



Legislation Details (With Text)

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<b>On agenda:</b>	6/5/2018	<b>Final action:</b>	
<b>Title:</b>	Receive the staff report for Enclave on Book located at east of Book Road and north of Hassert Boulevard, PZC 18-1-001 (Item 1 of 7)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Application, 2. 90% Rule Map and Calculation, 3. Public Comment, 4. Landscape Plan, 5. Location Map, 6. Petition for Annexation, 7. 4-18-18 PZC Minutes, 8. 5-2-18 PZC Minutes, 9. 5-16-18 PZC Minutes DRAFT		

Date	Ver.	Action By	Action	Result
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**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report for Enclave on Book located at east of Book Road and north of Hassert Boulevard, PZC 18-1-001 (Item 1 of 7)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 18-1-001 on May 16, 2018; no members of the public provided testimony on May 16<sup>th</sup>. The PZC voted to recommend approval of the proposed rezoning of the Subject Property to R1 with variances(Approved, 8-0). Staff concurs.

**BACKGROUND:**

The subject property consists of approximately 4.5 acres, and is generally located on the east side of Book Road, north of Hassert Boulevard. The petitioner, JHL Developments LLC, is requesting annexation, approval of an annexation agreement, rezoning upon annexation to the R1 zoning district (Low Density Single-Family Residence District), a variance to the R1 interior side yard setback requirements, and approval of a preliminary/final plat of subdivision and OAA in order to develop 8 single family detached homes and one associated outlot. The property is currently vacant and is zoned A-1 (Agricultural) in unincorporated Will County. The properties immediately north and east of the subject property are zoned R1 (Low Density Single-Family Residence District), and properties immediately south are unincorporated Will County.

The subject property is identified in the 2002 Southwest Community Area Plan of the Comprehensive Plan with the future land use of the property being "Community Facilities". While the 2002 Southwest

Community Area Plan identifies the future land use as being “community facilities”, no details regarding future facility needs are discussed for the site (i.e. future school site, library site, church site, etc.) on Figure 6 of the plan (located on page 30). Staff believes that the “community facilities” future land use designation is reflective of the property’s ownership by the Zion Evangelical Lutheran Church and adjacency to their existing church facilities. However, if Zion Lutheran Church does not intend to improve the subject property with their facilities, staff has no concerns with the requested residential use of the property.

## **DISCUSSION:**

### ***Case History***

The original public hearing for PZC 18-1-001 was opened at the April 18, 2018 Planning and Zoning Commission meeting (PZC). At that time, the petitioner was requesting rezoning upon annexation to the R1A zoning district (Low Density Single-Family Residence District) with no variances. One member of the public spoke in opposition to the proposal based on the overall development patterns in south Naperville and requested to see more open space. Staff voiced their concerns with the R1A zoning given the zoning of surrounding properties and their improvement in compliance with the R1 standards. The PZC also expressed concern for the R1A zoning request. A motion was made to continue PZC 18-1-001 to the May 2, 2018 PZC meeting and a recommendation was made for the petitioner to meet with staff to alter the proposal (motion approved, vote 7-0). Per the request of the petitioner, PZC 18-1-001 was resumed and continued at the May 2, 2018 PZC meeting to allow the petitioner additional time to work with staff (motion approved, vote 9-0).

Due to feedback received from staff and the PZC, the petitioner altered the request to propose rezoning to R1 with a variance to the interior side yard setback requirements. Since the previous public notice was given for R1A rezoning, the petitioner was required to complete new public notice which included posting a sign on the property and mailing a letter to property owners within 300’ of the property. The City additionally provided notice of the public hearing in the Naperville Sun. At the May 16<sup>th</sup> meeting, the PZC found the request for R1 zoning with a variance for the interior setback to be a great compromise and recommended approval of the request.

### ***Annexation, Rezoning, and Variance***

The subject property is currently located in unincorporated Will County and the petitioner requests annexation into the City of Naperville. The subject property is contiguous to property that is currently within the City of Naperville and is eligible for annexation. Upon annexation, the petitioner is seeking rezoning of the subject property to R1 (Low Density Single-Family Residence District) in order to develop 8 single family detached homes and one associated outlot.

The petitioner is additionally seeking a variance to the R1 interior side yard setback requirements (Section 6-6L-7:1). Per the R1 district, each side yard setback must be a minimum of 10’, with a combined total of 25’ for both side yards. The petitioner is requesting to reduce the minimum side yard setback requirement from 10’ to 8’ but still meet the 25’ requirement for the total of the interior side yards.

Staff finds the requested zoning variance still maintains compatibility with the intent of the R1 district and the surrounding area. Staff does not have any concerns with the requested variance given that the size and density of the proposed single family detached houses will still be consistent with surrounding properties.

### ***Preliminary/Final Plat of Subdivision and OAA***

In conjunction with the requested annexation and rezoning, the petitioner requests approval of a preliminary/final plat of subdivision and OAA for Enclave on Book. The proposed subdivision contains eight lots and one associated outlot. The eight lots are planned for the development of single-family detached housing and the outlot will be improved as part of the stormwater management easement.

The proposed lots are in compliance with the R1 zoning district minimum lot width and lot area requirements. Per the standards established in Section 7-4-4:2.4 (Land Use: Ninety Percent Rule) of the Municipal Code, the ninety percent (90%) rule applies to the subdivision of the properties. Upon review of the ninety percent rule regulations, the minimum lot size requirements are required to be a minimum of 15,425 square feet. The smallest lot proposed is 15,874 square feet; therefore, the proposed lot sizes comply with the 90% rule requirement. Given the compliance with code requirements and the consistency with surrounding properties, Staff recommends approval of the Preliminary/Final Plat of Subdivision and OAA.

### ***Landscape Plan***

The proposed landscape plan identifies new parkway trees where appropriate along Book Road and along the proposed street, Sparkles Court. Staff supports the landscape plan as proposed and finds that it meets the requirements of the City's Landscaping and Screening Ordinance.

### ***Key Takeaways***

- PZC 18-1-001 originally appeared before the Planning and Zoning Commission in April 18, 2018. At the May 2, 2017 PZC meeting, the case was continued to allow the petitioner to meet with staff and revise the plans.
- The public hearing was re-noticed and opened on May 16, 2018. The PZC voted to recommend approval of PZC 18-1-001 (Approved, 8-0).
- The petitioner is currently requesting annexation into the City of Naperville, approval of an annexation agreement, rezoning to R1 upon annexation, approval of a preliminary/final plat of subdivision and OAA, and a variance to the interior side yard setback requirements.
- The subject property is contiguous to property in the City of Naperville. Staff finds the proposed R1 zoning is consistent with the surrounding annexed properties and supports the setback variance, as proposed.

### **FISCAL IMPACT:**

N/A

### ***Related Files***

The following agenda items are related to PZC 18-1-001:

- Conduct the public hearing for Enclave on Book located at 11007 S. Book Road - PZC 18-1-001 (Item 2 of 7)
- Pass the ordinance authorizing the execution of an Annexation Agreement for the Property Located at 11007 S. Book Road - PZC 18-1-001 (Item 3 of 7)
- Pass the ordinance annexing certain property located at 11007 S. Book Road - PZC 18-1-001 (Item 4 of 7)
- Pass the ordinance rezoning the property located at 11007 S. Book Road to R1 (Low Density Single Family Residence District) - PZC 18-1-001 (Item 5 of 7)

- Pass the ordinance approving the preliminary/final plat of subdivision for Enclave on Book - PZC 18-1-001 (Item 6 of 7)
- Pass the ordinance approving a variance to 6-6L-7 of the Naperville Municipal Code for the property located at 11007 S. Book Road - PZC 18-1-001 (Item 7 of 7)