



## Legislation Details (With Text)

**File #:** 17-626      **Version:** 2

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 8/8/2017      **In control:** City Council

**On agenda:** 9/5/2017      **Final action:** 9/5/2017

**Title:** Receive the staff report for Bauer Place Phase 3 located at the southwest corner of Bauer Road and East Avenue, PZC 17-1-067 (Item 1 of 3).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Petition, 2. Location Map, 3. Site Plan, 4. 8.16.17 PZC Minutes DRAFT, 5. Development Petition\_PZC Exhibit, 6. Location Map\_PZC Exhibit, 7. Site Plan\_PZC Exhibit, 8. Landscape Plan\_PZC Exhibit, 9. Building Elevations\_PZC Exhibit, 10. Subdivision Plat\_PZC Exhibit

Date	Ver.	Action By	Action	Result
9/5/2017	2	City Council	received	Pass
8/16/2017	2	Planning and Zoning Commission	approved and referred	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Receive the staff report for Bauer Place Phase 3 located at the southwest corner of Bauer Road and East Avenue, PZC 17-1-067 (Item 1 of 3).

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kasey Evans, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 17-1-067 on August 16, 2017 and voted to recommend approval of the case (Approved, 6-0). Staff concurs.

**BACKGROUND:**

The property is located at the southwest corner of Bauer Road and East Avenue, and is zoned B3 (General Commercial District). The property is approximately 1 acre and is currently vacant. The property is bounded by a detention pond (R1B: Medium Density Single-family Residence District) to the north; Staples and Panda Express (B3) to the east; Discount Tire (B3) and townhomes (R3: Medium Density Multiple-family Residence District) to the south; and townhomes (R3) to the west.

**DISCUSSION:**

The petitioner, Oak Creek Capital Partners LLC, requests approval of rezoning and subdivision in order to construct 9 single-family attached townhomes, on the subject property. The townhomes will be located in 3, 3-unit buildings constructed on 3 lots and 1 outlot.

The proposed townhome architecture matches the existing townhomes in Bauer Place along Bauer

Road and Charles Street. Two of the proposed 3-unit townhome buildings will face east with rear-loading garages and driveway access from the existing driveway off Bauer Road. The third 3-unit townhome building will face north with rear-loading garage access from a new driveway off East Avenue. In addition to 2-car garages in each unit and room for 2 vehicles to be parked in each individual driveway, 6 off-street guest parking spaces are provided in the southeast corner of the property.

The building on Lot 2 will be setback approximately 35', and the building on Lot 3 will be setback approximately 60', from the north (Bauer Road) property line. The building on Lot 3 will be setback approximately 32' from the east (East Avenue) property line. The site will be landscaped with a variety of trees, shrubs and other vegetation, including plantings around the base of the townhomes, perimeter landscaping around the site, and parkway trees.

### *Rezoning*

The petitioner is seeking to rezone the property from B3 (General Commercial District) to R3 (Medium Density Multiple-family Residence District). The subject property's existing B3 zoning classification permits by-right a number of commercial uses such as: retail, office, eating/drinking establishments, amusement establishments, and motor vehicle sales. Whereas the B3 district permits a number of commercial uses, the R3 district permits primarily residential uses ranging from single-family homes to multi-family homes. B3 permitted uses can be expected to be generally more intensive than the proposed R3 townhome development. The proposed development complies with all applicable R3 district and general Zoning Code regulations.

### *B3 and R3 Zoning District Comparison*

	Minimum Lot Area		Setbacks		Maximum Height/FAR*	
	Permitted	Proposed	Permitted	Proposed	Permitted	Proposed
<b>R3</b>	4,000sf of lot area per dwelling	4,619sf of lot area per dwelling	Front: 25' Interior Side: 6' Corner Side: 15' Rear	Front: 29' Interior Side: 15' Corner Side: 16' Rear	43'	35.5' (front) 39.5' (rear)
<b>B3</b>	None		Front: 0' Interior Side: 0' Corner Side: 12' Rear: 12'		0.325 (FAR)	

\*FAR = Floor Area Ratio

In addition, the requested rezoning to residential is consistent with the recommendations of the City's Comprehensive Plan; both the East Sector Update (1998) and the Ogden Avenue Corridor Plan (2008) recommend residential uses on the subject property.

The subject property has remained undeveloped for a number of years under the existing B3 zoning classification. The property's lack of frontage on Ogden Avenue makes the property less likely to be developed commercially. One concept proposed for the site in recent years was for a multi-tenant warehouse/office use that would have required several entitlements to accommodate, and staff did not support such a concept on the site. Staff finds the proposed R3 zoning to be more compatible with the surrounding zoning and land uses than the existing B3 zoning of the subject property. The petitioner's responses to the Standards for Granting Rezoning are included in the Development Petition. Staff is in general agreement with the petitioner's Findings and recommends adoption by the City Council.

### *Subdivision*

In conjunction with the requested rezoning, the petitioner requests approval of a preliminary/final plat

of subdivision for Bauer Place Phase 3. The petitioner requests to consolidate the subject property with a portion of the existing Bauer Place Phase 2 subdivision to the west in order to create Bauer Place Phase 3. Bauer Place Phase 3 establishes three buildable lots on which the single-family attached residences will be constructed and one additional lot (Lot 10) to accommodate the driveways, common open space, and stormwater. The three buildable lots are approximately 5,967.72 square feet each in size; Lot 10 is 39,204 square feet in size. Staff finds that the proposed preliminary/final plat of subdivision for Bauer Place Phase 3 meets all technical requirements for approval.

### ***School/Park Deviation***

The petitioner is seeking City Council consideration of a deviation from Section 7-3-5 of the Naperville Municipal Code with respect to the timing of payment for required school and park donations for Bauer Place Phase 3 Subdivision (note: PZC review of this request is not required). Specifically, the petitioner is requesting payment of said donations prior to issuance of each building permit, rather than a lump sum payment which would be due to the City prior to recording of the subdivision plat for the development (as currently required by code). The petitioner's deviation request is consistent with the City's pending text amendment (PZC 16-1-032) and is therefore supported by staff.

### ***Owner's Acknowledgement and Acceptance***

An Owner's Acknowledgement & Acceptance agreement has been referenced within the ordinance approving the preliminary/final plat of subdivision. Within the OAA, specific provisions are included regarding the petitioner's required school and park donations, which are based on 9 3-bedroom attached units as required per Section 7-3-5:5 (Dedication Of Park Lands and School Sites Or For Payments Or Fees In Lieu Of) of the Municipal Code. The OAA has been prepared in a manner consistent with the requested school/park deviation noted above (i.e., donation shall be paid prior to issuance of each building permit). Should City Council not approve the requested deviation, staff should be directed to amend the proposed ordinance and OAA prior to recording.

### ***Planning and Zoning Commission***

The Planning and Zoning Commission opened the public hearing to consider PZC 17-1-067 on August 16, 2017. Len Monson, Attorney with Kuhn, Heap, and Monson, spoke on behalf of the petitioner. Mr. David Shang spoke during public testimony and voiced concerns related to traffic and density. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 17-1-067 (Approved, 6-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner requests rezoning from B3 to R3 in order to develop 9 townhomes on the subject property.
- Staff supports the proposed rezoning as the R3 district is more compatible with the surrounding neighborhood.
- Staff finds that the proposed preliminary/final plat of subdivision for Bauer Place Phase 3 meets all technical requirements for approval.

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

The following two agenda items are related to Bauer Place Phase 3 - PZC 17-1-067:

- An Ordinance Rezoning the Property Located at 5S315 East Avenue to R3 (Medium Density Multiple-family Residence District) - PZC 17-1-067 (Item 2 of 3).

- An Ordinance Approving the Final Plat of Subdivision, the Owner's Acknowledgement and Acceptance (OAA), and a deviation to Section 7-3-5:5 (Dedication of Park Lands and School Sites) for Bauer Place Phase 3 - PZC 17-1-067 (Item 3 of 3).

**FISCAL IMPACT:**

N/A