



Legislation Details (With Text)

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Title: Receive the staff report for M House Creek Estates located at 831 S. Julian Street - PZC 20-1-026 (Item 1 of 7)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Development Petition, 2. Legal Description, 3. Disclosure of Beneficiaries, 4. Annexation Petition, 5. Engineering Plans, 6. May 20, 2020 PZC Meeting Minutes, 7. Public Comment

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 7/21/2020 | 1 | City Council | received | Pass |

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Receive the staff report for M House Creek Estates located at 831 S. Julian Street - PZC 20-1-026 (Item 1 of 7)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered PZC 20-1-026 on May 20, 2020. The Commission voted 8-0 to approve the rezoning and height variance, staff concurs.

BACKGROUND:

Located on the west side of Julian Street, south of Woodlawn Avenue, the subject property has a common address of 831 S. Julian Street. The 1.89-acre property is currently vacant and is zoned R-4 in unincorporated DuPage County. The property is surrounded by unincorporated properties to the north, east and south and incorporated properties to the north, west and south. The surrounding incorporated properties are zoned R1A (Low Density Single Family Residence District) and R1 (Low Density Single Family Residence District).

DISCUSSION:

The petitioner, Mathieson, LLC, on behalf of the owners Kyle and Joni Javes, requests annexation, approval of an annexation agreement, rezoning to R1A upon annexation, approval of a preliminary/final plat of subdivision to subdivide the property into two lots, and approval of a variance in order to construct two new single-family homes. A variance from Section 6-2-26:4 (Teardown/Infill Regulations) of the Naperville Municipal Code is required for construction of the single-family home on the southern lot which exceeds the maximum height regulations.

The proposed single-family homes will be setback approximately 45' and 202' from the front property line. A stream currently cuts through the property from the northeast corner and runs southwest. As part of the proposal, the developer is looking to enhance this stream by stabilizing the embankment and introducing native plantings to help control erosion.

The petitioner has requested that the City delay recordation of the 831 S. Julian Street ordinances to allow time for finalization of the purchase and sale agreement and to transfer ownership of the property. If approved, the City will delay recordation of the ordinances for a period of time not to exceed 365 calendar days from the date they are approved. If the Ordinances are not recorded within 365 days they would become null and void.

Annexation and Rezoning

The subject property is currently located in unincorporated DuPage County and is served by well and septic. Upon annexation, the petitioner must connect to the City's water and sanitary sewer systems. Currently this area of Julian Street is not served by the City's water or sanitary sewer systems. Approval of this annexation agreement will obligate the City to reconstruct Julian Street in order to install the water and sanitary sewer improvements. As a part of the City's 2021 budget, Julian Street will be reconstructed between Gartner Road and Woodlawn Avenue. The petitioner will be obligated to pay the City for their proportionate share of the water and sewer improvement prior to occupancy of the subject property as noted in S12.2 of the annexation agreement.

Upon annexation, the petitioner seeks to rezone the subject property to R1A (Low Density Single Family Residence District). Staff finds the proposed R1A zoning to be compatible with surrounding zoning districts. The petitioner's standards for Granting a Map Amendment and Petition for Annexation are included in the attachments. Upon review, staff and the Planning and Zoning Commission agree with the petitioner's findings and recommend their adoption by the City Council.

Preliminary/Final Plat of Subdivision

The proposal includes a request to subdivide the existing lot into two lots. The proposed lot sizes will be 39,046 square feet and 43,209 square feet in size. The preliminary/final plat of subdivision complies with all technical zoning requirements. As required by Section 7-2-2:5, review of the plat of subdivision by the City Council is required given the proposed subdivision results in a net increase of buildable lots.

Height Variance

The tear down infill regulations (Section 6-2-26:4) of the Municipal Code state that the maximum height for single family detached dwelling units shall be 2½ stories, not to exceed 35' with a maximum peak roof height of 40'. The proposed single-family home on the southern lot is 3 stories and 40'-4 ½" in height. The petitioner requests the following variances: (1) to permit the 3-story single family home on the southern lot to exceed the 2½ story maximum by ½ story; and (2) to permit the 40'-4 ½" tall single-family home on the southern lot to exceed the 40' maximum peak height.

Per Section 6-2-4 (Building Height and Bulk) building height is measured from a datum point, which is established by the average of the 2 grades along each side lot line where the front yard line meets the side lot lines, to the highest point of the roof surface. The proposed single-family home on the southern lot is 40'-4 ½" as measured from the datum point to the highest point of the rooftop.

A story is defined in Section 6-1-6 (Definitions) as that part of a building or structure between any

floor and the floor next above. Exterior walls more than 4' above the finished floor of the story below are considered a full story. The proposed single-family home is 3 stories given the basement level is 5'-11 ½" above the datum point and is therefore, counted as a story.

The petitioner's responses to the standards for granting a variance are attached. Given the proposed large lot size and the deep setback from Julian Street, staff finds the overall visual impact will be minimal. Therefore, staff and the Planning and Zoning Commission agree with the petitioner's findings and recommend their adoption by the City Council.

Planning and Zoning Commission

The public hearing before the PZC was opened on May 20, 2020. No members of the public spoke on the request; however, public comments were submitted prior to the public hearing. The submitted comments requested denial of the petition finding that adding homes on the property would cause strain to the existing creek and would only intensify the stormwater runoff issues. The Planning and Zoning Commission discussed these concerns with staff and the petitioner. The petitioner stated best management practices will be incorporated near the creek and a large portion of the property will be dedicated as a storm water management easement. Phil Tartaglia, City of Naperville Project Engineer, stated the proposal is required to comply with the DuPage County Stormwater Ordinance and will be subject to DuPage County review. The Planning and Zoning Commission closed the public hearing and voted 8-0 to recommend approval of the rezoning and height variance, staff concurs with the recommendation.

Key Takeaways

- The petitioner is requesting approval of an annexation agreement, annexation, rezoning to R1A upon annexation, a preliminary/final plat of subdivision and a variance to the height regulations for the southern lot in order to subdivide the property to build two single family homes at the property located at 831 S. Julian Street. Staff and the Planning and Zoning Commission are in support of the request.

Related Files

- Conduct the public hearing to consider the Annexation Agreement for M House Creek Estates located at 831 S. Julian Street, PZC 20-1-026 (Item 2 of 7);
- Pass the ordinance authorizing the execution of the Annexation Agreement (*requires six positive votes*) for M House Creek Estates located at 831 S. Julian Street, PZC 20-1-026 (Item 3 of 7);
- Pass the ordinance annexing the subject property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026 (Item 4 of 7);
- Pass the ordinance rezoning the subject property at 831 S. Julian Street (M House Creek Estates) to R1A upon annexation, PZC 20-1-026 (Item 5 of 7)
- Pass the ordinance approving the preliminary/final plat of subdivision for the subject property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026 (Item 6 of 7)
- Pass the ordinance approving a variance to section 6-2-26:4 in order to construct a single-family home which exceeds the maximum height on the southern lot of subdivided property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026 (Item 7 of 7)

FISCAL IMPACT:

N/A