



Legislation Details (With Text)

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Title: Receive the staff report and resume the public hearing to consider the Annexation Agreement for Orion/Prosperita - PZC 22-1-097 (Item 1 of 8)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Petition to Annex, 2. Petition for Development Approval, 3. Response to Standards, 4. Preliminary Site Plan, 5. Preliminary Engineering, 6. Traffic Study, 7. Autoturn Exhibit, 8. Stormwater Report

Date	Ver.	Action By	Action	Result
7/18/2023	1	City Council	closed	Pass
7/18/2023	1	City Council	to use the Omnibus method to approve items	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Receive the staff report and resume the public hearing to consider the Annexation Agreement for Orion/Prosperita - PZC 22-1-097 (Item 1 of 8)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Sara Kopinski, AICP

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered PZC 22-1-097 on March 15, 2023 and recommended approval of the request (approved 8-0). On June 20, 2023, City Council opened the public hearing to consider the Annexation Agreement for Orion/Prosperita and continued it to the July 18, 2023 City Council meeting.

BACKGROUND:

The subject property consists of approximately 12.35 acres located at the southwest corner of Diehl Road and Mill Street. The property is currently vacant and zoned R-3 (Single Family Residence District) in unincorporated DuPage County. The petitioner proposes annexing the property into the City of Naperville and developing the property with Orion STEM School and The Prosperita townhome development. To do so, the petitioner requests approval of: rezoning to OCI (Office, Commercial and Institutional District) following annexation; a plat of subdivision; a conditional use for attached single-family dwelling units/townhomes in the OCI District; a variance to allow an off premises sign; a variance to allow townhomes to be constructed with 25% masonry; and, a variance to relocate required parkway trees along Diehl Road and Mill Street.

The City's Land Use Master Plan identifies the future place type of the subject property to be Employment Center along the subject property's Diehl Road frontage. The southern portion of the property is designated as City Corridor. Staff finds the petitioner's proposal to be compatible with these designations.

DISCUSSION:

Annexation and Rezoning

The petitioner proposes annexation of the subject property into the City of Naperville. The subject property is contiguous to the City of Naperville's current municipal boundaries and therefore is eligible for annexation.

The petitioner seeks to rezone the subject property to OCI (Office Commercial and Institutional District) upon annexation. The intent of the OCI district is to act as a transitional zone between intensive business areas and residential neighborhoods. The subject property has frontage along the Diehl Road office corridor, and provides a transition between this corridor, institutional uses to the south, and residential homes to the southwest. Surrounding properties in the City of Naperville are zoned OCI, except for Nike Park, which is zoned R1. Staff finds the proposed rezoning to be compatible with properties in the surrounding area.

As part of the submittal, the petitioner provided engineering plans which depict the proposed development layout. The plans comply with OCI regulations in terms of required yards, building height, bulk, and density. Staff also finds the proposal to be consistent with the City's Land Use Master Plan. The Master Plan designates the future place type of the subject property to be Employment Center along the Diehl Road frontage and City Corridor on the southern portion. These place types both accommodate the OCI zoning district, as well as the institutional and multi-family residential land uses the petitioner has proposed. The petitioner plans to maintain the character of the Diehl Road office corridor by proposing the Orion Stem School along this frontage and locating the residential component to the south. Consequently, staff is supportive of the petitioner's proposed rezoning.

Findings of Fact

The petitioner's responses to the Standards for Granting a Map Amendment can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings and recommends their adoption by City Council.

Preliminary Plat of Subdivision

The petitioner proposes a preliminary plat of subdivision to subdivide the 12.35-acre subject property into nineteen lots. Lot 1 is proposed to be 5.01 acres and be developed with Orion Stem School. Lots 2 through 19 will total approximately 6.98 acres and be developed with 76 townhomes. The petitioner is also dedicating 0.36 acres of right-of-way to DuPage County for Mill Street. Staff finds the proposed plat of subdivision meets the technical requirements for approval and is supportive of the subdivision.

Conditional Use, Multi-family Residential

The OCI zoning district classifies multi-family residential as a conditional use. The Prosperita will feature 17 townhome buildings consisting of 76, 2-bedroom units. As part of the development petition, the petitioner has identified that the proposed development will provide a much-needed housing opportunity on the northwest side of the City.

The Prosperita complies with the OCI zoning district's residential density allowances, required building setbacks, and building height restrictions. Furthermore, it provides code-required parking onsite. An open space area is provided near the center of the development to provide opportunities for recreation and gathering.

Upon review, staff finds the proposed development to be compatible with adjacent properties and to provide a transition between the Diehl Road office corridor and residential uses to the southwest. Additionally, staff finds the proposal to be consistent with the City's Land Use Master Plan, which allows for multi-family residential as a supporting use to surrounding non-residential uses in the City Corridor place type.

Findings of Fact

The petitioner's responses to the Standards for Granting a Conditional Use can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings and recommends their adoption by City Council.

Requested Variances

Multiple variances are requested for the Orion/Prosperita development. Staff is supportive of each variance requested, as further outlined below:

- **Off-premises sign:** In response to City and Dupage County requirements, the proposed site plan for the subject property includes one vehicular access point onto Mill Street. Orion STEM School will not have direct access onto Mill Street as the access point is located in the residential portion of the development.

The City's signage regulations permit one ground sign for the school and two ground signs for the townhomes along the subject property's Mill Street frontage. Instead of installing three signs along Mill Street, the petitioner proposes installation of one shared sign for both the school and residential development at the subject property's Mill Street access point. To do so, the petitioner seeks approval of a variance to Section 6-16-3:7 (Prohibited Signs) to allow an off-premises sign for the Orion STEM School on The Prosperita property.

One of the goals of the City's signage regulations is to limit the number of signs while still providing adequate site identification to passersby. The petitioner has identified that the shared signage at the Mill Street access point will meet the intent of the Code while helping direct people to Orion STEM School. Allowing the petitioner to install off-premises signage will not increase the overall amount of ground signage otherwise permissible along Mill Street. Rather, it will reduce the overall number of signs and assist passersby with wayfinding.

- **Masonry reduction:** The petitioner seeks approval of a variance to Section 5-2C-3 (Exterior Wall Construction) of the Municipal Code to allow less than 50% of the exterior wall to be constructed of masonry. Instead, the petitioner proposes constructing townhomes with 25% masonry and 75% composite siding. The intent of the City's masonry requirement is to encourage the use of high-quality, long lasting building materials. The petitioner proposes use of quality materials and states that an attractive elevation is achieved through careful application of building proportions, massing, ornamentation and color, rather than through the use of masonry materials. To meet the intent of the Municipal Code, the petitioner has

intentionally proposed masonry materials on the front and side building elevations. All townhomes facing West Street, Mill Street, and HarborChase will have more than 50% brick on the front façade. The proposed brick colors are complementary in nature to the surrounding area and maintain a common design element for each building.

- **Relocated parkway trees:** The petitioner seeks approval of a variance to Section 5-10-3:3.2 to allow for the elimination and/or relocation of parkway trees required along Diehl Road and Mill Street. DuPage County has jurisdiction over both roadways adjacent to the subject property and has requested that trees not be planted in the rights-of-way. In response to the County's request, the petitioner proposes planting trees just outside of the right-of-way along Mill Street, consistent with the properties located to the south and east. On Diehl Road, the petitioner is seeking a variance not to plant parkway trees to be consistent with the developed properties to the west. Rather, along Diehl Road, the petitioner will plant perimeter landscaping in accordance with Section 5-10-3:4 of the Municipal Code, which will include shade trees, understory trees, and ornamental plantings. Staff is supportive of the parkway tree variance request noting that it is in response to DuPage County's input and consistent with existing conditions on adjacent properties.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings for each variance request and recommend their adoption by City Council.

Planning and Zoning Commission Action

The Planning and Zoning Commission conducted the public hearing to consider PZC 22-1-097 on March 15, 2023. One individual spoke in support of the proposal and three members of the public expressed concerns with additional traffic that could be generated from the development. After limited discussion on traffic and roadway issues, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of the petitioner's request (approved 8-0). Staff concurs with the Planning and Zoning Commission's recommendation.

RELATED FILES

1. Pass the ordinance authorizing the execution of an annexation agreement for the vacant property located at the southwest corner of Diehl Road and Mill Street (Orion/Prosperita) - PZC 22-1-097 (Item 2 of 8) (*requires 6 positive votes*)
2. Pass the ordinance annexing certain property located at the southwest corner of Diehl Road and Mill Street (Orion/Prosperita) - PZC 22-1-097 (Item 3 of 8)
3. Pass the ordinance rezoning certain property located at the southwest corner of Diehl Road and Mill Street to OCI (Orion/Prosperita) - PZC 22-1-097 (Item 4 of 8)
4. Pass the ordinance approving a preliminary plat of subdivision for The Prosperita & Orion Stem School (Orion/Prosperita) - PZC 22-1-097 (Item 5 of 8)
5. Pass the ordinance approving a conditional use in the OCI zoning district pursuant to Section 6-7F-3:2 for single-family attached dwelling units in the OCI zoning district (Orion/Prosperita) - PZC 22-1-097 (Item 6 of 8)
6. Pass the ordinance approving a variance from Section 5-2C-3 (Exterior Wall Construction) to reduce masonry requirements from 50% to 25% on the Prosperita townhomes (Orion/Prosperita)

- PZC 22-1-097 (Item 7 of 8)

7. Pass the ordinance approving variances from Section 6-16-3:7 (Prohibited Signs) and Section 5-10-3:3.2 (Landscaping and Screening) for the Orion/Prosperita development - PZC 22-1-097 (Item 8 of 8)

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