



## Legislation Text

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File #: 23-0309B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Receive the report for Naperville Wheaton Townhomes (Pearl Subdivision) located at 5S275 and 5S311 Naperville/Wheaton Road and conduct the public hearing to consider an amendment to the Annexation Agreement - PZC 23-1-002 (Item 1 of 5)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, AICP

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

The Planning and Zoning Commission (PZC) considered PZC 23-1-002 on March 15, 2023 and provided a positive recommendation on the request (approved 7,1). Staff concurs.

#### **BACKGROUND:**

The subject properties are located on the east side of Naperville/Wheaton Road, just south of Ogden Avenue, with a common street address of 5S275 and 5S311 Naperville/Wheaton Road. The northern property, 5S275 Naperville/Wheaton Road, is approximately 23,000 sf in size and the southern property, 5S311 Naperville/Wheaton Road, is approximately 22,000 sf in size.

#### **DISCUSSION:**

##### ***Annexation Agreement Amendment and Revocation of Ordinances***

In 2019, the Petitioner, Naperville Wheaton LLC, requested annexation of the subject properties into the City of Naperville, rezoning to R3A (Medium Density Multiple-family Residence District), and preliminary plat of subdivision in order to construct 4 single-family detached residential homes (otherwise known as Leigh Subdivision (PZC 18-1-114)). The annexation, annexation agreement, rezoning and preliminary approvals were approved by the City Council on February 5, 2019 and the final approvals were approved by the City Council on July 16, 2019.

To date, the annexation agreement was recorded; however, the final plat of subdivision was not recorded and none of the single family detached homes have been constructed. The Petitioner is requesting the City Council approve an amendment to the annexation agreement in order amend the prior approvals and permit the proposed development. Staff is also recommending the prior preliminary plat of subdivision (Ordinance No. 19-019) and final plat of subdivision and OAA (Ordinance No. 19-094) be revoked.

##### ***Requested Entitlements***

The Petitioner, Naperville Wheaton LLC, requests approval of the following entitlements, as further described below, in order to construct 19 townhomes and an associated surface parking lot on the property:

1. Revocation of Ordinances 19-019 and 19-094;
2. Amendment to Leigh Subdivision Annexation Agreement;
3. Preliminary/Final Plat of Subdivision to consolidate two lots into one lot;
4. Variance to Section 6-6D-5 to permit 19 townhomes;
5. Variance to Section 6-6D-7 to reduce the front yard setback from 25' to 23';
6. Variance to Section 5-2C-3 to waive the masonry requirement to allow for 0% masonry;
7. Variance to Section 6-9-3 to permit 2 guest parking spaces in lieu of the required 5 guest parking spaces; and
8. Variance to Section 6-9-2:4.2.1 to waive the garage parking requirement and allow parking within the front yard setback.

### **Area Requirement Variance**

The Petitioner is proposing to develop the property with two townhome buildings consisting of 19 dwelling units and a surface parking lot consisting of 40 off-street parking spaces. The R3A zoning district permits single family attached dwelling units (townhomes) by right but requires a minimum of 4,000 square feet per unit with no more than eight dwelling units permitted per acre. Given the property is 45,490 square feet in size, the Petitioner is requesting approval of a variance to reduce the minimum area requirement in order to permit 19 townhomes on the property at 2,394 square feet per unit.

The Land Use Master Plan (2022) designates the future land use of the subject property to be the single-family residential place type and designates the area located to the south and east of the subject property (the Plank Road and Naper Boulevard area) to be the medium density residential place type. The designation of the Plank Road and Naper Boulevard area was provided in recognition that the area serves as a transition between the Ogden Avenue commercial corridor and adjacent residential uses to the south and east. The Land Use Master Plan does not designate place types on a parcel by parcel basis, instead the identified future land use areas are intended to be fluid and reflective of existing development patterns. This subject property is transitional in nature as the properties to the east and south are planned to medium density and this property abuts commercial property that is near Ogden Avenue. The Plan further recommends that this area be developed with residential land uses that help diversify Naperville's housing stock and address housing needs, by including a variety of unit types and price-points in the form of mixed-use, multi-unit, or townhomes.

Staff finds the proposed density serves as an appropriate transition from the more intensive land uses and busier roadway (Ogden Avenue) to the north and west, to the less dense single-family residential to the south and east. Furthermore, the proposed development includes sidewalk connectivity to the businesses to the north (Aldi grocery store and Starbucks coffee shop) which are within walking distance. The Petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff and the Planning and Zoning Commission are in agreement with the Petitioner's Findings and recommend adoption by the City Council.

### **Masonry Variance**

Per Section 5-2C-3 (Exterior Wall Construction), the proposed townhomes are required to provide a minimum of 50% masonry (brick and/or stone) exterior building materials. The Petitioner is seeking approval of a variance to the masonry requirements to reduce the required masonry for the townhome units to 0%.

The R3A zoning district provides a maximum height allowance of 35'. The proposed townhomes will

be two stories and approximately 25'-5" in height, below the maximum permitted allowance. The townhomes consist of LP smart siding in grey and white tones. Each adjacent dwelling unit has a unique feature, such as peaked roofs above the windows or covered porches, to minimize monotony. The Petitioner is requesting approval of this variance noting that the use of masonry materials in residential construction is much less prevalent since the City's adoption of this requirement.

The Petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff and the Planning and Zoning Commission are in agreement with the Petitioner's Findings and recommend adoption by the City Council.

### ***Building Setback Variance***

The subject properties were recorded as Lots 9 and 10 in Block 4 of DuPage Farms with a 30' platted building line. As proposed, 7' of the property will be dedicated as public right-of-way which will reduce the existing 30' platted building setback line to a 23' platted setback line. In addition to the platted building setback line, the R3A zoning district has a 25' front yard setback requirement which is applicable to this development. Per code, where a platted setback and a zoning setback are in conflict, the more restrictive setback is applicable. Therefore, the proposed townhome buildings are required to comply with the R3A zoning district 25' front yard setback.

The Petitioner is requesting approval of a variance to reduce the 25' front yard setback to 23'. The proposed townhomes buildings will be oriented perpendicular to Naperville/Wheaton Road. This site design and the modest 2 story height of the townhomes reduces the perceived encroachment of the buildings into the setback. The townhomes will comply with all other required setbacks. The Petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff and the Planning and Zoning Commission are in agreement with the Petitioner's Findings and recommend adoption by the City Council.

### ***Parking Variances***

The proposal requires the review and approval of the following variances related to parking:

- Approval of a variance to Section 6-9-3 to permit 2 guest parking spaces in lieu of the required 5 guest parking spaces; and
- Approval of a variance to Section 6-9-2:4.2.1 to waive the garage parking requirement and to allow parking within the front yard setback.

The Petitioner proposes a surface parking lot which will provide 40 off-street parking spaces for the development. Per code, 2 parking spaces are required to be provided for a residential development that consists of 5 or more dwelling units. Therefore, a total of 38 parking spaces are required to be provided for this development. In addition to the minimum required number of spaces per dwelling unit, 0.25 guest parking spaces must be provided per dwelling unit resulting in 5 guest parking spaces (19 dwelling units x 0.25 = 4.75 guest parking spaces). The Petitioner seeks approval of a variance to reduce the guest parking spaces from 5 guest parking spaces to 2 guest parking spaces.

Staff finds the proposed development meets the minimum requirement of 2 parking spaces per unit and will have two parking spaces dedicated to guest parking. Staff finds the number of parking spaces will adequately serve the development and is supportive of the variance.

Per Section 6-9-2:4.2.1, one required parking space per dwelling unit must be provided within an enclosed garage. The Petitioner is seeking approval of a variance to waive the garage parking requirement to allow all the required parking spaces to be on the surface parking lot. Staff is supportive of this variance request finding that the inclusion of garage parking would add additional bulk to the property (by way of detached garages) or would result in an increase to the height of the townhome buildings (by way of attached garages on the first floor of the townhomes).

Finally, the Petitioner is requesting approval of a variance to allow parking within the front yard setback. As noted above, the front yard setback is 25'. The submitted site plan depicts four parking spaces within the front yard setback. Per code, guest parking spaces are permitted to be located in the front yard setback. Given the proposal includes two guest parking spaces, the requested variance is only required for two of the four parking spaces which encroach into the front yard setback. Staff is supportive of this variance request noting that if the Petitioner were to increase the number of guest parking spaces onsite, these spaces would be permitted by right without needing variance approval.

The Petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff and the Planning and Zoning Commission are in agreement with the Petitioner's Findings and recommend adoption by the City Council.

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

The PZC held a public hearing for PZC 23-1-002 on March 15, 2023. During the public hearing, several members of the public spoke on the request raising concerns with the proposed density, increase in traffic following the development, number of parking spaces proposed finding the number to be inadequate, and flooding concerns. Members of the public also stated the development would be inconsistent with the neighborhood. The Commission discussed the masonry requirements, the proposed fencing, the snow storage area, drainage for this property and how drainage was addressed at the surrounding properties, and the garbage area on the east side of the property. The PZC closed the public hearing and provided a positive recommendation on the request (approved 7,1). The dissenting vote was cast by Commissioner Castagnoli who noted concerns with the lack of snow storage area.

### ***Key Takeaways***

- The Petitioner is requesting approval of an amendment to the Leigh Subdivision Annexation Agreement previously approved for the subject property in order to allow the proposed development known as Naperville Wheaton Townhomes.
- The Petitioner is also requesting approval of a preliminary/final plat of subdivision and several associated variances in order to consolidate the lots and construct 19 single family attached dwelling units (townhomes) and an associated surface parking lot. Staff and the Planning and Zoning Commission are supportive of the proposed development.

### ***Related Files***

- Pass the ordinance revoking ordinance 19-019 and ordinance 19-094 - (Item 2 of 5); and
- Pass the ordinance authorizing the execution of an amendment to the Leigh Subdivision Annexation Agreement for Naperville Wheaton Townhomes (Pearl Subdivision) - (Item 3 of 5); and
- Pass the ordinance approving variances for Naperville Wheaton Townhomes (Pearl Subdivision) - (Item 4 of 5); and

- Pass the ordinance approving a variance to the exterior wall construction requirements - (Item 5 of 5)

**FISCAL IMPACT:**

N/A