



Legislation Details (With Text)

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**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 4/24/2020      **In control:** Planning and Zoning Commission

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**Title:** Conduct the public hearing for deviations to the Windscape Village PUD, PZC 20-1-023

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Windscape Village- Petition and Disclosure of Beneficiaries, 2. Location Map, 3. Windscape Village ALTA Survey, 4. Exhibit A\_ Project Summary, 5. Exhibits C\_ Deviation Standards, 6. 4543938 - TED-PUD Plat - WINDSCAPE VILLAGE - R83-101333 - 10-29-1984, 7. Legal Description

Date	Ver.	Action By	Action	Result
4/29/2020	1	Planning and Zoning Commission		

**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the public hearing for deviations to the Windscape Village PUD, PZC 20-1-023

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 20-1-023 was published in the Daily Herald on April 13, 2020.

**BACKGROUND:**

The 20.8 acre subject property is located to the east of the intersection of Benedetti Drive and Pacific Drive, south of Ogden Avenue. The subject property is zoned R3 PUD (Medium Density Multiple-Family Residence District - Planned Unit Development) and consists of 24 apartment buildings, a clubhouse with a pool, amenities, and associated parking areas. The Windscape Village PUD was approved by Ordinance No. 84-173 on November 5, 1984.

The petitioners, Windscape Naperville, LLC and PBH Windscape, LLC, own the property. When conducting a recent zoning compliance check of the developed property, it was determined the setback for two of the apartment buildings and the provided parking do not comply with the underlying PUD. Therefore, the petitioner requests deviations to reduce two of the setbacks and to reduce the number of parking spaces. It should be noted that the petitioner does not intend to make any changes to the Subject Property at this time; however, approval of the requested deviations is sought in conjunction with obligations pursuant to recent refinancing of the Subject Property.

## **DISCUSSION:**

### ***Major Change to the PUD***

The subject property is part of the Windscape Village PUD. Per Section 6-4-6:1 (Changes to Final Planned Unit Development: Major Change), the deviations meet the threshold for a major change to the PUD.

### ***Setback Deviation***

The petitioner requests a deviation to the setbacks for Buildings #873 and #859 which encroach into the specified 30-foot setbacks by approximately 5 feet and 4.1 feet, respectively. Both buildings are original to the development.

Staff finds there is not a negative impact associated with the setback encroachment and the subject buildings are not located directly adjacent to other residential properties. Along the Pacific Drive right-of-way, Building #873 does not visually stand out compared to the other apartment buildings. Building #859 is located to the rear of the property and adjacent to the Naperville North High School property with the bleachers as the nearest structure. It should be noted that although the buildings do not comply with the more restrictive PUD setbacks, they do comply with the general R3 bulk requirements. This has been an existing condition for decades and does not change the character of the development.

The petitioner's responses to the standards for granting a deviation to the PUD are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

### ***Parking Deviation***

The petitioner also requests a deviation from the PUD requirements to reduce the number of parking spaces. The PUD required a minimum of 604 parking spaces with the associated parking calculation included on the Final Plat. However, the Americans with Disabilities Act (ADA) of 1990 was subsequently passed after the property was developed. A prior owner complied with these requirements by providing striped access aisles, which had the effect of reducing the number of available spaces to 580.

Staff is unaware of any parking issues at the subject property. There have not been any enforcement actions resulting from a parking shortage. Staff finds the impact would be more detrimental to add 24 additional parking spaces at the expense of open space. Staff wishes to maintain open space in keeping with the intent of the PUD to provide recreational areas, site amenities, environmental protection, and beautification.

The petitioner's responses to the standards for granting a deviation to the PUD are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

### ***Key Takeaways***

- The petitioner is requesting a major change to approve deviations to decrease two setbacks and to reduce the required parking. No changes to the Subject Property are proposed at this time.
- Staff is supportive of the requests, finding that they are existing conditions and have not adversely impacted surrounding properties since inception.

