



Legislation Details (With Text)

**File #:** 22-0586B      **Version:** 1

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 5/25/2022      **In control:** City Council

**On agenda:** 6/21/2022      **Final action:** 6/21/2022

**Title:** Receive the staff report and conduct the public hearing to consider the Annexation Agreement for property located at 722 Woodlawn Avenue - PZC 21-1-128 (Item 1 of 5)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Petition, 2. Annexation Petition, 3. Legal Description, 4. May 18, 2022 PZC Meeting Minutes, 5. Location Map

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 6/21/2022 | 1    | City Council | closed | Pass   |

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report and conduct the public hearing to consider the Annexation Agreement for property located at 722 Woodlawn Avenue - PZC 21-1-128 (Item 1 of 5)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Community Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) conducted a public hearing for PZC 21-1-128 on May 18, 2022 and provided a positive recommendation on the rezoning request (approved 7,0). Staff concurs.

**BACKGROUND:**

The property is located on the south side of Woodlawn Avenue with a common address of 722 Woodlawn Avenue. The 35,151 square foot lot is currently improved with a single-family residence and is zoned R-4 in unincorporated DuPage County. The property is surrounded by incorporated properties on all sides. The surrounding incorporated properties are zoned R1A (Low Density Single Family Residence District) and R1 (Low Density Single Family Residence District).

**DISCUSSION:**

***Annexation and Rezoning***

The Petitioner, Mathieson House, LLC, d/b/a M House, with permission from the property owners, Jeffrey and Kimberly Goldstone, requests annexation, an Annexation Agreement, rezoning to R1A upon annexation and a deviation to the platted building line in order to annex the property into the City and construct a new single-family home. All existing structures at the subject property will be demolished following annexation.

The subject property is contiguous to the City of Naperville's corporate limits and is therefore eligible for annexation. Upon annexation, the Petitioner is proposing to construct a new single-family home on the lot and seeks to rezone the subject property to R1A (Low Density Single Family Residence District). The subject property meets the R1A lot size and width requirements. Staff finds the proposed R1A zoning to be compatible with surrounding zoning districts and consistent with the recommendation of the Land Use Master Plan. The Petitioner's standards for Granting a Map Amendment are included in the attachments. Upon review, staff agrees with the Petitioner's findings and recommends their adoption by the PZC.

### ***Deviation to the Platted Building Line***

In association with the rezoning and annexation requests, the Petitioner is also requesting approval of a preliminary/final plat of subdivision to establish the lot as a legal lot of record and to deviate from the 33' platted building line.

The subject property was originally part of Lot 1, Block 10 in the Arthur T. McIntosh and Company's Naperville Estates Subdivision. The original Lot 1 was created with building lines which were platted parallel to the front and rear property lines. Since the creation of the original subdivision, Lot 1 has been further subdivided and the orientation of the lots was changed. As a result of these changes, the platted building line is now located on the subject property parallel to the interior (western) property line.

The platted building line restricts the location of any building improvements on the lot, resulting in a setback requirement of 33' from the interior property line for the new single-family home. The R1A interior side yard setback requirement is a minimum of 8', total of 20' for two interior side yards. Since the platted building line is more restrictive than the interior side yard setback, the Petitioner has requested a deviation from the platted building line in order to allow the new home to follow the R1A zoning district interior side yard setback requirements. Staff has no concerns with the requested deviation.

### ***Planning and Zoning Commission***

The Planning and Zoning Commission conducted a public hearing for PZC 21-1-128 on May 18, 2022 to consider the rezoning request. Russ Whitaker, Rosanova and Whitaker Ltd., attorney for Petitioner, provided additional details on the request. No members of the public provided spoke on the request. The PZC closed the public hearing and voted to recommend approval of the rezoning request (approved 7,0). Staff concurs with the recommendation.

### ***Key Takeaways***

- The Petitioner is requesting approval of an annexation agreement, annexation, rezoning to R1A upon annexation, and a deviation to the platted building line in order to annex the subject property into the City and construct a new single-family home at the property located at 722 Woodlawn Avenue.
- Staff and the Planning and Zoning Commission are in support of the request.

### ***Related Files***

- Pass the ordinance authorizing the execution of the Annexation Agreement (*requires six positive votes*) for 722 Woodlawn Avenue - PZC 21-1-128 (Item 2 of 5);
- (22-0710) Pass the ordinance annexing 722 Woodlawn Avenue - PZC 21-1-128 (Item 3 of 5);

- (22-0711) Pass the ordinance rezoning 722 Woodlawn Avenue to R1A upon annexation - PZC 21-1-128 (Item 4 of 5);
- (22-0712) Pass the ordinance approving a deviation to the platted setback for the property located at 722 Woodlawn Avenue - PZC 21-1-128 (Item 5 of 5)

**FISCAL IMPACT:**

N/A