



## Legislation Details (With Text)

**File #:** 17-506      **Version:** 2

**Type:** Report      **Status:** Filed

**File created:** 6/12/2017      **In control:** City Council

**On agenda:** 6/20/2017      **Final action:** 6/20/2017

**Title:** Receive the staff report for Tramore Subdivision located west of Plainfield-Naperville Road, north of Saratoga Road and south of Hamlet Road, PZC 17-1-038 (Item 1 of 6).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. Application, 2. 2. Location Map, 3. 3. Letter, 4. 4. Color Elevations, 5. 5. LP Smart Siding Info, 6. 6. Existing Tramore Duplex, 7. 7. Rosehill Farms, 8. 8. June 7, 2017 PZC Minutes

Date	Ver.	Action By	Action	Result
6/20/2017	2	City Council	received	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Receive the staff report for Tramore Subdivision located west of Plainfield-Naperville Road, north of Saratoga Road and south of Hamlet Road, PZC 17-1-038 (Item 1 of 6).

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 17-1-038 (request to amend Ordinance 05-179) on June 7, 2017 and voted to recommend approval of the case (Approved, 8-0). Staff concurs. Note: the requests to revoke the PUD and waive the masonry requirement (as described below) did not require PZC review. The Building Review Board considered BRB 92 on May 17, 2017 and voted to recommend approval of the case subject to the condition that a more durable material be used below the belly band of the proposed elevations (Not Approved, 3-3). Staff supports a waiver of the masonry variance subject to the condition that the higher quality building material (LP Smart Siding) is utilized on approximately 50% of the façade as calculated in accordance with Section 5-2C-3 of the Naperville Municipal Code.

**BACKGROUND:**

The 5.4 acre subject property is located on the west side of Plainfield-Naperville Road, approximately one quarter mile north of 104<sup>th</sup> Street. The property was annexed and rezoned to R2 (Single-Family and Low Density Multiple-Family Residence District) per Ordinances 05-177, 05-178, and 05-179 in 2005. Ordinance 05-179 also approved a preliminary plat of subdivision for Tramore Subdivision in order to develop the property with 32 duplexes on 16 lots, as well as architectural elevations for the duplexes. In 2007, additional models of the duplex elevation were approved through Ordinance 07-082. One duplex building was constructed on the property and the remainder of the project was not

completed.

In 2009, Turning Pointe Autism Foundation requested to develop the subject property with a school and residential care homes for individuals with autism. Ordinances 09-111, 10-061, 10-062, and 10-063 approved a conditional use for a planned unit development, a consolidation of the remaining duplex lots into one lot, and a vacation of the Tramore Court right-of-way. The ordinances and plans for this project were never recorded and the project did not move forward. Currently the property remains subdivided into 16 duplex lots per the 2005 Tramore Subdivision plat. The Tramore Court right-of-way remains a dedicated City right-of-way. One duplex has been constructed and the remaining 15 duplex lots are vacant.

The petitioner, K Hovnanian T&C Homes at Illinois, proposes to construct farmhouse style duplexes on the remaining 15 lots. In order to develop the property, the petitioner requests revocation of the Turning Pointe approvals, an amendment to Ordinance 05-179 to remove the building elevations, revocation of Ordinance 07-082, and a variance from Section 5-2C-3 to waive the 50% masonry requirement for the proposed duplexes

## **DISCUSSION:**

### ***PUD Revocation***

As noted above, in order for the petitioner to develop the property, the Turning Pointe approvals must be revoked. Ordinance 09-110 approved a preliminary plat of subdivision and Ordinance 09-111 approved a conditional use for a planned unit development and a preliminary planned unit development for the Turning Pointe Campus. The final planned unit development was approved by Ordinance 10-063. The 2010 approvals also included a vacation of the Tramore Court right-of-way (10-061) and a final plat of subdivision in order to consolidate the duplex lots into one lot of record (10-062). Staff is in support of the proposed revocation of Ordinances 09-110, 09-111, 10-061, 10-062, and 10-063 as they are no longer applicable to the subject property.

### ***Amendment to Ordinance 05-179***

The petitioner proposes to amend Ordinance 05-179 to remove the approved building elevations. Per current practices, it is atypical to attach building elevations to a rezoning ordinance. Removal of the building elevations from the ordinance will allow the petitioner to propose new building elevations reflective of their intended design of the units. The new building elevations would not typically be subject to further review by City Council (and will not be attached to Ordinance 05-179); however, because the petitioner is seeking a variance to the masonry requirement (see further details below), City Council review of the proposed elevations will be required. Staff is in support of the requested ordinance amendment.

Planning and Zoning Commission review of the amendment to Ordinance 05-179 was required due to the nature of the ordinance approval as a rezoning ordinance. The Planning and Zoning Commission opened the public hearing to consider PZC 17-1-038 on June 7, 2017. Russ Whitaker, attorney with Rosanova & Whitaker, spoke on behalf of the petitioner. No members of the public spoke during public testimony. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 17-1-038 (Approved, 8-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Revocation of Ordinance 07-082***

In 2007, Ordinance 05-179 was amended to add two additional duplex models to the elevation package for Tramore Subdivision. The petitioner requests to revoke Ordinance 07-082 which

includes the additional building elevations. Staff is in support of the request to revoke Ordinance 07-082.

### ***Masonry Variance***

The petitioner is proposing to construct the farmhouse style duplexes with 100% siding. The first-floor is traditional lap style siding (horizontal), while the second-floor is board and batten style siding (vertical). Section 5-2C-3 (Exterior Wall Construction) of the City's Municipal Code states that a minimum of 50% of the exterior wall construction for all two-family dwellings shall be constructed of solid masonry, face brick, manufactured concrete stone veneer (1½" thickness) set individually into mortar bed, or other masonry products as approved by the City Council.

As siding does not qualify as masonry, the petitioner has requested approval of a variance to Section 5-2C-3. The variance request falls under Title 5 (Building Regulations) of the Municipal Code and was reviewed by Building Review Board at the May 17, 2017 meeting. Scott Barrenbrugge, K Hovnanian Homes, spoke on behalf of the petitioner and requested approval to use 100% vinyl siding on the proposed buildings. No members of the public provided testimony. Points discussed during the Building Review Board's deliberation included the durability and price point of both vinyl and fiber cement and/or engineered wood siding.

The Building Review Board motioned to approve the variance subject to the condition that a more durable material be used below the belly band of the proposed elevations (Not Approved, 3-3). Those opposed to the motion preferred that a more durable material be used on a greater portion of the façade than just that portion which falls below the belly band.

Based on BRB's discussion on May 17, 2017, the petitioner has indicated their agreement to utilize LP Smart Siding (fiber cement siding) on the first-floor of the proposed building elevations; additional details on this proposal, the revised building elevations, and the proposed first-floor material are attached. Based on a review of the attached, staff finds that the proposed 1<sup>st</sup> floor building materials are of higher-quality and are more durable than vinyl. Accordingly, staff supports the requested variance to waive the 50% masonry requirements subject to the condition that the higher quality building material (LP Smart Siding) is utilized on approximately 50% of the façade as calculated in accordance with Section 5-2C-3 of the Naperville Municipal Code.

### ***Owner's Acknowledgement and Acceptance (OAA)***

The Owner's Acknowledgement and Acceptance (OAA) contains clarification on financial surety and payment of fees. The park fee was paid in full by the previous developer of the Tramore Subdivision; only a partial amount of the school fee was paid.

### ***Key Takeaways***

- The subject property was originally approved in 2005 for a 16 lot subdivision with 32 duplexes in 2005 (Tramore Subdivision). The project did not move forward; in 2009, Turning Pointe Autism Foundation received approval of a PUD to utilize the subject property as a school and residential care homes for individuals with autism.
- The petitioner requests approval of a revocation of the Turning Pointe approvals (Ordinances 09-110, 09-111, 10-061, 10-062, and 10-063) in order to proceed with development of the property.
- The petitioner requests approval of an amendment to Ordinance 05-179 to remove the

approved building elevations from the ordinance. Staff supports the request because it is atypical to attach elevations to such ordinances and their removal allows the petitioner to proceed with new elevations reflective of their intended design of the units.

- The petitioner also requests approval to revoke Ordinance 07-082 which included additional building elevations.
- The petitioner requests a variance from Section 5-2C-3 (Exterior Wall Construction) to waive the masonry requirement on the property duplexes. Staff supports the request subject to the condition that the higher quality building material (LP Smart Siding) is utilized on approximately 50% of the façade as calculated in accordance with Section 5-2C-3 of the Naperville Municipal Code.

### ***Related Agenda Items***

The following five agenda items are related to the Tramore case:

- An Ordinance Revoking the Ordinances 09-110, 09-111, 10-061, 10-062, and 10-063 Related to Phase 1 Planned Unit Development for the Turning Pointe Campus.
- An Ordinance Amending Ordinance 05-179 (An Ordinance Amending the Zoning Ordinance for the Property Located West of Plainfield-Naperville Road North of Saratoga Road and South of Hamlet) for the Tramore Development.
- An Ordinance Revoking Ordinance 07-082 (An Ordinance Amending Ordinance 05-179 Which Zoned the Tramore Development).
- An Ordinance Granting a Variance from Section 5-2C-3 (Exterior Wall Construction) of Title 5 (Building Regulations) of the Naperville Municipal Code for Tramore Subdivision.
- An Ordinance Approving the Owner's Acknowledgment and Acceptance (OAA) for Tramore Subdivision.

### **FISCAL IMPACT:**

N/A