



Legislation Details (With Text)

**File #:** 17-682      **Version:** 1

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

**File created:** 8/28/2017      **In control:** City Council

**On agenda:** 9/19/2017      **Final action:** 9/19/2017

**Title:** Receive the staff report for Avenida - Naperville located at the southwest corner of Mill Street and Commons Road, PZC 16-1-136 (Item 2 of 7).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Application, 2. Parking Study, 3. Traffic Study, 4. Petition & Findings, 5. Public Comment 7.17.17, 6. Letter from Senior Task Force, 7. Resident Petition, 8. PZC Minutes - April 19, 2017, 9. PZC Minutes - January 18, 2017, 10. PZC Minutes - July 19, 2017, 11. Fire Truck Exhibit

Date	Ver.	Action By	Action	Result
9/19/2017	1	City Council	received	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report for Avenida - Naperville located at the southwest corner of Mill Street and Commons Road, PZC 16-1-136 (Item 2 of 7).

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 16-1-136 on July 19, 2017 and voted to recommend approval of the case (Approved, 7-2). Staff concurs.

**BACKGROUND:**

The petitioner, Avenida Senior Living, LLC, is requesting approval of annexation into the City of Naperville, rezoning of the subject property to OCI (Office, Commercial, and Institutional District) upon annexation, approval of a preliminary plat of subdivision, approval of a conditional use for multi-family dwelling units, and variances to reduce the required lot area and the required number of off-street parking spaces. The petitioner intends to construct a 146 unit multi-family residential building on the subject property. The age-restricted rental community will consist of 57 1-bedroom units and 89 2-bedroom units.

The subject property is zoned R3 in unincorporated DuPage County. The property is surrounded by Harborchase of Naperville to the north, Nike Park to the east, Truth Lutheran Church and an unincorporated single-family residential home to the south, and attached single-family and single-family residential homes to the west. The East Sector Update (1998) to the Comprehensive Master Plan identifies the future land use of the property as "Office/Research and Development". The

proposed OCI zoning is compatible with this designation and the zoning of other recently annexed properties near the subject property.

## **DISCUSSION:**

### ***Case History***

The original public hearing for PZC 16-1-136 was opened at the January 18, 2017 Planning and Zoning Commission (PZC) meeting. 14 members of the public spoke at the public hearing, voicing concerns relating to the density of the project, the amount of parking, and the potential for an increase in traffic. A motion was made to continue PZC 16-1-136 to the February 15, 2017 PZC meeting to allow the petitioner to meet with surrounding property owners (motion approved, vote 8-0).

Per the request of the petitioner, PZC 16-1-136 was re-opened and continued at the PZC meetings on February 15<sup>th</sup>, March 15<sup>th</sup>, and April 19<sup>th</sup> to allow the petitioner time to revise the plans. At the April 19, 2017 PZC meeting, per the request of the petitioner and the recommendation of staff, the public hearing for PZC 16-1-136 was continued to a date to be determined, but no later than the July 19, 2017 PZC meeting (motion approved, vote 6-0). The petitioner held an additional neighborhood meeting on June 14, 2017 and has submitted revised plans to the City for review.

Due to the length of time that has elapsed since the previous public notice was given in this case, the petitioner was required to complete new public notice. This included posting a sign on the property and mailing a letter to property owners within 300' of the property. The City additionally provided notice of the public hearing in the Naperville Sun.

### ***Plan Revisions***

Prior to the July 19<sup>th</sup> PZC meeting, the petitioner submitted revised plans based upon feedback from the PZC, staff, and surrounding residents. A summary of the plan revisions is as follows:

- The number of total units was reduced by 29, from 175 units to 146 units. A lot area variance is still required and is further described below.
- The first floor parking deck was removed. Parking is now accommodated in (1) interior building garages, (2) exterior/surface garages, and (3) a surface parking lot. A parking variance is still required and is further described below.
- The height of the building was reduced from 3 stories to 2 stories on the west elevation (West Street). The height was also reduced to 2 stories along the west side of both the north elevation (Commons Road) and the south elevation.
- The right in/right out access point on Mill Street was eliminated per DuPage County; the Fire Department requested an emergency access point on West Street which has been provided.
- The petitioner is no longer requesting a planned unit development, eliminating the requirement for common open space.

### ***Annexation and Rezoning***

The subject property is currently located in unincorporated DuPage County and the petitioner requests annexation into the City of Naperville. The subject property is contiguous to property that is currently within the City of Naperville and is eligible for annexation. Upon annexation, the petitioner is seeking rezoning of the subject property to OCI (Office, Commercial and Industrial District) to construct Avenida, an age-restricted multi-family residential community.

The requested OCI zoning designation is consistent with surrounding annexed properties to the north (Harborchase of Naperville) and south (Truth Lutheran Church) and the East Sector Update (1998) of

the Comprehensive Master Plan. According to the Municipal Code, it is the intent of the OCI district to act as a transitional zone between business areas and residential neighborhoods. Staff finds the proposed zoning to be appropriate and compatible with incorporated properties in the surrounding area. The petitioner's responses to the standards for granting a rezoning are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

**Preliminary Plat of Subdivision**

The petitioner requests approval of a Preliminary Plat of Subdivision for Avenida in order to consolidate 38 lots that are currently platted as single-family sized lots and associated vacated right-of-way into Lot 1 (totaling 6.6 acres) of the proposed Avenida Subdivision. Staff finds that the proposed Preliminary Plat of Subdivision for the Avenida Subdivision meets all technical requirements for approval.

**Conditional Use for Multi-Family Dwellings Units**

Pursuant to Section 6-7F-3 (OCI District: Conditional Uses), the petitioner requests approval of a conditional use for multi-family dwelling units in OCI. The proposed building will be a 146 unit rental apartment community served by 224 total parking spaces. The apartment community will be subject to the terms and conditions of an age restriction covenant which has been agreed to by School District #203. The covenant shall run with the land and be applicable to the petitioner and/or any successors, transferees, assignees, residents, or occupants of the subject property. If at any time in the future the petitioner seeks the release of the age restriction covenant, a major change to the conditional use for multi-family dwelling units is required. In conjunction with the major change requirement, and as stipulated in Section S9.0 of the Avenida Annexation Agreement, the petitioner will also be required to submit a detailed narrative of the request and a current traffic study.

[Note: The Age Restriction Covenant which will be an exhibit to the Annexation Agreement, the ordinance approving a conditional use and variances, and the ordinance approving the preliminary subdivision plat for Avenida is not attached. It will be uploaded on Friday, September 15<sup>th</sup>.]

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 City Council.

**Variance for Lot Area**

The petitioner requests a variance from Section 6-7F-5 (OCI District: Area Requirement) to reduce the required lot area for multi-family dwelling units. Per Code, the lot area for a structure consisting of multi-family dwellings shall not be less than the number of dwelling units times 2,600 sq. ft. [of lot area]. This code requirement is not intended to impose a minimum interior/livable square footage requirement for each residential unit proposed. Rather, the lot area requirement is used a means of controlling density, as well as the bulk of the building. Inversely applied, this calculation establishes the maximum number of units that are permitted per acre (1 acre or 43,560 sq.ft. of land divided by 2,600 sq.ft. of land required per unit = 16.75 units/acre).

The proposed development consists of 146 units on approximately 287,165 square feet, which equates to approximately 1,966.9 square feet per dwelling unit (or  
287,165 sq.ft. or 6.59 acres (Lot Area) /  
146 (No. Units)  
1,966.9 sq. ft. of lot area per unit (or 22.15 units/acre)

Based on the Code requirement, the petitioner would be permitted to construct 110 units on the 287,165 square foot site. The petitioner’s previous request consisted of 175 units, which equated to approximately 1,640.9 square feet per dwelling unit (or 26.55 units/acre). The reduction of 29 units has amounted to a 326 square foot increase in total lot area per dwelling unit from the previous plan (and a reduction of approximately 4 units/acre).

Staff finds the reduction of 29 units to be a significant improvement and that this reduction, in combination with the architectural modifications made to the building, as further described below, has contributed to an overall reduction in the bulk and mass of the building. The petitioner’s responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioner’s findings and recommends their adoption by City Council.

*Lot Area Summary:*

	<b>Required per Code</b>	<b>Current Plan</b>	<b>Jan. 2017 Plan</b>
<b>Lot Area</b>	2,600 sf (110 units)	1,966.9 (146 units)	1,640.9 sf (175 units)

**Variance for Off-Street Parking**

The petitioner also requests a variance from Section 6-9-3:1 (Off-Street Parking Facilities: Residential Uses) to reduce the required number of parking spaces. Per Code, multi-family dwelling units require 2 parking spaces, as well as 0.25 designated guest parking spaces, per dwelling unit. The proposed 146 unit building is required to provide 292 parking spaces for residents and 37 designated spaces for guests for a total of 329 parking spaces. The petitioner is providing 198 parking spaces and 26 land banked spaces for a total of 224 spaces. The land banked parking spaces will be constructed at a future date, should parking demand dictate the necessity. The City will have the ability to trigger the construction of these spaces as a condition of the variance process.

In order to support the variance request, the petitioner has submitted a parking study. The parking study provided data from industry standard publications which recommend a parking supply ratio of 0.5 to 0.6 parking spaces/unit for attached senior living facilities. The study also collected data from 20 similar age-restricted rental communities. The average parking supply ratio for the communities was 1.13 parking spaces/unit, while the 85<sup>th</sup> percentile was 1.31 parking spaces/unit. The petitioner is proposing a parking supply of 1.53 parking spaces/unit (at full parking buildout) or 1.36 parking spaces/unit until the land banked parking spaces are constructed.

Staff is in support of the requested variance given the data from the parking study and the availability of the land banked parking; at initial parking buildout, the parking spaces provided are still in excess of the peak parking needs as found in the study. Staff finds that the additional land banked parking provides a safety net in the event that the parking needs for this site vary from those studied. Staff additionally supports the modified parking layout which eliminates the first floor parking deck which increased the height and bulk of the previous building design.

The Municipal Code Off-Street Parking Regulations contain 1 parking classification related to senior housing (“convalescent/nursing homes” which require 1 parking spaces per each 4 beds based on rated design capacity). The Code does not further breakdown senior uses into specific uses (i.e. assisted living, independent living, memory care, etc.). Avenida is considered a “multi-family residential dwelling” and requires 2 parking spaces, plus 0.25 guest parking spaces, per dwelling unit. Rather than update the Code to reflect the ever-changing senior housing market, staff finds it is

a better approach to evaluate each project on a case by case basis through the entitlement process. Staff has worked with the petitioner to add several conditions onto the requested parking variance including (1) continued operation as an age restricted community; (2) details on the petitioner's parking management systems including the issuance of parking decals; and (3) parking restrictions on the neighboring residential streets. Additionally, City staff will recommend that all vehicles will be restricted from parking on West Street. This recommendation will be forwarded to the Transportation Advisory Board (TAB) for a recommendation to and final action by City Council.

The petitioner's responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

*Parking Summary:*

Type of Parking	Parking Provided	Parking Location	No. of Spaces
Resident/Guest	198 spaces	Interior Garage	43 spaces
		Surface Garage	63 spaces
		Surface Lot	92 spaces
Land Banked	26 spaces	Land Banked	26 spaces
<b>Total Parking</b>	<b>224 spaces</b>	<b>Total Parking</b>	<b>224 spaces</b>

**Building Elevations**

The petitioner has revised the proposed elevations, separating the building into 2 buildings connected by a covered entryway and walkway. The proposed building design has been revised from a more contemporary style building to a more traditional style. The first floor parking deck has been removed and parking has been shifted to interior garages located on the west and south elevations, surface parking garages, and a surface parking lot. The height of the building has been reduced from 3 stories to 2 stories along the west elevation (West Street), as well as the west side of both the north elevation (Commons Road) and the south elevation. The 39'9" building height (28'9" for the 2 story portion) complies with the maximum height requirement of 43' in OCI. Staff finds that the modifications to the building design have helped to reduce the appearance of bulk, particularly as viewed from the adjacent residential subdivisions to the west; accordingly, staff supports the design changes that have been made.

The proposed building elevations use high quality building materials, including brick veneer, stone veneer, cast stone trim, and fiber cement siding. The elevations are consistent with the City's Building Design Guidelines and Section 5-2C-3 (Exterior Wall Construction), which requires a minimum of 50% solid masonry coverage on all façades fronting a street.

**School and Park Donation Deviations**

The petitioner requests a deviation from Municipal Code Section 7-3-5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu Of) to waive the required school donation due to the proposed development being age-restricted. As an age-restricted community with no school aged children, there will be no impact on student generation for School District 203. If the nature of the development changes such that it is no longer age-restricted, school donation will be required. Further, an age restriction covenant, to be approved by School District 203 and the City, will be recorded on the property.

The petitioner also requests a deviation to reduce the required park donation for the proposed

development. The petitioner discussed the requested deviation with the Naperville Park District and the Park District had no concerns. The petitioner understands additional park donation may be required if the proposed development changes.

### ***Installation of Street Lighting***

In lieu of installing street lights along Commons Road, the City is requesting the petitioner install public street lights along the Mill Street frontage of the subject property and the HarborChase development. The HarborChase developer installed street lights along Commons Road, which benefitted both HarborChase and the subject property. This installation completes the street light system and makes both developers whole. Please note that the Truth Lutheran Church is installing street lights along their frontage as part of their development.

The petitioner objects to the requirement for street lights and requests to discuss the issue with City Council.

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

The Planning and Zoning Commission opened the public hearing to consider PZC 16-1-136 on July 19, 2017. Russ Whitaker, attorney with Rosanova and Whitaker, spoke on behalf of the petitioner. 12 members of the public provided testimony with 7 speaking in opposition and 5 speaking in favor of PZC 16-1-136. Points raised in opposition to the project included density and a lack of hardship for the variance requests. Speakers in favor of the project noted that the proposal would fill a need for senior housing in the community.

The Planning and Zoning Commission discussed the proposed revisions to the site plan, the variance requests, and the resident petition. The Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 16-1-136 (Approved, 7-2). Commissioners Fessler and Williams cast the dissenting votes, voicing concern with the proposed parking levels and the lack of hardship concerning the requested parking variance. Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Conclusion***

The subject property has remained undeveloped and vacant since its platting as Naper Villa Manor in 1926. Several potential developers have approached the City with requests to develop the subject property with multi-family residential uses. Staff has not supported multi-family concepts for the site because the Comprehensive Plan designates the property as "Office/Research and Development". Staff has shown support for age restricted multi-family concepts on the property due to adjacency to Harbor Chase and due to limited amounts of this housing type being available in the area; however, developers have had difficulty proposing a plan that makes both financial sense and is able to meet the City's zoning bulk requirements and parking requirements.

Staff is in support of the proposed development due to the age restriction covenant, which has a direct impact on the use and related variance requests. The proposed use, an age restricted apartment building, is compatible with the use directly to the north, an assisted living and memory care facility, and is an allowable conditional use in OCI. Per the petitioner's parking study, the development can support a reduced parking supply because it is an age restricted facility. City Code does not directly address this type of senior development (age restricted senior rental); however, staff finds it would be difficult to amend the parking requirements to address all types of senior housing.

As noted above, lot area is used both as a measure of density and a means to control the building

mass. In general, staff finds that density will be controlled by the bulk and parking regulations of the underlying zoning district. In this case, the building complies with all required setbacks, as well as the maximum permitted building height (bulk regulations). The development does not meet the Code required parking. However, staff finds that because the development is an age restricted facility, a reduced parking supply can be sustained.

### **Key Takeaways**

- PZC 16-1-136 originally appeared before the Planning and Zoning Commission in January of 2017. At the April 19, 2017 PZC meeting, the case was continued to allow the petitioner to meet with surrounding residents and to revise the plans.
- The public hearing was re-noticed and opened on July 19, 2017.
- The PZC voted to recommend approval of PZC 16-1-136 (Approved, 7-2).
- The petitioner is currently requesting annexation into the City of Naperville, rezoning to OCI upon annexation, approval of a preliminary plat of subdivision, a conditional use for multi-family dwelling units in OCI, and variances for lot area and the number of off-street parking spaces.
- The subject property is contiguous to property in the City of Naperville. Staff finds the proposed OCI zoning is consistent with the surrounding annexed properties; both the proposed zoning district and the conditional use for multi-family dwelling units is compatible with Comprehensive Plan.
- Staff finds that the modifications that have been made to the building and site design, including reducing the number of units, eliminating the first floor parking garage, reducing the number of stories on certain portions of the building, and modifying the architectural style have been done in consideration of feedback and concerns raised by staff, the PZC, and the public. Staff finds that these significant changes have reduced the bulk and massing of the proposed building.
- Accordingly, staff finds the requests for a variance for lot area and the number of off-street parking spaces meet the standards for granting a variance.

### **Related Items**

The following agenda items are related to PZC 16-1-136:

- Conduct the public hearing to consider the Annexation Agreement for Avenida - Naperville located at 504 Commons Road - PZC 16-1-136 (Item 1 of 7).
- Pass the ordinance authorizing the execution of an Annexation Agreement for the Property Located at 504 Commons Road (*requires six positive votes*) - PZC 16-1-136 (Item 3 of 7).
- Pass the ordinance annexing Certain Property located at 504 Commons Road (Avenida) (*simple majority*) - PZC 16-1-136 (Item 4 of 7).
- Pass the ordinance rezoning the property located at 504 Commons Road to OCI (Office, Commercial and Institutional District) - PZC 16-1-136 (Item 5 of 7).
- Pass the ordinance approving the Preliminary Plat of Subdivision for Avenida - PZC 16-1-136 (Item 6 of 7).
- Pass the ordinance approving a conditional use in the OCI (Office, Commercial and Institutional) Zoning District for multi-family dwelling units and variances to 6-7F-5 (OCI: Area Requirements) and 6-9-3:1(Off-Street Parking Facilities: Residential Uses) of the Naperville Municipal Code for the property located at 504 Commons Road (Avenida) - PZC 16-1-136 (Item 7 of 7).

### **FISCAL IMPACT:**

N/A