



## Legislation Details (With Text)

<b>File #:</b>	19-224	<b>Version:</b>	1
<b>Type:</b>	Public Hearing	<b>Status:</b>	Agenda Ready
<b>File created:</b>	3/5/2019	<b>In control:</b>	Planning and Zoning Commission
<b>On agenda:</b>	3/20/2019	<b>Final action:</b>	
<b>Title:</b>	Conduct the public hearing regarding the property located east of Book Road and north of Hassert Boulevard (The Enclave)- PZC 19-1-09 (Item 1 of 4)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Petition for Development Approval, 2. Disclosure of Beneficiaries, 3. Legal Description, 4. Description of Proposal, 5. Standards, 6. Final Engineering, 7. Plat of Annexation, 8. Plat of Subdivision, 9. Landscape Plan, 10. 90% Rule Map and Calculation, 11. Location Map, 12. Three Car Garage Floor Plans, 13. Two Car Garage Floor Plans, 14. Elevations		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the public hearing regarding the property located east of Book Road and north of Hassert Boulevard (The Enclave)- PZC 19-1-09 (Item 1 of 4)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

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

Official notice for the public hearing for PZC 19-1-09 was published in the Daily Herald on March 4, 2019.

#### **BACKGROUND:**

The subject property consists of approximately 4.5 acres, and is generally located on the east side of Book Road, north of Hassert Boulevard. The property is currently vacant and is zoned A-1 (Agricultural) in unincorporated Will County. The properties immediately north and east of the subject property are zoned R1 (Low Density Single-Family Residence District), and properties immediately south are unincorporated Will County.

Previously, a public hearing was held by the Planning and Zoning Commission (PZC) for the subject property on May 16, 2018 requesting approval of rezoning upon annexation to R1 (Low Density Single Family Residence District) with a variance to the interior side yard setback requirements in order to subdivide the property into 8 lots upon annexation for development of 8 single family detached homes and one associated outlot (PZC 18-1-01). The PZC voted to recommend approval of the proposed rezoning of the subject property to R1 with a variance to the interior side yard

setback requirement (Approved 8,0). The recommendation was then forwarded to the City Council on June 5, 2018. The City Council reviewed the proposal and passed the Ordinances approving the annexation agreement, annexation, rezoning to R1, preliminary/final plat of subdivision, and a variance to the interior side yard setback requirements. Since approval by the City Council, the annexation and plats have not been recorded by the Will County Recorder's office.

A revised proposal has been submitted by the petitioner McNaughton Development, Inc. requesting annexation, rezoning upon annexation to R1, approval of a preliminary/final plat of subdivision, and approval of 4 variances in order to develop 10 age restricted single family detached homes and one associated outlot.

## **DISCUSSION:**

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

Upon annexation, the petitioner continues to seek rezoning of the subject property to R1 (Low Density Single-Family Residence District); however, proposes to alter the development to include 10 age restricted single family detached homes and one associated outlot. Upon review, staff found the proposed R1 zoning to be compatible with surrounding zoning districts. The petitioner's responses to the Standards for Granting a Map Amendment are included in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

The petitioner's annexation request is not reviewed by the Planning and Zoning Commission, but information on the request is provided for reference. The annexation request will be heard by the City Council at a subsequent meeting date.

### ***Requested Variances***

The petitioner is requesting rezoning to the R1 zoning district. As proposed, multiple variances are requested to the R1 district requirements in order to accommodate the development's age-restricted nature and the housing/lot types that are desirable for such use. The requests are as follows: front yard setback variance for lots 4-7, lot width variance for lots 2-8, interior side yard setback variance, and a 90% rule variance for lots 2-9. More details on the requests can be found below.

#### ***Front Yard Setback Variance for Lots 4-7***

A front yard setback variance is being requested for lots 4-7 in order to reduce the setback from 30' to 25'. Given the orientation of the lots around the cul-de-sac, the reduced front yard setback will allow for consistency in location of the proposed single family detached homes throughout the development. Therefore, staff is in support of a variance to the front yard setback requirements for lots 4-7.

#### ***Lot Width Variance for Lots 2-8***

The R1 district requires a minimum lot width of 85'. As proposed, only lots 1 and 2 comply with the minimum lot width requirement. The variance request is to allow lots 2-8 to be at a minimum of 78' in lot width (only 7' under the lot width requirement). Given the proposed development is age restricted, the lot width variance will reduce yard maintenance for the future residents. Staff finds the proposed lot width reductions to be reasonable.

#### ***Interior Side Yard Setback Variance***

The petitioner is requesting a variance to reduce the R1 district interior side yard setback requirement from 25' total, minimum of 10' to 22' total, minimum of 10'. The petitioner is proposing several

different floor plan and elevation options for this development. The floor plan selection ranges from two car to three car garage options.

The two car garage floor plan is 45' wide, which can be accommodated on the proposed lots in compliance with the R1 district interior setback requirements.

The three car garage floor plan is 56' wide; coupled with the 78' lot width, the R1 interior side yard setback total cannot be met, prompting a need for a variance. Staff is in support of the requested variance with a condition that the interior side yard setback variance is only applicable to those lots which will be improved with a three car garage. Therefore, approval of the variance will grant a reduction in the interior side yard setbacks throughout the subdivision for the three car garage floor plan and will eliminate the need for a variance for each individual property if the three car garage floor plans are selected.

### **90% Rule Variance**

Per the standards established in Section 7-4-4:2.4 (Land Use: Ninety Percent Rule) of the Municipal Code, the ninety percent (90%) rule applies to the subdivision of the properties. Upon review of the ninety percent rule regulations, the required minimum lot size is 15,425 square feet (an exhibit for the 90% rule can be found in the attachments). Since the 90% rule minimum lot size of 15,425 square feet exceeds the 13,000 square foot lot size required per the R1 district, the more restrictive (90% rule) lot size is applicable.

Lots 2-9 are below the minimum 15,425 square feet requirement as proposed and therefore require a variance to the 90% rule requirement. The lot sizes range from 11,664 square feet to 14,600 square feet size. Upon review of the 90% rule requirement, staff does not have a concern with the proposed lot sizes given that the majority of the lots comply with the R1 minimum (13,000) and the proposed development will be for age restricted single family housing which favors smaller lot sizes. Per the standards established in 7-2-2:5 (Subdivision Plat Procedures), 90% rule variances are subject to review by the Planning and Zoning Commission.

### ***Findings of Fact***

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

### ***Landscape Plan***

The proposed landscape plan identifies new parkway trees where appropriate along Book Road and along the proposed street, Enclave Court. Staff supports the landscape plan as proposed and finds that it meets the requirements of the City's Landscaping and Screening Ordinance.

### ***Key Takeaways***

- The petitioner requests annexation and rezoning upon annexation into the City of Naperville for the vacant subject property located east of Book Road and north of Hassert Boulevard.
- The petitioner requests rezoning to the R1 zoning district upon annexation with the following variance requests: a variance to reduce the front yard setback requirement from 30' to 25' for lots 4-7; a variance to reduce the lot width requirement from 85' to a minimum of 78' for lots 2-8; a variance to reduce the interior side yard setback requirement from 25' total, minimum of 10' to 22' total, minimum of 10' with a condition that this approval is only granted for the three car garage floor plan; a variance to reduce the 90% rule lot size requirement for lots 2-9.

- Staff is in support of the proposal finding the variance requests are reasonable given the development will be age restricted.

***Related Files***

The following agenda items are related to PZC 19-1-09:

- Consider rezoning the property to R1 upon annexation (The Enclave) - PZC 19-1-09 (Item 2 of 4);
- Consider a variance from Section 7-4-4:2.4 (90% rule) to allow for a preliminary/final plat of subdivision in order to subdivide the property into ten age restricted single family lots and one associated outlot - PZC 19-1-09 (Item 3 of 4).
- Consider three variances from Section 6-6L for the residential development to be located on east of Book Road and north of Hassert Boulevard (The Enclave) - PZC 19-1-09 (Item 4 of 4).