



Legislation Details (With Text)

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**File created:** 4/20/2023      **In control:** City Council  
**On agenda:** 7/18/2023      **Final action:** 7/18/2023  
**Title:** Receive the staff report and conduct the public hearing to consider the Annexation Agreement for Forest Meadows - PZC 23-1-007 (Item 1 of 5)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Petition for Annexation, 2. Petition for Development Approval, 3. Response to Standards, 4. Legal Description, 5. Owner's Authorization Letter, 6. Disclosure of Beneficiaries, 7. Plat of Annexation, 8. Site Plan, 9. ICN Letter of Support, 10. FPDDC Letter of Support

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 conduct the public hearing to consider the Annexation Agreement for Forest Meadows - PZC 23-1-007 (Item 1 of 5)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 23-1-007 on April 19, 2023 and recommended approval of the petitioner's requests (approved 8-0).

**BACKGROUND:**

The subject property consists of approximately 1.53 acres currently zoned R-2 (Single Family Residence District) in unincorporated DuPage County. The petitioner proposes annexing the property into the City of Naperville and developing a multi-family residential development consisting of 38 units. To do so, the petitioner requests approval of: an annexation agreement, annexation, rezoning to OCI (Office, Commercial and Institutional District) following annexation; a conditional use to allow multi-family residential in the OCI Zoning District; a variance to Section 6-7F-8 (Height Limitations/Bulk Regulations) of the Municipal Code to increase the maximum building height from 43 feet to up to 47 feet; and, a variance to Section 6-7F-5 (Area Requirements) of the Municipal Code to increase the permissible residential density to allow for a 38-unit development on an approximately 1.53 acre parcel.

## **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 property to OCI (Office Commercial and Institutional District) upon annexation. The intent of this zoning designation is to act as a transitional zone between intensive business areas and residential neighborhoods. The OCI district supports a variety of land uses including residential, office, institutional and supporting commercial facilities. A variety of land uses border the subject property, including unincorporated Goodrich Woods Forest Preserve to the north; a City-owned electric substation to the east; an unincorporated religious institution to the west; and, 75<sup>th</sup> Street to the south.

As part of the submittal, the petitioner provided engineering plans which depict the proposed development layout. The plans do not require approval of any OCI zoning district setback or parking variances. Additionally, the proposal is consistent with the City's Land Use Master Plan. The Master Plan designates the subject property as City Corridor, which accommodates multi-family residential. Consequently, staff is supportive of the petitioner's proposed annexation and rezoning and finds the proposal to be complementary to properties in the surrounding area.

### ***Annexation Agreement***

The petitioner's proposal does not include a plat of subdivision as the subject property already constitutes a legal lot of record, and therefore the Owner and Developer is not required to satisfy school and park donations per Section 7-3-5 of the Naperville Municipal Code. However, in conjunction with the annexation agreement, the Owner and Developer has voluntarily agreed to pay school and park donations that would otherwise be required based on calculations specified in Section 7-3-5 of the Code by payments of cash in lieu of land. Said payments will be made prior to issuance of a site permit for the subject property.

### ***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 recommend their adoption by City Council.

### ***Conditional Use, Multi-family Residential***

The OCI zoning district classifies multi-family residential as a conditional use. As part of the development petition, the petitioner has identified that Forest Meadows will provide a desirable living option that serves the community by providing a different style and density of home than is prevalent in this part of the community. The petitioner proposes 38 units with a mix of one- and two-bedrooms, in a three-story building. The proposal includes exterior amenity areas and code required parking and maintains existing mature tree lines along the perimeter. Upon review, staff finds the proposed development's design and scale are compatible with adjacent properties.

Multi-family residential is also supported by the City's Land Use Master Plan, which designates the future place type of the subject property as City Corridor and accommodates multi-family residential as a supporting land use. Staff notes that the property is only accessible by a right-in/right-out access point, which may limit opportunities for commercial development in this area. Additionally, the subject property is situated between nonresidential land uses on the north side of 75<sup>th</sup> Street,

including the Islamic Center of Naperville to the west, and an electric substation to the east. A multi-family residential development on the subject property is anticipated to support nearby commercial uses while complementing the diverse uses in the area.

### *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 recommend their adoption by City Council.

### **Variances**

#### *Building Height*

##### Section 6-2-4 (Building Height and Bulk

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> of the Code requires building height to be measured from a datum point established by the average of the two grades along each side lot line.

The maximum height for multi-family residential in the OCI district is 43 feet. The petitioner has requested a variance to [Section 6-7F-8:1 \(Height Limitations/Bulk Regulations\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTFOCOFCOINDI_6-7F-8HELIBURE)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH7BUDI\\_ARTFOCOFCOINDI\\_6-7F-8HELIBURE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTFOCOFCOINDI_6-7F-8HELIBURE)

> to allow the proposed building to measure up to 47 feet in height when measured from the datum point.

The subject property has a unique topography with a natural incline from the south property line abutting 75<sup>th</sup> Street, to the north property line adjacent to Goodrich Woods Forest Preserve. This results in the building appearing tallest when viewed from 75<sup>th</sup> Street, a major arterial roadway. The perceived building height decreases as one moves north on the property. Staff finds that the slope of the property provides a hardship that restricts the height of any proposed residential structure. Additionally, staff notes that the subject property is adjacent to non-residential land uses, so no residences are impacted by the increased height of the building. The subject property is also screened along the property lines by mature trees that further minimize the impact of the additional building height. Staff believes the proposed height of the building is reasonable and is supportive of the variance request.

#### *Density Variance*

##### Section 6-7F-5:2 (Area Requirements)

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> of the Municipal Code requires lots developed with multi-family residential units in the OCI zoning district to have a minimum lot area of 2,600 square feet per dwelling unit (resulting in approximately 16.75 dwelling units per acre). This density ratio would allow 26 dwelling units to be constructed on the subject property.

The petitioner requests approval of a variance to allow a minimum lot area of approximately 1,758 square feet per dwelling unit (or approximately 24.8 dwelling units per acre), to accommodate 38 units on the 1.53-acre property.

The City's minimum lot area requirement is not intended to impose a minimum interior/livable square footage requirement for each residential unit; rather, it is used as a means of controlling site density and the overall bulk of the building. The proposed building footprint for Forest Meadows consists of approximately 27% of the total lot area. The building complies with the OCI zoning district's required yards and setbacks, and code required parking is accommodated on site. Staff is supportive of the

requested variance, noting that the increased density has not resulted in increased building bulk or additional variances. Furthermore, staff finds the proposal will not negatively impact adjacent properties due to the subject property's location along a major arterial and adjacency to nonresidential uses.

### *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 both variances and recommend their adoption by City Council.

### **Elevations**

The elevations proposed for Forest Meadows exceed the City's 50% masonry requirement and include earthtone face brick, stone accents, and cementitious panels. Varied rooflines add visual interest to the building and balconies provide exterior access for each apartment. Staff is supportive of the elevations as proposed.

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

The Planning and Zoning Commission conducted the public hearing to consider PZC 23-1-007 on April 19, 2023. No members of the public provided testimony. After limited discussion on plant species proposed and collaboration with the Forest Preserve District of DuPage County (FPDDC), 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.

*Following the PZC meeting on April 19, 2023, and after additional landscaping information was provided, the FPDDC submitted a letter outlining that they do not have any concerns with the proposed development. The letter is included in the attachments.*

### **RELATED FILES**

1. Pass the ordinance authorizing the execution of an annexation agreement for 25W462 75<sup>th</sup> Street (Forest Meadows) - PZC 23-1-007 (Item 2 of 5) (requires six positive votes)
2. Pass the ordinance annexing certain property located at 25W462 75<sup>th</sup> Street (Forest Meadows) - PZC 23-1-007 (Item 3 of 5)
3. Pass the ordinance rezoning certain property located at 25W462 75<sup>th</sup> Street to OCI upon annexation (Forest Meadows) - PZC 23-1-007 (Item 4 of 5)
4. Pass the ordinance approving a conditional use in the OCI zoning district pursuant to Section 6-7F-3 and variances from Section 6-7F-8 (Height Limitations/Bulk Regulations) and Section 6-7F-5 (Area Requirements) for Forest Meadows - PZC 23-1-007 (Item 5 of 5)