



Legislation Text

File #: 19-224B, Version: 1

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Receive the staff report for the property located east of Book Road and north of Hassert Boulevard (The Enclave on Book)- PZC 19-1-09 (Item 2 of 8)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on March 20, 2019 and voted to recommend approval of the request (approved 7,0). Staff concurs.

BACKGROUND:

The subject property consists of approximately 4.5 acres, and is generally located on the east side of Book Road, north of Hassert Boulevard. The property is currently vacant and is zoned A-1 (Agricultural) in unincorporated Will County. The properties immediately north and east of the subject property are zoned R1 (Low Density Single-Family Residence District), and properties immediately south are unincorporated Will County.

DISCUSSION:

Prior Approvals

On June 5, 2018, the City Council reviewed a request to rezone the subject property to R1 (Low Density Single Family Residence District) with a variance to the interior side yard setback requirements in order to subdivide the property into 8 lots upon annexation for development of 8 single family detached homes and one associated outlot (PZC 18-1-01). The City Council passed the Ordinances approving the annexation agreement, annexation, rezoning to R1, preliminary/final plat of subdivision, and a variance to the interior side yard setback requirements. Since approval by the City Council, the annexation and plats have not been recorded by the Will County Recorder's office. Since the current proposal for the subject property cannot be built using the prior approvals, staff requests that the prior approvals for the subject property be revoked.

Current Request

A revised proposal has been submitted by the petitioner McNaughton Development, Inc. requesting annexation, rezoning upon annexation to R1, approval of a preliminary/final plat of subdivision, and approval of 4 variances in order to develop 10 age restricted single family detached homes and one associated outlot.

Annexation and Rezoning

The petitioner continues to seek rezoning of the subject property to R1 (Low Density Single-Family

Residence District); however, proposes to alter the development to include 10 age restricted single family detached homes and one associated outlot. Upon review, staff found the proposed R1 zoning to be compatible with surrounding zoning districts.

The subject property is contiguous to the City of Naperville's current municipal boundaries and therefore is eligible for annexation. The petitioner's responses to the Standards for Granting a Map Amendment are included in the attachments. The Planning and Zoning Commission and staff agrees with the petitioner's Findings and recommends their adoption by the City Council.

Preliminary/Final Plat of Subdivision

The petitioner requests approval of a preliminary plat of subdivision to subdivide the subject property into 10 single family residential lots and one associated outlot for an age restricted development. Upon review of the plat, staff determined a variance to the 90% rule would be required. Per the standards established in 7-2-2:5 (Subdivision Plat Procedures), 90% rule variances are subject to review by the Planning and Zoning Commission. The Planning and Zoning Commission reviewed the variance to the subdivision requirements and recommended approval (approved 7,0).

90% Rule Variance

Per the standards established in Section 7-4-4:2.4 (Land Use: Ninety Percent Rule) of the Municipal Code, the ninety percent (90%) rule applies to the subdivision of the properties. Upon review of the ninety percent rule regulations, the required minimum lot size is 15,425 square feet (an exhibit for the 90% rule can be found in the attachments). Since the 90% rule minimum lot size of 15,425 square feet exceeds the 13,000 square foot lot size required per the R1 district, the more restrictive (90% rule) lot size is applicable.

Lots 2-9 are below the minimum 15,425 square feet requirement as proposed and therefore require a variance to the 90% rule requirement. The lot sizes range from 11,664 square feet to 14,600 square feet size. Upon review of the 90% rule requirement, staff does not have a concern with the proposed lot sizes given that the majority of the lots comply with the R1 minimum (13,000) and the proposed development will be for age restricted single family housing which favors smaller lot sizes.

Findings of Fact

The petitioner's response to the to the Standards for Granting a Zoning Variance for the 90% rule variance request can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the City Council.

Dedication of Park Lands and School Sites or For Payments or Fees In Lieu Of

The petitioner proposes to develop the subject property as age restricted. Details on the Age Restriction Covenant can be found in the attachments to the Annexation Agreement. Per Section 7-3-5:4.2.2, the land-cash contribution for the school district is deemed waived and the land-cash contribution for the park district is calculated based upon a population generation rate of 1.8 persons per unit for age restricted developments. The Petitioner has elected to pay the required park donation fees on a per-permit basis (pursuant to Section 7-3-5:5.2.2), prior to the issuance of each building permit. The Petitioner agrees to meet school and park donation requirements for the subject property as set forth in Section 7-3-5 (Dedication of Park Lands and School Sites or For Payments or Fees In Lieu Of) of the Naperville Municipal Code for an age restricted development.

Requested Variances

The petitioner is requesting rezoning to the R1 zoning district. As proposed, multiple variances are requested to the R1 district requirements in order to accommodate the development's age-restricted nature and the housing/lot types that are desirable for such use. The requests are as follows: front yard setback variance for lots 4-7, lot width variance for lots 2-8, and interior side yard setback variance.

Front Yard Setback Variance for Lots 4-7

A front yard setback variance is being requested for lots 4-7 in order to reduce the setback from 30' to 25'. Given the orientation of the lots around the cul-de-sac, the reduced front yard setback will allow for consistency in location of the proposed single family detached homes throughout the development. Therefore, staff is in support of a variance to the front yard setback requirements for lots 4-7.

Lot Width Variance for Lots 2-8

The R1 district requires a minimum lot width of 85'. As proposed, only lots 1 and 2 comply with the minimum lot width requirement. The variance request is to allow lots 2-8 to be at a minimum of 78' in lot width (only 7' under the lot width requirement). Given the proposed development is age restricted, the lot width variance will reduce yard maintenance for the future residents. Staff finds the proposed lot width reductions to be reasonable.

Interior Side Yard Setback Variance

The petitioner is requesting a variance to reduce the R1 district interior side yard setback requirement from 25' total, minimum of 10' to 22' total, minimum of 10'. The petitioner is proposing several different floor plan and elevation options for this development. The floor plan selection ranges from two car to three car garage options.

The two car garage floor plan is 45' wide, which can be accommodated on the proposed lots in compliance with the R1 district interior setback requirements.

The three car garage floor plan is 56' wide; coupled with the 78' lot width, the R1 interior side yard setback total cannot be met, prompting a need for a variance. Staff is in support of the requested variance with a condition that the interior side yard setback variance is only applicable to those lots which will be improved with a three car garage. Therefore, approval of the variance will grant a reduction in the interior side yard setbacks throughout the subdivision for the three car garage floor plan and will eliminate the need for a variance for each individual property if the three car garage floor plans are selected.

Findings of Fact

The petitioner's responses to the Standards for Granting a Zoning Variance for each variance being requested can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the City Council

Landscape Plan

The proposed landscape plan identifies new parkway trees where appropriate along Book Road and along the proposed street, Enclave Court. Staff supports the landscape plan as proposed and finds that it meets the requirements of the City's Landscaping and Screening Ordinance.

Planning & Zoning Commission Action

The Planning and Zoning Commission considered this matter at their meeting on March 20, 2019. One member of the public spoke raising concern for the location of the homes and the proposed square footages, favoring a development that complements the neighboring River Run subdivision. The Planning and Zoning Commission closed the Public Hearing and voiced support for the project finding the increased green space and age restricted covenant to be an improvement upon the previous plan. The Planning and Zoning Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-09 (approved 7,0). Staff concurs with the Planning and Zoning Commission's recommendation.

Key Takeaways

- The prior approvals for Enclave on Book will be revoked.
- The owner is currently requesting annexation of the subject property into the City of Naperville. The subject property is contiguous to the City's current municipal boundaries and therefore is eligible for annexation.
- Upon annexation, the petitioner is requesting rezoning to R1 (Low-Density Single Family Residence District). The Planning and Zoning Commission and staff are in support of the request.
- The petitioner requests approval of the following variances: a variance to reduce the front yard setback requirement from 30' to 25' for lots 4-7; a variance to reduce the lot width requirement from 85' to a minimum of 78' for lots 2-8; a variance to reduce the interior side yard setback requirement from 25' total, minimum of 10' to 22' total, minimum of 10' with a condition that this approval is only granted for the three car garage floor plan; a variance to reduce the 90% rule lot size requirement for lots 2-9.
- The Planning and Zoning Commission and staff are in support of the proposal finding the variance requests are reasonable given the development will be age restricted.

Related Files

The following agenda items are related to PZC 19-1-09:

- Conduct the public hearing to consider the Annexation Agreement for the vacant property generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09 (Item 1 of 8);
- Pass the ordinance revoking the prior ordinances approving the Enclave on Book - PZC 18-1-01 (Item 3 of 8).
- Pass the ordinance authorizing execution of the Annexation Agreement for the vacant property generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09 (Item 4 of 8);
 - Pass the ordinance annexing the vacant property generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 18-1-087 (Item 5 of 8);
 - Pass the ordinance rezoning the property generally located east of Book Road and north of Hassert Boulevard to R1 (Low-Density Single-Family Residence District) - PZC 19-1-09 (Item 6 of 8);
 - Pass the ordinance approving the preliminary/final subdivision plat for the residential development generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09 (Item 7 of 8); and,
 - Pass the ordinance approving three variances to Section 6-6L of the Naperville Municipal Code for the residential development generally located east of Book Road and north of

Hassert Boulevard (The Enclave on Book) - PZC 19-1-09 (Item 8 of 8).

FISCAL IMPACT:

N/A