



## Legislation Text

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File #: 18-1049B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Receive the staff report for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 1 of 4)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

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

The Planning and Zoning Commission considered this matter on December 5, 2018 and voted to recommend approval of the request (approved, 7-0). Staff concurs.

#### **BACKGROUND:**

The petitioner requests a conditional use to permit single-family attached dwelling units and variances to allow the dwelling units to exceed the height and story requirements. The petitioner proposes to construct 9 townhome units in the form of 2 duplex buildings and a 5 unit single-family attached building.

The subject property is comprised of 4 parcels and is currently the site of 2 single-family residences. Located south of Chicago Avenue and east of Huffman Street, the 0.82 acre subject property has a common address of 920 to 930 E. Chicago Avenue. The subject property is zoned R2 (Single-Family and Low Density Multiple-Family Residence District). The East Sector Update (1998) identifies the future land use of the property as "Low Density Residential". Though denser than previously planned, staff finds the proposed development to be compatible with this designation given the subject property's adjacency Chicago Avenue, a minor arterial roadway, and Sunrise Assisted Living to the east. Additionally, the proposed residential units can be accommodated in the property's existing R2 zoning (through a conditional use); rezoning to a more intense residential zoning district is not required.

#### **DISCUSSION:**

##### ***Proposed Use***

The petitioner intends to demolish the existing homes and construct 9 townhomes on the subject property. 2 duplex buildings will front Chicago Avenue and a 5 unit single-family attached building will be located behind (south) the duplexes. Each townhome will include a rooftop deck and an attached 2 car garage with the garages of the buildings facing each other. Each driveway will additionally be able to accommodate 2 cars and 2 guest parking spaces are also provided for the development. Access to the development will be provided via a single access point on Chicago Avenue.

##### ***Preliminary Plat of Subdivision***

The petitioner requests approval of a preliminary plat of subdivision for Chicago Commons in order to establish 3 buildable lots on which the units will be constructed and one additional lot (Outlot A) for common open space, stormwater and drainage, and floodplain. The 3 building lots range between 2,350 and 6,250 square feet in size; Outlot A is 24,720 square feet in size. Staff finds that the proposed preliminary plat of subdivision for Chicago Commons meets all technical requirements for approval.

**Conditional Use for Single-Family Attached Dwelling Units**

Pursuant to [Section 6-6C-3 \(R2 District: Conditional Uses\)](#)

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>, the petitioner is requesting approval of a conditional use to permit single-family attached dwelling units in the R2 District. The conditional use applies to the 5 unit building because the duplexes are a permitted use in R2. The subject property is immediately surrounded by East Greens Park to the west and south and Sunrise Assisted Living to the east. Single-family homes are further west along Chicago Avenue. Properties further east along Chicago Avenue include Fire Station # 1, offices, townhomes, and single-family homes. Staff finds the proposed townhomes to be an appropriate transition between the single-family homes further west of the subject property and the more transitional uses to the east. The petitioner’s responses to the standards for granting a conditional use are attached. Upon review, staff agrees with the petitioner’s findings and recommends their adoption by City Council.

**Height Variance**

[Section 6-6C-8:1 \(R2 District: Height Limitations and Bulk Regulations\)](#)

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> of the Municipal Code states the following:

*The maximum height for all buildings and structures in the R2 district, except for single-family detached dwelling units and duplexes, shall be three (3) stories not to exceed forty (40) feet. The maximum height for all single-family detached dwelling units and duplexes in the R2 district shall be two and one-half (2½) stories not to exceed thirty five (35) feet.*

The proposed townhome units are 3½ stories and 40’ tall as measured to the midpoint of the roof. Therefore, the petitioner requests the following variances as related to height: (1) to permit the 40 duplex buildings to exceed the permitted height of 35’ by 4½’; (2) to permit the 3½ story duplex buildings to exceed the permitted 2.5 story requirement by 1 story; and (3) to permit the 3½ story single-family attached building to exceed the permitted 3 story requirement by one half (½) story.

Summary of Height Requirements v. Actual Height

	Req. Height	Actual Height	Req. Stories	Actual Stories
Duplex	35’	40’	2½	3½
SF Attached	40’	40’	3	3½

The petitioner requests a variance to permit the proposed duplex buildings to be constructed to a height of 40’. Per Code, the maximum height of a duplex in the R2 district is 35’. The 40’ height of the proposed duplex buildings is consistent with the single-family attached building, providing a harmonious look to the overall development. The subject property is also adjacent to park property to

both the west and south, as well as an institutional use to the east, minimizing any adverse impact on adjacent residential properties. Given these factors, staff is supportive of the variance to increase the height of the proposed duplex buildings.

The petitioner also requests a variance to permit both the duplexes and the single-family attached building to exceed the permitted story requirement in R2. The proposed duplex building is 3½ stories, exceeding the story requirements for duplexes by 1 story. The proposed single family attached building is also 3½ stories, exceeding the story requirement by one half (½) story. The additional half (½) story is envisioned to serve as attic space for the homeowners while also providing access to a rooftop deck. Section 6-1-6 (Definitions) of the Code requires the floor area of a half story to be less than 50% of the gross building area of the story immediately below it. Furthermore, a half story includes finished or unfinished space under a roof that meets one of the following criteria: it is accessible by a stairway; it is designed to support habitable spaces as well as bathrooms, toilet rooms, closets, storage, or hallways; or, it is improved with floor sheathing or decking. Per this definition, the enclosed portion of the proposed top level is classified as a half story, measuring between 33% and 46% of the gross floor area of the third floor depending on the unit.

The proposed duplexes are 3½ stories, exceeding the story requirement by 1 story; thereby providing a harmonious look between the duplexes and single-family attached building. The number of stories is also consistent with the Sunrise building to the east. As such, staff is supportive of the request to increase the number of stories to 3½ on both the duplexes and the single-family attached building. The petitioner's responses to the standards for granting a zoning variance can be found in the attachments. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

### ***Building Elevations***

Per the petitioner, the proposed exterior elevations are historically inspired and are rowhome style buildings. Both the duplex and single-family attached models are matching in exterior style. [Section 5-2C-3 \(Exterior Wall Construction\)](#)

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requires that a minimum of 50% of the exterior wall construction for all single-family attached dwelling units and duplexes shall be constructed of solid masonry, face brick, or manufactured concrete stone veneer. The proposed elevations, which are primarily masonry with cast stone detailing, meet and exceed the 50% masonry requirement as specified in the Code. Staff is supportive of the proposed elevations.

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

The Planning and Zoning Commission opened the public hearing to consider PZC 18-1-094 on December 5, 2018. Russ Whitaker, attorney with Rosanova and Whitaker, spoke on behalf of the petitioner. 2 members of the public spoke during public testimony raising concern with construction traffic, screening of the motor court, and the grading of the property. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 18-1-094 (Approved, 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner is proposing a 9 unit townhome development (2 duplexes and a 5 unit single-family attached building) in R2.

- The petitioner is requesting a conditional use in R2 to permit single-family attached units and variances to increase the height and number of stories of the units. Staff is supportive of the requests given the property's location between the single-family homes further west of the subject property and the more transitional uses to the east.

***Related Files***

The following agenda items are related to PZC 18-1-094:

- Pass an ordinance approving a preliminary subdivision plat for Chicago Commons - PZC 18-1-094 (Item 2 of 4);
- Pass an ordinance granting a conditional use in the R2 District to permit single-family attached dwellings for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 3 of 4);
- Pass an ordinance granting a variance to increase the maximum building height and number of stories for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 4 of 4)

**FISCAL IMPACT:**

N/A