



## Legislation Details (With Text)

**File #:** 19-1151B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/21/2019      **In control:** City Council

**On agenda:** 12/3/2019      **Final action:** 12/3/2019

**Title:** Receive the report regarding the subject property located at 627 & 651 Amersale Drive, Naperville - PZC 19-1-108 (Item 1 of 4)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Petition, 2. Location Map, 3. 11.20.19 PZC Minutes

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the report regarding the subject property located at 627 & 651 Amersale Drive, Naperville - PZC 19-1-108 (Item 1 of 4)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

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

The Planning and Zoning Commission considered this matter on November 20, 2019 and voted to recommend approval of the request (approved, 7-0). Staff concurs.

#### **BACKGROUND:**

The subject property was platted in 2003 as Lot 4 of the American Sale Center Subdivision. In 2006, Ordinance 06-030 approved the final plat of PUD to permit the development of office, commercial and/or retail buildings on the subject property. The subject property is 2.1 acres and is zoned R4 PUD (Medium Density Multiple Family District). It is improved with two 1.5 story brick and stone buildings that are each approximately 8,000 square feet in size.

The petitioner, Jones Family LLC., intends to subdivide the property into two lots in order to facilitate the sale of one of the buildings. The petitioner also requests to revoke the existing PUD and rezone the property to OCI (Office, Commercial and Institutional District).

#### **DISCUSSION:**

##### ***Preliminary/Final Plat of Subdivision***

The petitioner requests approval of a preliminary/final plat of subdivision for the American Sale Center 1<sup>st</sup> Resubdivision in order to subdivide the subject property into two lots. Lot 1 includes the

existing north building and is 1.3 acres. Lot 2 includes the existing south building and is 0.8 acres. Staff finds the preliminary/final plat of subdivision for the American Sale Center 1<sup>st</sup> Resubdivision meets all technical requirements for approval.

### ***Rezoning to OCI***

The American Sale Center PUD was approved as a residentially zoned commercial and office development. The petitioner requests rezoning of the property from R4 (Medium Density Multiple Family Residence District) to OCI (Office, Commercial and Institutional District) to align the zoning of the property with the actual use of the property. Staff finds the proposed zoning of the property is essentially a zoning “clean-up” as it is consistent with the existing land use and the City’s Northwest Sector Update to the Comprehensive Master Plan future land use designation of “commercial”. The petitioner’s responses to the standards for granting rezoning are attached. Staff is in general agreement with the petitioner’s findings and recommends adoption by the City Council.

### ***Revocation of Lot 4 from the PUD***

The petitioner is seeking to remove the subject property, Lot 4 of American Sale Center Subdivision, from the associated PUD. The American Sale Center PUD was approved as a five lot subdivision for commercial development with a specified site plan. The original PUD approvals simply platted the development, and did not provide for any further rights or obligations amongst the properties. Today, the PUD simply permits the existing non-residential development to be located in a residentially zoned district. It is not consistent with the intentions or standards for granting a PUD currently identified in the Municipal Code; and, upon rezoning of the property to OCI, the need for the PUD designation on Lot 4 will be rendered obsolete.

The other lots in the PUD are independently owned and will continue to be designated as R4 PUD to allow for their continued commercial use. In the future, should the owners of these properties petition the City for any entitlements (including a rezoning and/or PUD revocation), it is staff’s recommendation that they be required to process those requests in a manner similar to that currently being pursued by the petitioner.

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

The Planning and Zoning Commission opened the public hearing to consider PZC 19-1-108 on November 20, 2019. Pete Pluskwa with Cemcon spoke on behalf of the petitioner. No one from the public provided testimony. The Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 19-1-108 (approved, 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner intends to subdivide the subject property into two lots in order to sell one of the buildings. The petitioner also requests to rezone the property to OCI and to revoke the existing PUD.
- Staff is supportive of the request because it aligns with the actual use of the property and the Comprehensive Plan.

### ***Related Files***

The following items are related to PZC 19-1-108:

- Pass the ordinance rezoning the property located at 627 & 651 Amersale Drive to OCI (Office, Commercial and Institutional District) - PZC 19-1-108 (Item 2 of 4)
- Pass the ordinance approving the preliminary/final plat of subdivision for American Sale

Center 1<sup>st</sup> Resubdivision - PZC 19-1-108 (Item 3 of 4)

- Pass the ordinance approving revoking a portion of the American Sale Center PUD for the property located at 627 & 651 Amersale Drive - PZC 19-1-108 (Item 4 of 4)

**FISCAL IMPACT:**

N/A