

Request For Board Action

REFERRED TO BOARD: September 15, 2020

AGENDA ITEM NO: 9

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of a Plan Commission Recommendation in Case #09-20 for Approval of an Ordinance Amending Ordinance No. 2019-3432, which Granted a Special Use Permit for a Planned Unit Development (PUD) for the District 1860 Development, to Permit an Alternate Design for the Retail/Commercial Building (Building B) that is 35,400 Square Feet in Area and 49' in Height, for the Property at 4500-4560 West Touhy Avenue and 7350 North Lincoln Avenue

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Tucker Development, as authorized by Touhy & Lincoln, LLC, Property Owner of 4500-4560 West Touhy Avenue and 7350 North Lincoln Avenue, seeks an Amendment to the previously-approved PUD for the District 1860 development, to permit approval of an Alternate design for the Retail/Commercial building (aka Building B), with two Zoning Modifications, to accommodate a prospective grocery store tenant (Tenant name unknown) that would utilize the entirety of this building. The Amendment seeks to add to the previous PUD approval for District 1860, by permitting an Alternate design for Building B and its immediate environs to be approved, in addition to the previously-approved design for Building B. The Petitioner seeks the ability to utilize either the original design for Building B or this proposed Alternate design, dependent upon negotiations with the prospective grocer. The Petitioner does not seek, nor would the Village permit, substitution of elements of either plan to create a hybrid design. As proposed, each design would ultimately be approved in its entirety, with no substitutions.

While Tucker Development has a Non-Disclosure Agreement with the proposed grocer, and is unable to provide the name of the tenant to the Village at this time, they have confirmed that it will be "offering for sale a selection of groceries and other merchandise with a breadth, scope, and quality similar to that which is offered by Jewel, Mariano's, and other similar grocery stores".

Requested Zoning Action

Section 8.01(2) of the Zoning Code, which references the purpose of Planned Unit Developments, contemplates that "normal zoning standards may be modified" as part of a Planned Unit Development. Modifications are akin to Variations, but are not subject to the typical Variation standards. Most notably, there are no hardships to be proved. Therefore, the Petitioner has provided the attached responses to the standards for Special Use (PUD) only. Following, is a description of the proposed PUD Amendment and list of further Modifications to the previously-approved PUD:

Planned Unit Development (PUD) Amendment*

1. **Amendment** to the approved PUD for District 1860 to permit an Alternate design that increases the size of the "Retail/ Commercial Building" (aka "Building B") from the previous approval of a 35,123 square foot building that is 36-feet tall, to a 35,400-square-foot building that is 49-feet tall.

Zoning Modifications Requested*

1. **Modification** to decrease the approved minimum number of required off-street parking spaces for the property from 749 spaces to 721 spaces; and
2. **Modification** to amend the approved Unified Business Center Sign plan to permit one additional monument sign on Lot #3.

**Details of the requested PUD Amendment and Modifications are provided in the attached Staff memorandum to the Plan Commission, dated August 25, 2020.*

Public Hearing

The Plan Commission considered the requested Zoning actions at a Special Plan Commission meeting, held on Tuesday, August 25, 2020. Developer Rich Tucker, President of Tucker Development and owner of the 8.47 acre subject property, led his design team in presenting the project to the Plan Commission. He noted that the grocery store tenant, with whom his company is negotiating, has not yet decided upon their preferred final building design, which necessitates tonight's request for an alternate design approval, in addition to the previously-approved Building B design. The details of the Alternate design for Building B were presented, in the context of the PUD that the Village Board approved in November, 2019, by Architect Keith Campbell of Callison RTKL Architects. Mr. Campbell detailed the design differences in the building, site, landscaping and signage of the requested Alternate design.

While there were some general questions regarding how the open parking field north of Building B functions (it is available for grocery customers and hotel guests), and when it is anticipated the developer would determine which of the two designs would be constructed (at filing of Building Permit application), the Plan Commission was very supportive of the Alternate design plans. Plan Commissioners individually stated that they were "happy to see progress on the development", felt the Alternate design was "a substantial improvement", and that it "looks fantastic!"

Staff noted that public comment prior to the Plan Commission meeting consisted of one written letter contained in the Plan Commission packet, which was not supportive of additional changes to the development. No other correspondence, calls or e-mails were received. There was no public comment offered at the August 25, 2020 meeting.

Staff noted that overall, the proposed alternate design has changes that are generally minor in nature from the previously-approved plan, and which do not result in substantial impacts to the District 1860 plan or the surrounding area. It was further noted by staff that the addition of a grocery store would fulfill a long-time goal of the Village. Staff then recommended approval of the requested PUD Amendment and Zoning Modifications, with no recommended conditions or stipulations.

Plan Commission Recommendation

By a vote of 6-0, the Plan Commission recommends approval of an Amendment to Ordinance No. 2019-3432, which granted a Special Use Permit for a Planned Unit Development (PUD) for the District 1860 Development, to permit an alternate design for the Retail/Commercial Building (Building B), as well as the two requested Zoning Modifications.

FINANCIAL IMPACT:

None

VILLAGE ATTORNEY REVIEW:

Village Attorney has reviewed the Plan Commission recommendation and drafted the attached Ordinance.

DOCUMENTS ATTACHED:

1. Proposed Ordinance
2. Public Hearing Application
3. Petitioner's Responses to PUD Standards
4. August 25, 2020 Plan Commission Draft Minutes
5. August 25, 2020 Staff Memo
6. Petitioner's Development Plans
7. Updated Parking & Traffic Memorandum
8. Selected Approved Plans for Building B (November 19, 2019)
9. Submitted Public Comment
10. Powerpoint Presentation

RECOMMENDED MOTION:

Move to approve an Ordinance amending Ordinance No. 2019-3432, which granted a Special Use Permit for a Planned Unit Development (PUD) for the District 1860 Development, to permit an alternate design for the Retail/Commercial Building (Building B), along with Zoning modifications for off-street parking and signage, for the property located at 4500-4560 West Touhy Avenue and 7350 North Lincoln Avenue.