



## Legislation Details (With Text)

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**File created:** 5/1/2017      **In control:** City Council

**On agenda:** 5/16/2017      **Final action:** 5/16/2017

**Title:** Receive the staff report for Court Place Townhomes located at 17 Court Place, PZC 17-1-023. (Item 1 of 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Petition, 2. Landscape Plan, 3. Building Elevations, 4. Draft PZC Minutes - April 18, 2017

Date	Ver.	Action By	Action	Result
5/16/2017	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the staff report for Court Place Townhomes located at 17 Court Place, PZC 17-1-023. (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kasey Evans, AICP

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on April 19, 2017 and voted to recommend approval of the request subject to conditions (Approved 6-0). Staff concurs.

#### **BACKGROUND:**

The petitioner, B3 Properties LLC, requests approval of variances to allow a reduced minimum lot area per dwelling unit, a reduced driveway setback from the north property line, and to allow patios to be located within the front yard, in order to develop 3 single-family attached dwelling units at 17 Court Place. The subject property is located on the east side of Court Place, south of E Benton Avenue. The subject property is 11,422 square feet in area and zoned TU (Transitional Use District). It is currently improved with a residentially styled office building. The property is adjacent to parking lots to the north and east, and an office building and North Central College's Meiley-Swallow Hall to the south.

#### **DISCUSSION:**

The 3 proposed single-family attached homes on the subject property are a permitted use in the TU district. The townhomes front onto Court Place with attached rear-loaded garages. Residents would access their garages via the driveway from Court Place proposed on the north side of the property. The townhomes are 3 stories with roof top decks, and are in compliance with the maximum 35' height

permitted in the TU district. Landscaping is proposed around the site including shade trees, shrubs and flowers.

#### *Subdivision Plat and OAA*

The petitioner requests approval of the Preliminary/Final Plat of Subdivision for Court Place at Central Park in order to consolidate the property into a single legal lot of record. Staff finds the proposed preliminary plat of subdivision meets all technical requirements for approval. The Owner's Acknowledgement & Acceptance (OAA) is included in the ordinance approving the Preliminary/Final Plat of Subdivision.

#### *Lot Area per Dwelling Unit Variance*

The proposed development includes 3 single-family attached homes. Per [Municipal Code Section 6-7I-5:2 <https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH7BUDI\\_ARTITUTRUSDI\\_6-7I-5ARRE>](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTITUTRUSDI_6-7I-5ARRE) (TU: Area Requirements) the sum of the area of the lots on which a structure consisting of 3 or more single-family attached dwellings is located shall not be less than the number of dwellings times 4,000 square feet. The subject property, at 11,422 square feet, is 578 square feet smaller than the 12,000 square foot minimum required for 3 dwellings. The petitioner requests a variance to allow the 3 proposed dwellings on the subject property.

Staff finds the number of dwelling units proposed is compatible with intent of the TU district and the surrounding neighborhood, and does not anticipate issues with the proposed number of units on the subject property. The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff is in general agreement with the petitioner's Findings and recommends adoption by the Planning and Zoning Commission.

#### *Driveway Setback Variance*

The proposed driveway leading from Court Place to the garages at the rear of the property is setback 4' from the north property line. Per [Municipal Code Section 6-9-2:4.3 <https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA>](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA) (Off-street Parking Facilities) parking facilities shall be setback a minimum of 5' from the property line; therefore the petitioner requests a variance to allow a 1' encroachment into the required 5' setback. The City's Engineering Team requested a minimum 16' wide driveway in order to ensure 2 vehicles would be able to pass one another in the driveway. A 16' wide driveway cannot be accommodated within the project without encroaching into the 5' setback. A narrower 15' wide driveway that complies with the 5' setback could cause conflicts between vehicles entering and exiting the site.

To the north of the subject property is an existing parking lot with an established hedge running along the property line. Given the proposed driveway's location adjacent to a parking lot, staff finds the location is compatible with the neighboring uses and will not have a detrimental effect on nearby properties. The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff is in general agreement with the petitioner's Findings and recommends adoption by the Planning and Zoning Commission.

#### *Patio Variance*

The proposed development includes patios measuring approximately 15' by 8' in the front yards along Court Place, setback approximately 1' from the front (west) property line. Per [Section 6-2-10 <https://www.municode.com/library/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA>](https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA)

[nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-10ACBUSTUSLA>](#) (Accessory Buildings, Structures and Uses of Land) specifies that detached accessory structures shall not be located nearer to the front property line than the longest distance between the front wall of the building and the front property line. The petitioner requests a variance to permit the patios to be located between the townhomes and the front property line.

Given the limited options for outdoor living space on the subject property, and the location across the street from Central Park, staff finds the proposed patios to be compatible with the character of the street and an amenity for the proposed townhomes. The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff is in general agreement with the petitioner's Findings and recommends adoption by the Planning and Zoning Commission.

#### *Key Takeaways*

- The petitioner requests approval of a variance of 578 square feet to the minimum lot area, a variance to reduce the driveway setback from 5' to 4', and a variance to allow patios in the front yard.
- Staff supports the proposed townhomes, and associated variances, as they are compatible with the character of the neighborhood.

#### *Planning & Zoning Commission Action*

The Planning and Zoning Commission considered this matter at their meeting on April 19, 2017. The attorney for North Central College requested a condition be included requiring the petitioner to remove and replace the retaining wall on adjacent North Central property, as necessary. Following brief discussion, the Planning and Zoning Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 17-1-023, subject to the condition that the retaining wall on the North Central Property is removed, the property is regraded, and if necessary the wall is reconstructed (approved 6-0). Staff concurs with the Planning and Zoning Commission's recommendation.

Based on the feedback received at the Planning and Zoning Commission, the Owner's Acknowledgement and Acceptance includes a requirement for the petitioner to remove the retaining wall, regrade, and replace the retaining wall at 31 N Ellsworth, as is necessary, prior to issuance of any occupancy permit for Court Place Townhomes.

#### **FISCAL IMPACT:**

N/A