



Legislation Text

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File #: 24-0749, Version: 1

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**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the public hearing for 204 and 212 W. Van Buren Avenue (Lots 2 and 3 of The Laurel Subdivision) - PZC 24-1-035

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**ENTITLEMENTS REQUESTED:**

- Preliminary/Final Plat of Subdivision for Lots 2 and 3 of The Laurel Subdivision; and
- A variance from Section 6-7I-5:1 of the Code to reduce the required minimum lot size from 6,000 sq. ft. per lot to a minimum lot size of 4,790 sq. ft. per lot; and
- A variance from Section 6-2-10:5 of the Code to permit a rear yard coverage of 75% in lieu of 25%.

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 24-1-035 was published in the Naperville Sun on Sunday, June 2, 2024.

**BACKGROUND:**

The subject property consists of two lots with a combined area of 20,213 square feet located at the southwest corner of Van Buren Avenue and Webster Street. The properties are zoned TU (Transitional Use District) and function as open space dedicated to the adjacent home to the west. The petitioner seeks to re-subdivide the properties into four lots fronting Webster Street and redevelop the properties with four single-family homes. To do so, approval of a plat of subdivision and two variances are requested to decrease the required minimum lot size and increase permissible rear yard lot coverage from 25% to approximately 75% on the subject property.

The subject property is adjacent to a mix of uses including single-family homes, commercial space, office, and downtown parking areas (Paw Paw Parking Lot). The Downtown 2030 Plan designates the future land use as Secondary Downtown which accommodates residential land uses.

**DISCUSSION:**

The petitioner intends to subdivide the subject property into four residential lots to allow for the construction of four single-family homes oriented towards Webster Street. Single-family homes are a permitted use in the TU zoning district, and the petitioner's proposal complies with the TU district's regulations for building setbacks and building height. Access to each home's garage will be provided in the rear of the property and accessed from a shared access drive off Van Buren Avenue to minimize curb cuts.

Each home proposed has complementing architectural features and measures three stories in height. Staff finds the proposed homes to be compatible with the character of the nearby residential properties, while providing a good transition from the downtown core to the lower density residential uses to the west.

### ***Lot Area Variance***

The intent of the TU zoning district is to serve as a mixed-use transitional area between residential neighborhoods and other more intensive uses such as the downtown core. The subject property and the proposed homes will function as the border between the established residential area to the west and the City's downtown core to the east.

The TU district requires lots developed with single-family homes to have a minimum lot area of 6,000 square feet. The petitioner requests approval of a variance to allow a minimum lot area of approximately 4,790 square feet for the smallest lot proposed as part of the resubdivision. The other three lots proposed range in size from approximately 4,792 square feet to 5,348 square feet.

Staff notes that single-family homes are one of the least intensive uses permitted in the TU district, and that townhomes and commercial and general services are also permitted uses in this district. These more intensive uses oftentimes feature larger buildings and parking areas and reduced green space. Staff notes there is no minimum lot area requirement for these more intensive uses in the TU zoning district.

Staff is supportive of the requested lot size variance and notes that the proposal complies with the TU district's required building setbacks, height, and parking requirements, despite the reduced lot size proposed. Staff finds the subject property's location adjacent to the downtown core to be conducive to a higher density residential product and the proposal to be consistent with the City's goals of diversifying housing options and lot sizes. Additionally, the surrounding properties are already developed, so the petitioner's proposal will not hinder their development. The petitioner identifies that the design and density proposed is less imposing than other permitted uses in the TU zoning district, therefore the requested variance will not cause substantial detriment to adjacent properties.

### ***Preliminary/Final Plat of Subdivision***

Subject to approval of a variance to reduce the required minimum lot size, the petitioner requests approval of a preliminary/final plat of subdivision to resubdivide two existing lots into four lots. Staff finds the proposed plat of subdivision meets the technical requirements for approval.

### ***Rear Yard Lot Coverage Variance***

[Section 6-2-10:5 \(Accessory Buildings, Structures and Uses of Land\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA)  
<[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-10ACBUSTUSLA](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA)>

of the Municipal Code states that accessory structures shall not occupy more than 25% of a required rear yard. In accordance with the TU zoning district, the subject property has a 25-foot rear yard setback, and a required rear yard measuring approximately 4,144 square feet in size across all four lots proposed.

The petitioner requests approval of a variance to Section 6-2-10:5 of the Municipal Code to exceed permissible rear yard lot coverage for the subject property. All buildings/vertical structures proposed will comply with the underlying TU zoning district's required setbacks, which helps ensure visual bulk

will not be a concern for neighboring properties. However, the proposed access drive will occupy 3,114 square feet, or approximately 75%, of the subject property's required rear yard. A decorative wooden fence and trees already exist along the subject property's west and south property lines which visually screen the rear yard from neighboring properties. The petitioner also proposes a mix of shrubs, ornamental grasses and trees to further enhance and buffer the access drive from adjacent properties.

Staff is supportive of the variance requested since the rear yard encroachments consist only of uncovered, impervious space and fencing and landscaping will screen the access drive from adjacent properties. Furthermore, the petitioner has indicated that the neighboring property owner to the west is a part of the subject property's ownership group and is supportive of the proposed design. Staff finds the petitioner's request acceptable since the access drive provides necessary access to garage parking for future residents and minimizes the number of curb cuts required to serve the proposed homes.

#### *Findings of Fact*

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

#### **Key Takeaways**

- The petitioner requests approval of a variance from Section 6-71-5:1 of the Code to reduce the required minimum lot size from 6,000 sq. ft. per lot to a minimum lot size of 4,790 sq. ft. per lot. Staff is supportive of the request due to the subject property's location adjacent to the downtown core and the proposal's consistency with City goals to diversify housing options and lot sizes.
- The petitioner requests approval of a preliminary/final plat of subdivision to resubdivide the subject property into four lots. Staff finds the proposed plat of subdivision meets the technical requirements for approval, subject to approval the requested lot area variance.
- The petitioner requests approval of a variance to Section 6-2-10:5 of the City's Municipal Code to permit a rear yard lot coverage of approximately 75% on the subject property. Staff is supportive of the request since the rear yard encroachments consist only of uncovered, impervious space that provides access to garages, and additional landscaping will be installed as a visual buffer.