Plan: The applicant proposes to subdivide the interior of the building to include up to seven (7) unit spaces. The landlord is working on prospective tenants, but details are not available to date. The southernmost end unit is proposed to include a drive-through window.

Parking: The site plan indicates the parking lot will be restriped to provide 92 standard parking spaces and four (4) accessible parking spaces. Changes include restriping the parking spaces along the west lot line. All existing pavement on site will be removed and replaced.

Building Setbacks: With the exception of the front setback, all existing building setbacks will be maintained. The existing bump out located in the front that is currently setback 55' will be removed. The remaining 65' front yard setback will be maintained.

Building Design and Materials: The character elevations indicate the building will be refaced with brick and manufactured stone along the east elevation, north elevation, and the east 76 feet of the south elevation. The remaining elevation areas will be painted to match the new brick

colors. The building height will vary from 17 feet to 20 feet at the highest point, as measured from grade level.

Roof-top: Plans indicate roof-top units, which will be required to be screened.

Site Circulation and Access: Access to the site would be provided via the existing access drives from IL-59.

Monument Sign: The applicant seeks to install a monument sign with a setback of three feet (3') instead of the required ten feet (10') along the front property line and is seeking a variance.

Dumpster: Plans indicate a mason brick dumpster corral at the southwest corner of the lot. New wood gates will be provided. This area will remain concrete surface.

Sidewalk/Trail Improvements: A new ten foot (10') bike path is shown along the front lot line in the public right-of-way.

Landscaping: The landscape plan shows proposed plantings along IL 59 and within the parking lot area. As drawn, it does not comply with the landscape requirements as per City Code. The applicant is seeking landscape relief to eliminate the five foot (5') perimeter foundation landscape area and the interior parking lot landscape islands required every ten (10) parking spaces. The applicant is seeking landscape relief, which will be processed in accordance with the Appeals Approval Process for Zoning Applications outlined in Table 2C of the City of Warrenville Zoning Ordinance and will be subject to review under the Approval Criteria for Variations outlined in Table 7A of the City of Warrenville Zoning Ordinance.

Lighting: The plans indicate the existing decorative light poles will be painted and include new LED fixtures. A photometric plan was submitted indicating the lighting levels.

SPECIAL USE APPROVAL CRITERIA

In recommending or granting approval or conditional approval of a **Special Use for a drive-through facility and outdoor seating**, the City Council and Plan Commission shall prepare written findings of fact that on the basis of the characteristics cited under Review of Special Uses herein -- or changes to such characteristics that conditions to which the approval is made subject require -- the proposed use will be compatible with existing uses in the area, and with Permitted Uses in the zoning district, in the following ways (response are in italic font):

1. Traffic

Any adverse impact of types or volumes of traffic flow not otherwise typical in the zoning district has been minimized.

The applicant does not anticipate any traffic issues and indicates it will be similar or the same to what it was when the restaurant was in operation. Staff does not anticipate any impacts to traffic.

2. Environmental Nuisance

Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of Permitted Uses in the zoning district, have been appropriately controlled.

No adverse effects are expected. Staff concurs as the subject property last operated as a commercial building without any know issues.

3. Neighborhood Character

The proposed use will fit harmoniously with the existing natural or man-made character of its surroundings and with Permitted Uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values, or neighborhood character already existing in the area or normally associated with Permitted Uses in the district.

The area has similar retail uses and similar character already found in the B-4 Zoning Districts.

4. Public Services and Facilities

The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Permitted Uses in the district, nor generate disproportionate demand for new services or facilities as compared with the Permitted Uses, in such a way as to place undue burdens upon existing development in the area.

The area has similar retail uses and similar character already found in the B-4 Zoning Districts.

5. Public Safety and Health

The proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.

Same to existing commercial building and expected to be consistent with surrounding commercial uses.

6. Other Factors

The proposed use is in harmony with any other elements of compatibility pertinent in the judgment of the Commission or Council to the particular Special Use or its particular location.

The proposed multi-tenant retail building is compatible and consistent with the B-4 Zoning District.

SIGN VARIATION APPROVAL CRITERIA

In recommending or granting approval of a **sign variance**, one of the requested approvals, the Zoning Board of Appeals and the City Council shall prepare written findings of fact that evaluate the proposed variance based on the six conditions outlined below. Because staff is not making any formal recommendation yet for this proposal, only the conditions are provided below for reference. No findings will be made until staff makes a formal recommendation:

- a. The proposed variation will not serve merely as a convenience to the Applicant, but will alleviate some demonstrable and unusual hardship, which will result if the strict letter of the regulations were carried out, and which is not generally applicable to signs within the district.

The widening of the front drive aisle to provide two way traffic and a perimeter fire lane results in the monument sign needing to shift closer to the property line.

- b. The alleged hardship has not been directly created by any person having a proprietary interest in the premises.

There is no adequate room in front of the existing building to update the access to the units and provide for a two way drive aisle and adequate fire lane for the fire department access around the building.

- c. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

The special circumstances and site constraints has not resulted from any act by the owner subsequent to the adoption of the city ordinances or amendments.

- d. The proposed variation will not impair an adequate supply of light and air to adjacent property, increase the danger of fire, or endanger the public safety.

Due to the location of the existing building, there is not adequate room to install foundation plantings along the building foundation and provide new sidewalk access to each of the commercial units. The widening of the front drive aisle to provide two way traffic results in the monument sign needing to shift closer to the property line.

- e. The proposed variation will not alter the essential character of the locality.

The variance will provide a handicap accessible route to each of the new units. The sign setback variance and landscape variance will not impair the public safety or property values in the area.

- f. The proposed variation is in harmony with the spirit and intent of the Warrenton Sign Ordinance.

The variance request is required to update the building, perimeter access around the building to allow the best use and enjoyment of the property.

It is important to note that the Zoning Board of Appeals makes recommendations to the City Council on Zoning Ordinance variation requests. The concurring vote of four Zoning Board of Appeals members is required to take any action.

VARIATION APPROVAL CRITERIA

In recommending or granting approval of a **Landscape Relief**, one of the requested approvals, the Zoning Board of Appeals and the City Council shall prepare written findings of fact that evaluate the proposed variance based on the six conditions outlined below. The City Council shall, in granting approval or conditional approval, also find that all of the following criteria are met or will be met when the conditions to which the approval is

made subject to be fulfilled:

- a. Special circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this Ordinance, a general rule to cover them.

Due to the location of the existing building, there is not adequate room to install foundation plantings along the building foundation and provide new sidewalk access to each of the commercial units. The widening of the front drive aisle to provide two way traffic and a perimeter fire lane results in the monument sign needing to shift closer to the property line. While staff agrees the existing conditions consist of special circumstances, it is possible to make improvements such as adding planters along the north and east building façade and in the outdoor seating area. Staff is supportive of not providing landscape parking islands every ten (10) spaces in an effort to maintain as many parking spaces as possible.

- b. Because of these special circumstances, the literal application of the provisions of this Ordinance would, without a variance, result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.

There is no adequate room in front of the existing building to update the access to the units and provide for a two way drive aisle and adequate fire lane for the fire department access around the building.

- c. The special circumstances, practical difficulties, or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Ordinance or any applicable amendment thereto, of any party with a present interest in the property.

The special circumstances and site constraints has not resulted from any act by the owner subsequent to the adoption of the city ordinances or amendments.

- d. Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.

Due to the location of the existing building, there is not adequate room to install foundation plantings along the building foundation and provide new sidewalk access to each of the commercial units. The widening of the front drive aisle to provide two way traffic results in the monument sign needing to shift closer to the property line.

- e. The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.

The variance will provide a handicap accessible route to each of the new units. The landscape variance will not impair the public safety or property values in the area.

- f. The variance approved is the minimum required to allow reasonable use and enjoyment of the property.

The variance request is required to update the building, perimeter access around the building to allow the best use and enjoyment of the property.

It is important to note that the Zoning Board of Appeals makes recommendations to the City Council on Zoning Ordinance variation requests. The concurring vote of four Zoning Board of Appeals members is required to take any action.

STAFF RECOMMENDED APPROVAL CONDITIONS

City Staff has reviewed the proposal and is in support of the above noted special approvals due to unique property conditions of the subject property and the undue hardship that would exist should the code regulations be applied. The subject space has been vacant and the proposed improvements and use would be very desirable in this building and in this area of the community. Staff believes the requested special use and variances could be justified at this location and believes that there is likely demand in the area to support this use.

Staff recommends the following conditions be attached to any positive Plan Commission recommendation on the Special Use Permits and Variations for the 4S040 Route 59 property.

1. **Documents:** The development shall be consistent with the plans and documents listed on the attached Exhibit A and as may be revised to address the approval conditions outlined in this Staff Report.
2. **Monument Sign:** A variation to reduce monument sign setback requirements from ten (10) feet to three (3) feet off the front of the property line.
3. **Landscape Planters:** Landscape planters shall be installed along the north and east building elevations where feasible and around the proposed outdoor dining area.
4. **Landscape Plan Review:** Landscaping shall be revised to address the comments outlined in the review memo from Assistant Community Development Director, dated September 16, 2022, attached as Exhibit B.
5. **Landscape Covenant Agreement:** A Landscape Covenant Agreement satisfying the requirements of Section 11.B. 4 of the Zoning Ordinance shall be prepared, executed and recorded with the DuPage County Recorder's Office prior to the first Certificate of Occupancy issuance for this project. The approved Landscape Plan shall be referenced in and become part of the Landscape Covenant Agreement.
6. **Exterior Building Elevations:** Exterior Building Elevations shall be consistent with the elevation plans prepared in black and white and in color.
7. **Building and Fire Code:** Compliance with all applicable Building and Fire Codes, including providing required number of bathrooms, fire department connection, fire rated separation walls, building sprinklers and alarmed.
8. **Water and Sewer:** Providing individual services.
9. **Path Easement:** Dedication of a path easement along the frontage of the property.

10. **Lighting:** The black decorative poles along the Route 59 frontage should be repaired and painted, as necessary with LED fixtures.
11. **Civil Engineer Review:** The Applicant shall comply with the review comments and recommendations outlined in the review memo from the City Senior Civil Engineer, dated September 2, 2022, attached as Exhibit C.
12. **Fees and Security Guaranteeing Completion of Public Improvements:** The Applicant shall pay/submit all applicable review and inspection fees and the required security guaranteeing completion of public improvements prior.
13. **DuPage County Traffic Impact Fee:** Any required DuPage County Traffic Impact Fees must be paid in conjunction with the City's issuance of a building permit in this project.

CONCLUSION

Based on the information and findings outlined in this Staff Report, staff recommends the Plan Commission and Zoning Board of Appeals pass the following motion:

“The Plan Commission and Zoning Board of Appeals recommend City Council approve special use permits for a drive-through facility and outdoor seating, a variation to reduce monument sign setback requirements from ten (10) feet to three (3) feet off the front property line in accordance with the contents and conditions contained in the September 22, 2022, Community Development Department Staff Report.”

ATTACHMENTS:

- Exhibit A: List of Plans and Drawings
- Exhibit B: Landscape Review dated September 16, 2022
- Exhibit C: Engineering Review dated July 13, 2022
- Exhibit D: Plan Commission/Zoning Board of Appeals Minutes of July 21, 2022 Meeting

EXHIBIT A**List of Submitted Plans and Drawings**

1. Zoning Applications, 10 pages, prepared by 4M Enterprises, dated 6/8/2022
2. Black and White Building Elevations and Floor Plan, 1 page, submitted on 8-23-2022
3. Color Building Elevations, 1 page, submitted on 8-23-2022
4. Civil Site Plan, 1 page, prepared by Tebrugge Engineering, dated Dec. 28, 2021 and submitted on 8-23-2022
5. Engineering Plans, 5 pages, prepared by Tebrugge Engineering, dated September, 2022 and submitted on 9-20-2022
6. Fire Plan, 1 Page, prepared by Tebrugge Engineering, dated Dec. 28, 2021 and submitted on 8-23-2022
7. Landscape Plan, 2 pages, prepared by 4M Enterprises, prepared by Tebrugge Engineering, dated Dec. 28, 2021 and submitted on 8-23-2022
8. Dupage Stormwater Certification Application, 2 pages, prepared by 4M Enterprises, dated 8/25/22
9. Light Fixtures Cut Sheets, 23 pages, submitted on 8-23-2022
10. Bike Path Easement Plan, prepared by Phillip D. Young and Associates, Inc., dated September 16, 2022 and submitted on 9-20-2022