



## Legislation Text

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File #: 20-1507C, Version: 1

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### **PLANNING AND ZONING COMMISSION AGENDA ITEM**

#### **ACTION REQUESTED:**

Reconvene the public hearing for Naper Commons located on Lot 4 of the Nokia Campus Subdivision at the northwest corner of Naperville and Warrenville Roads, Naperville - PZC 20-1-086

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard, AICP

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

Official notice for the public hearing for PZC 20-1-086 was published in the Daily Herald on November 30, 2020. The public hearing was originally opened at the December 16, 2020 PZC meeting and was continued to the February 3, 2021 PZC meeting. At the February 3, 2021 PZC meeting, the public hearing was continued to the March 17, 2021 PZC meeting.

#### **ENTITLEMENTS REQUESTED:**

- Preliminary PUD Plat (Section 6-4-5, PUD Plat Procedures)
- Preliminary Subdivision Plat (Section 7-2-2, Subdivision Plat Procedures)
- Conditional Use to permit single-family attached units (Section 6-6C-3:5, R2 Conditional Uses)
- PUD Deviations (Section 6-4-6, Changes to a Final PUD)
  - Reduce the required 25' front setback to 20' (Section 6-6C-7:1, R2: Yard Requirements)
  - Reduce the required 16' total for 2 side yards with each side yard a minimum of 6' to 7' with a total of 14' for the Estate Lots (Section 6-6-C-7:1, R2: Yard Requirements)
  - Reduce the required 16' total for 2 side yards with each side yard a minimum of 6' to 6' for a total of 12' for the Meadows Lots (Section 6-6C-7:1, R2: Yard Requirements)
  - Reduce the required 16' total for 2 side yards with each side yard a minimum of 6' to 5' for a total of 10' for the ranch-style Meadows Lots (Section 6-6C-7:1, R2: Yard Requirements)
  - Request for ranch eaves to encroach over the 5' side yard easements (Section 6-2-3:3.1, Yard Requirements: Permitted Obstructions)

#### **BACKGROUND:**

The subject property is known as Lot 4 of the Nokia Campus Subdivision and is comprised of approximately 67 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.

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

At the February 3, 2021 public hearing, the petitioner, Pulte Home Company, LLC, presented plans that incorporated several revisions including the provision of additional open space, fencing, and landscaping, the elimination of deviation requests as related to certain home styles, and the reduction of 2 lots. Previously, the petitioner had been requesting side yard setback and associated eave encroachment deviations on all home styles. The revised plans narrowed the deviation requests to only the ranch style homes. Staff was supportive of the revised plans because the plans increased the amount of open space beyond the ordinance requirement and provided additional buffering to the neighboring subdivisions. Narrowing the deviation requests to specific home styles reduced the number of total deviation requests while also providing for varied types of housing models in the development.

Staff begun the February 3<sup>rd</sup> public hearing by reading the unfinished written comments from the December 16<sup>th</sup> 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. Since the December 16<sup>th</sup> PZC meeting, staff has received 24 written comments, as well as 45 names submitted in opposition and 6 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.

Following limited discussion by the PZC, the public hearing for PZC 20-1-086 was continued to the March 17<sup>th</sup> 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, including street lights, the use of invasive plants, and local wildlife.

### **Revised Plans**

The petitioner has submitted revised plans in response to the concerns raised on February 3<sup>rd</sup>. The petitioner's overview of the plan revisions is attached; revisions to the plan include a 12 lot reduction, the addition of a 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. Also include in the petitioner's response is correspondence summarizing the discussion with the Forest Preserve District of DuPage County and the U.S. Fish and Wildlife Service.

### **Concerns Raised by the Forest Preserve**

In a letter dated February 2, 2021, Ed Stevenson, Executive Director of the Forest Preserve District of DuPage County provided several comments about the Naper Commons plans including:

- **Stormwater runoff:** The District noted that increased stormwater runoff could impact and damage ecosystems in the Forest Preserve. *Response: The proposed preliminary engineering plan and stormwater report have been reviewed and approved by City staff. Staff will continue to review the engineering plans through the final submittal phases. It is important to note that per the DuPage County Stormwater and Floodplain Ordinance, the project's stormwater design cannot cause an increase in water flow or run off on adjacent properties. All the stormwater runoff onsite will be released at a restricted release rate less than or equal to the existing condition. Further, all the detention basins will be constructed as wetland-bottom basins which will promote pollutant-removal.*

- Non-native plant species: The District encouraged the use of only native plant species in the development. *Response: The petitioner has been working with the Forest Preserve and City staff regarding this request. A native plant mix is proposed for the 25' landscape easement adjacent to the Forest Preserve; the mix is currently under review by the District. The District has also requested the petitioner use parkway trees that are native to the Northern Illinois and has provided a list of said trees. The petitioner and staff have reviewed and agreed to the list of trees.*
- Streetlights: Dark Sky Compliant streetlight fixtures are recommended to reduce the effects of light pollution. *Response: The petitioner's engineer has reviewed the City's streetlight specifications and, after discussion with the International Dark Sky Association (IDA), has determined that the City's streetlights meet the IDA certification requirements. City staff agrees with this determination.*
- Coal Tar Asphalt Sealant: Coal tar asphalt sealant products are not recommended for use on any road or path per the District. *Response: The petitioner will maintain the paths and roads until the paths are turned over to the HOA and the roads to the City. The petitioner has agreed not to use coal tar asphalt sealant. The City of Naperville spends millions of dollars every year maintaining its roadways. The City discontinued using products with poor environmental footprints years ago, and no longer uses coal tar asphalt sealers. The City continues to experiment with new products as they become available, and the environmental impact of each material is considered when determining whether to use it or not.*
- Sodium chloride (salt): The District requested that sodium chloride products are not used in snow removal as they are not environmentally friendly. *Response: The petitioner will maintain the roads until the roads are turned over to the City. The petitioner will prohibit the use of sodium chloride on private property in the HOA declaration. The City's Department of Public Works uses sodium chloride (salt) in snow removal operations.*
- Hesterman Agreement: The Forest Preserve found that any changes to the Hesterman Drain are subject to approval by the District. *Response: City staff notes that the drain can be re-routed without review of the District. The drain is slightly being re-routed in order to avoid three (3) proposed single family lots located near the north property line. The re-routing will be done onsite and the diameter of the drain will remain the same.*
- Density & Setbacks: The District objected to the number of lots sited near their property, as well as to the setback of those lots. The District requested any easements be maintained in perpetuity. *Response: The plans have been revised to increase the setback between the proposed lots and the Forest Preserve property. A 25' landscape easement has been added to the rear of the single-family lots adjacent to District. The natively planted easement will be owned and maintained by the HOA. The revised plans call for the removal of 12 lots from the proposal. Since the original submittal of the plans in September of 2020, 17 total lots have removed from the project (inclusive of the 12 lots removed on the most recent submittal).*
- 2<sup>nd</sup> meeting & consult with USFWS: The District requested a second meeting with the petitioner and asked that the petitioner consult with the U.S. Fish and Wildlife Services

regarding the Bald Eagle pair. *Response: The petitioner met with the Forest Preserve on March 3, 2021 to review the revised plans (see attached OVERVIEW OF REVISIONS summary). The petitioner also consulted with the USFWS on the nesting bald eagle pair (see attached OVERVIEW OF REVISIONS summary). The Bald Eagle nest is approximately 824' from the boundaries of the subject property. Per the USFWS, a permit is not required.*

## **DISCUSSION:**

The following overview is based upon the revised plans for Naper Commons.

### ***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 Municipal 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 lot.

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 now 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. This represents an increase from 32% from the previous plan. Sidewalks and a pathing system will interconnect these open areas and lead into the Danada Forest Preserve trail system. Note: the proposed linear park does not count towards the PUD open space requirements since it will be dedicated to the Naperville Park District in partial satisfaction of the required park donation.

The petitioner revised the plans to remove 10 units from the Meadows and 2 units from the Estates for a total reduction of 12 units for a total of 227 lots. Since the original submittal in September of 2020, the petitioner has eliminated 17 lots (244 lots to 227 lots. Additional revisions were made to increase the transition area between the surrounding properties and the subject property and include the following:

- A 25' landscape easement has been added to the rear of all single-family lots adjacent to the Forest Preserve. The easement area will be owned and maintained by the Homeowners Association and planted with a native seed mix (currently under review by the Forest Preserve). 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 be platted as an easement and will also be owned and maintained by the HOA. As with the previous plan, 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).

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 Planning and Zoning Commission.

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

The petitioner requests approval of a preliminary plat of subdivision. Staff finds that the proposed preliminary plat of subdivision meets all technical requirements. It should be noted that the subdivision is not reviewed by the Planning and Zoning Commission. Information on the preliminary plat of subdivision is provided for reference; the request will be reviewed by City Council at a subsequent meeting date.

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

The petitioner requests approval of a conditional use to permit single-family attached dwellings (townhome) 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 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. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

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

The petitioner requests approval to reduce the required front 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 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 would like to note that the Danada Woods Townhomes R3A/PUD, pursuant to Ordinance 99-064, has a required front setback of 21'. The proposed setback is generally consistent with this dimension. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

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

Also per [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), the interior side yard requirement for single-family homes is a total of 16' for 2 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 the 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, the 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 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, the 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.

Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission 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?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeld=TIT6ZORE_CH2GEZOPR)

[nodeld=TIT6ZORE\\_CH2GEZOPR](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeld=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 not only seeking this deviation for the ranch-style units.

Staff finds that this deviation is directly based on the previous side yard setback deviation with the eaves projecting a further 6". The deviation maintains an architectural feature for the ranch-style homes while accommodating the footprint of a single-story. The electric utility has reviewed the revised proposal and has expressed no concerns.

Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission 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 Smartside. The petitioner sought approval to vary from the masonry request found 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](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT5BURE_CH2COFIPRRE_ARTCBU_5-2C-3EXWACO)> of the 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. This request will be heard by City Council in conjunction with the overall development request.

### ***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?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT5BURE_CH7STRUUCO_5-7-1STWADE)

[nodeId=TIT5BURE\\_CH7STRUUCO\\_5-7-1STWADE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT5BURE_CH7STRUUCO_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/) <<https://www.naperville.il.us/projects-in-naperville/design-manual-for-public-improvements/>> sets 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 proposed development basin will require 7.4 feet of depth in order to provide additional storage, maintain conveyance of offsite flows, and preserve the existing overflow elevation.

### ***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.