



Legislation Text

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**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report regarding the property located on Lot 4 of the Nokia Campus Subdivision at the northwest corner of Naperville and Warrenville Roads, Naperville (Naper Commons) - PZC 20-1-086 (Item 1 of 6)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) conducted public hearings on PZC 20-1-086 on December 16, 2020 and February 3, 2021. On March 17, 2021 it voted to recommend approval (approved 8-0). Staff concurs.

**BACKGROUND:**

The subject property is known as Lot 4 of the Nokia Campus Subdivision and is comprised of approximately 65 acres. The subject property is currently vacant and unimproved except for the portion containing a surface parking lot that formerly served the Nokia campus. The subject property was rezoned to R2 (Single Family and Low-Density Multiple Family Residence District) pursuant to Ordinance 20-036 and a conditional use to establish a Planned Unit Development (PUD) on the subject property was also approved pursuant to Ordinance 20-037. At the time, the intent of approving the PUD was to provide an additional layer of review for any future development on Lot 4 and encourage a creative and innovative development approach.

***Plan Summary***

The petitioner, Pulte Home Company, LLC, intends to develop Lot 4 of the Nokia Campus Subdivision with a 227-unit mixed-residential subdivision known as Naper Commons. Naper Commons will be comprised of 3 housing lines: 66 single-family attached (townhome) units housed in 16 buildings and 161 single-family detached units (118 single-family detached units in the Meadows housing line and 43 single-family detached units in the Estates housing line (slightly larger lots)).

In order to develop Naper Commons, the petitioner requests the following: a preliminary PUD plat with deviations to reduce the interior side setbacks, reduce the front setback, and to allow eaves to encroach over the 5' interior side public utility and drainage easements; a preliminary plat of subdivision; a conditional use to permit single-family attached dwellings (townhomes); a variance to reduce the required amount of masonry on the townhome units; and a variance to storm water design. All requested entitlements are discussed in further detail under "Discussion" below.

***Case Background***

PZC 20-1-086 appeared before the Planning and Zoning Commission on the following meeting dates:

***December 16, 2020 PZC Public Hearing***

At the December 16 public hearing, the petitioner presented a 241-unit mixed-residential development which included three housing lines: 66 single-family attached (townhome) units; 130 single-family homes in the Meadows housing line; and 45 single-family homes in the Estates housing line. Staff indicated support for a mixed residential use at the subject property but found that the proposed plans did not fully satisfy the PUD standards. Staff was not supportive of requested deviations related to the 5' interior side yard setbacks or to permit eaves to encroach into the 5' side yard easements.

Following presentations by the petitioner and 12 public speakers, the public hearing on Naper Commons was continued to the February 3, 2021 PZC meeting to allow the petitioner time to respond to concerns regarding side setbacks, fencing, the 39<sup>th</sup> street extension, 39<sup>th</sup> street external pedestrian connection, density, and screening from adjacent residential lots.

***February 3, 2021 PZC Public Hearing***

At the February 3 public hearing, the petitioner presented plans that incorporated several revisions including the provision of additional open space, fencing, and landscaping, the revision of deviation requests as related to certain home styles, and the reduction of 2 lots (for a total of 239 units.) Staff was supportive of the revised plans because the plans increased the amount of open space beyond City Code requirements and provided additional buffering to the neighboring subdivisions.

Staff began the February 3 public hearing by reading the unfinished written comments from the December 16, 2020 meeting into the record. Russ Whitaker, attorney for the petitioner, then gave a brief overview of the revised plans. Public testimony included a presentation from attorney Mark Daniel (on behalf of 6 clients) and 6 additional public speakers. After the December 16 PZC meeting, staff received 24 written comments, as well as 45 names submitted in opposition and six names submitted in support of PZC 20-1-086. It should be noted that some names may have been submitted in error and/or may have been meant for another case.

The public hearing for PZC 20-1-086 was the continued to the March 17 PZC meeting to allow the petitioner time to respond to concerns regarding the overall project density, as well as the issues raised by the Forest Preserve District of DuPage County, including street lights, the use of invasive plants, and local wildlife.

***March 17, 2021 PZC Public Hearing***

The petitioner submitted revised plans in response to the concerns raised at the February 3 public hearing. Revisions to the plans included a 12-lot reduction (227 units total), the addition of an approximately 25' wide natively planted landscape easement along the rear of all single-family lots adjacent to the Forest Preserve, and a 55' buffer between the property and the Fairmeadow Subdivision. Petitioner also addressed all the concerns raised by the Forest Preserve District (see attached correspondence) including consulting with the U.S. Fish and Wildlife Services regarding a nearby pair of Bald Eagles. Per the USFWS, the Bald Eagle nest is approximately 824' from the boundaries of the subject property and no permitting is required.

Russ Whitaker, attorney for the petitioner, began the March 17 public hearing by providing an overview of the revised plans. Public testimony included four names submitted in opposition to the

case, 1 letter read into the record opposing the case, and one letter read into the record from the Forest Preserve District dated March 15, 2021 (attached). Additional public testimony was provided from 8 speakers.

PZC asked several clarifying questions regarding PZC 20-1-086 and noted their support for the plan revisions. PZC closed the public hearing and voted to recommend approval of PZC 20-1-086 (approved, 8-0) subject to the conditions noted in the staff report. Staff concurs.

## **DISCUSSION:**

### ***Preliminary PUD Plat***

The petitioner requests approval of a Preliminary PUD Plat for Naper Commons. In conjunction with this request, the petitioner is also seeking a conditional use to permit single-family attached dwellings (townhomes), as well as deviations from the City Code requirements for the front yard setback, the interior side yard setbacks, and to permit eaves encroachment over the side easements for the ranch floor plan on the Meadows lots.

Per Section 6-4-3:3 (Planned Unit Developments: Design Standards and Criteria), outdoor common areas are required in planned unit developments as a means of passive or active recreation, site amenity, environmental protection, or beautification. In this particular case because single-family attached dwellings are present, staff has required the petitioner to provide at least 30% open space based on the overall area including the single-family lots.

The proposed development provides over 36% open space in the form of passive green space around the townhomes, preserved wetlands, and stormwater management areas featuring native plantings with paths leading to overlooks. Sidewalks and a system of paths will interconnect these open areas and lead into the Danada Forest Preserve trail system. Note: a linear park to be donated to the Naperville Park District in partial satisfaction of the developer's required land-cash park donation does not count towards the required PUD open space requirements. The linear park will become a public park once donated to and accepted by the Naperville Park District.

Through the public hearing process, the petitioner worked with the PZC, the Forest Preserve District, staff, and surrounding neighbors to increase the transition area between the surrounding properties and the subject property and provide more open space. Plan revisions include:

- The removal of 17 lots from the original September 2020 submittal (244 units to 227 units).
- An approximately 25' landscape buffer has been added to the rear of all single-family lots adjacent to the Forest Preserve (though the buffer narrows to 10' at one point). This buffer area will be owned and maintained by the Homeowners Association and planted with a native seed mix. A split rail fence will be installed to delineate the residential property lines. Native plantings will provide a natural transition to the Forest Preserve property, while also assisting with pollutant filtration.
- The buffer area adjacent to the Danada Woods Townhomes has been increased from 25' to 55'. The area will also be owned and maintained by the HOA. Mature trees, landscaping enhancements, and a 6' tall wood fence in strategic locations will be provided adjacent to the Danada Woods townhomes (see Landscape Plan).

Note: Currently, the buffer yards are platted on the preliminary plat of subdivision as a landscape easement. The OAA notes that a Buffer Covenant, approved by the City Attorney, will be required on

the final plat of subdivision in place of the landscape easement.

The petitioner's revised responses to the standards for amending a PUD are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the City Council.

***Preliminary Plat of Subdivision & OAA***

The petitioner requests approval of a Preliminary Plat of Subdivision for the Naper Commons Subdivision in order to subdivide the subject property into 161 single-family detached lots, 16 single-family attached lots for 66 townhome units, and 9 outlots. Staff finds that the proposed preliminary plat of subdivision meets all technical requirements for approval per Section 7-2-2 (Subdivision Plat Procedures).

An Owner's Acknowledgement and Acceptance (OAA) agreement, which further details the conditions under which the subject property will be developed is attached to the Preliminary Plat of Subdivision ordinance and is detailed below:

School Donation: The petitioner will satisfy the required school donation with a cash-in-lieu of land donation per the requirements of Section 7-3-5 (Dedication of Park Lands and School Sites or For Payments or Fees in Lieu Of) to be paid on a per permit basis.

The majority of the subject property is located within Community School District #200 (District #200) and a portion of the property is located within Naperville Community Unit School District #203. Petitioner contends that the fair market value (FMV) for property located within District #200 should be less than the FMV for property as defined in Section 7-3-5:3.1 of the City Code (Dedication of Park Lands and School Sites or For Payments or Fees in Lieu Of: Fair Market Value). The OAA notes that petitioner may use the objection process established by City Code to object to the accuracy of the FMV utilized in Section 7-3-5:3.1 for purposes of calculating the school land-cash donation due to District #200.

Park Donation: The petitioner and Naperville Park District have agreed to enter into a development agreement regarding the required land-cash park donation due to the Park District for the Naper Commons Subdivision. Petitioner intends to donate a 2.06-acre park site to the District for a linear park. The development agreement will spell out the parties' respective responsibilities regarding the design, construction, timing, and payment of the park site improvements, and payment of any remaining cash contribution.

Buffer yards: As noted above, buffer yards adjacent to both the Forest Preserve and Fairmeadow Subdivision are an important component of the subdivision. The OAA contains provisions for the installation and maintenance of the buffer yards. All improvements located in the buffers, including the native plantings and split rail fencing, will require surety to be provided by the petitioner.

Dedication of Lucent Lane & Road D: Lucent Lane is a U-shaped road that provides access to the subject property from both Warrenton Road and Naperville Road. The eastern portion of Lucent Lane (accessed from Naperville Road) will be dedicated to the City via a plat of dedication. The OAA contains provisions stating that petitioner will improve portions of Lucent Lane per the preliminary engineering plans.

Road D is the portion of Lucent Lane that runs east-west across the subject property. Per the preliminary engineering plans, Road D will have a modified radius of 150'. The petitioner will also dedicate Road D in the plat of dedication. The OAA states that the City accepts the

modified Road D radius and includes timing provisions for the completion and acceptance of the Lucent Lane & Road D improvements.

Cross-Access Easement: The western portion of Lucent Lane (accessed from Warrenville Road) is located on Lots 2 and 3 of the Nokia Campus Subdivision. The subject property is Lot 4 of the Nokia Campus subdivision. This western portion of Lucent Lane is a private road that is covered by a cross-access easement for public vehicular traffic that was platted on the Nokia Campus Subdivision Plat recorded in 2020. The cross-access easement is binding upon private parties (the owners of Lots 2, 3, and 4) which they could elect to terminate.

This portion of Lucent Lane functions as the second access point for the Naper Commons Subdivision. (A second access point was contemplated at 39<sup>th</sup> Street; however, Milton Township indicated that it did not want to pursue the road connection.) Therefore, in the interest of public safety, the City has asked the petitioner to work with the owner of Lots 2 and 3 (Nokia) to create an amended cross-access easement to contain language that provides that it cannot be terminated or amended to restrict ingress or egress to Lot 4 without prior approval of the City, requires the owners of Lots 2 and 3 to maintain the road on the cross-access easement in good order, and grants the City the right, but not the obligation, to maintain said road if the owners of Lots 2 and 3 fail to do so and to lien Lots 2 and 3 for reimbursement of City costs in that event.

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

The petitioner requests approval of a conditional use to permit single-family attached dwellings (townhomes) in R2 pursuant to Section 6-6C-3 (R2 District: Conditional Uses). The petitioner is proposing to construct 16 one- and two-story townhome buildings for a total of 66 units. First floor master bedrooms will also be incorporated into the floor plans. The townhomes will be located adjacent to the Nokia campus as well as the existing Danada Woods Townhomes Subdivision located towards the front (southeast section) of the development.

The intent of the R2 District is to provide a variety of housing types and compatible uses. The petitioner's responses to the standards for granting a conditional use are attached. Staff agrees with petitioner's findings and recommends their adoption by the City Council.

### ***Single-Family Front Yard Setback Deviation***

The petitioner requests approval to reduce the required front yard setback for the single-family residential lots (except for the curvilinear lots) from 25' to 20' as specified in [Section 6-6C-7 \(R2 District: Yard Requirements\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH6REDI_ARTCR2SIMILODEMUMIREDI_6-6C-7YARE) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH6REDI\\_ARTCR2SIMILODEMUMIREDI\\_6-6C-7YARE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH6REDI_ARTCR2SIMILODEMUMIREDI_6-6C-7YARE)>. This deviation is requested with the intent of reducing private front yard open space in order to permit larger communal areas and common open space. When factoring in the housing lines featuring 1 and 2-story porches, the petitioner has indicated that this arrangement will help to facilitate neighborhood interaction and encourage use of the common open space and the linear park.

Given the layout and features of the subdivision, staff does not find that the deviation will alter the essential character of the area or be a detriment to the adjacent residential properties. Staff notes that the adjacent Danada Woods Townhomes R3A/PUD has a required front setback of 21' pursuant to Ordinance 99-064. The proposed setback for Naper Commons is generally consistent with that

dimension. Staff agrees with the petitioner's findings with respect to the requested front yard setback and recommends their adoption by City Council.

### **Single-Family Side Setback Deviation**

Also per [Section 6-6C-7 \(R2 District: Yard Requirements\)](#), the interior side yard requirement for single-family homes is a total of 16' for two side yards with each side yard being a minimum of 6'. The petitioner requests the following deviations:

- A 5' minimum side yard (total of 10' on two sides) for only the ranch-style single-family homes included in the Meadows series;
- A 6' minimum side yard (total of 12') for all other single-family homes included in the Meadows series; and
- A 7' minimum side yard (total of 14') for the single-family homes included in the Estates series.

Staff is in agreement with petitioner's findings for the Estates housing lines which exceeds the 6' minimum interior side setback. This means the homes would have a minimum distance separation of 14' which staff finds sufficient and greater than the townhomes distance separation requirement of 12'.

For the Meadows housing lines, petitioner has revised their proposal to only request the 5' interior side setbacks for the ranch style homes in this series; staff does not have any concern regarding the 6' minimum interior setbacks required for the remainder of the Meadows line.

Staff is supportive of the revised requests for the Meadows line as it reduces the degree of the deviation being sought for many of these lots, reduces the number of eaves encroachments in the side easement (see below), and facilitates a variety of housing types consistent with the intent of the R2 zoning district. Staff finds that the 5' setback requested is justified because the ranch unit requires a greater footprint than a two-story unit. Maintaining the ranch-style housing line will help provide a diversity of housing and address unmet demand as identified in the Housing Needs Assessment and the draft Comprehensive Master Plan Update. Furthermore, petitioner has agreed that no obstructions (window wells, a/c, etc.) will be permitted in the side yards which will help to achieve the desired separation between homes.

Staff agrees with petitioner's findings and recommends their adoption by City Council subject to the condition that no side yard encroachment or structures are permitted except for access walkways and fencing.

### **Eaves Encroachment Deviation**

Per [Section 6-2-3:3 \(General Zoning Provisions: Yard Requirements\)](#) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR), eaves are permitted to encroach into the required interior side setback but are not permitted to encroach into the required 5' side yard easement. The petitioner has requested approval of a deviation to permit the eaves on the ranch-style units in the Meadows series to encroach 6" into each required 5' easement area. Note: the petitioner modified their prior request on this issue and is now only seeking this deviation for the ranch-style units.

Staff notes that this deviation is related to and caused by the side yard setback deviation discussed

in the section above for the ranch-style Meadows lots that permits the ranch-style Meadows homes to have a 5' interior yard setback. The deviation maintains an architectural feature (eaves) for the ranch-style homes while accommodating the footprint of a single-story home. The electric utility has reviewed the revised proposal and has expressed no concerns.

Staff agrees with petitioner's findings and recommends their adoption by the City Council subject to the condition that no side yard encroachment or structures are permitted except for access walkways and fencing.

### ***Elevations & Masonry Variance***

The petitioner is proposing to construct 16 townhome buildings with siding that is comprised of LP SmartSiding. The petitioner seeks approval of a variance from the masonry requirement set forth in [Section 5-2-3C \(Exterior Wall Construction\)](#) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT5BURE\\_CH2COFIPRRE\\_ARTCBU\\_5-2C-3EXWACO](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT5BURE_CH2COFIPRRE_ARTCBU_5-2C-3EXWACO)> of the City Code in order to eliminate the masonry requirement and make the townhomes elevations consistent the rest of the development. The siding on the first story is traditional (horizontal) in style, while the siding on the second story contains horizontal and some vertical-accent styles.

A variance to Section 5-2C-3 falls under the purview of the Building Review Board. The petitioner's request was reviewed by the BRB on December 16<sup>th</sup> and recommended for approval. Staff is supportive of the variance request finding that LP SmartSiding is a durable building material that meets the intent of Section 5-2C-3 to improve the appearance of single-family attached dwelling units.

### ***Variance to the Naperville Design Manual for Public Improvements***

#### [Section 5-7-1 \(Storm Water Design\)](#)

<[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT5BURE\\_CH7STRUCCO\\_5-7-1STWADE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT5BURE_CH7STRUCCO_5-7-1STWADE)>

of the Naperville Municipal Code requires storm water systems to be designed in accordance with the City of Naperville Design Manual for Public Improvements. Per Section 5-7-2:5, any modification from the requirements of the storm water design may require approval of a variance upon recommendation by the City Engineer.

The [Naperville Design Manual for Public Improvements](#) <<https://www.naperville.il.us/projects-in-naperville/design-manual-for-public-improvements/>> establishes design requirements for stormwater facilities including detention basins. Section 2.5.4.3 of the Manual allows a maximum depth of stormwater storage in a detention basin of 6.0 feet. This depth is measured from the normal water elevation to the design high water elevation. The detention basin proposed for Naper Commons will require 7.4 feet of depth in order to provide additional storage, maintain conveyance of offsite flows, and preserve the existing overflow elevation. The requested depth variance has been reviewed and approved by the City Engineer.

### ***Key Takeaways***

- The petitioner is requesting approval of PZC 20-1-086 to approve a Preliminary PUD Plat for Naper Commons located on Lot 4 of the Nokia Campus Subdivision at the northwest corner of Naperville and Warrenville Roads.
- Staff recommends approval pursuant to 6-6C-3 to grant a conditional use for single-family

attached units in R2 District.

- Staff recommends approval of a Preliminary PUD Plat along with deviations to Section 6-6C-7 to reduce the front and side setback requirements and 6-2-3 to permit eaves encroachment over the side yard easements; subject to conditions.
- Staff also recommends approval of variances for exterior construction materials for the townhome units and for the storm water design.

### ***Related Files***

The following agenda items are related to PZC 20-1-086:

- Pass the ordinance approving the preliminary plat of subdivision and owner's acknowledgement and acceptance agreement for Naper Commons - PZC 20-1-086 (Item 2 of 6); and
- Pass the ordinance approving the preliminary planned unit development plat with certain deviations for Naper Commons - PZC 20-1-086 (Item 3 of 6); and
- Pass the ordinance approving a conditional use to permit single-family attached dwelling units in the R2 District for Naper Commons - PZC 20-1-086 (Item 4 of 6); and
- Pass the ordinance granting an exterior wall construction variance for Naper Commons - PZC 20-1-086 (Item 5 of 6); and
- Pass the ordinance granting a storm water variance for Naper Commons - PZC 20-1-086 (Item 6 of 6).

### **FISCAL IMPACT:**

N/A