



## Legislation Text

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File #: 18-323, Version: 1

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### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the public hearing to consider the rezoning of The Enclave on Book located east of Book Road and north of Hassert Boulevard to R1A (Low Density Single-Family Residence District) upon annexation - PZC 18-1-001

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

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

Official notice for the public hearing for PZC 18-1-001 was published in the Naperville Sun on April 1, 2018.

#### **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 petitioner, JHL Developments LLC, is requesting annexation, rezoning upon annexation, and approval of a preliminary/final plat of subdivision in order to develop 8 single family detached homes and one associated outlot. 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.

The subject property is identified in the 2002 Southwest Community Area Plan of the Comprehensive Plan with the future land use of the property being "Community Facilities". While the 2002 Southwest Community Area Plan identifies the future land use as being "community facilities", no details regarding future facility needs are discussed for the site (i.e. future school site, library site, church site, etc.) on Figure 6 of the plan (located on page 30). Staff believes that the "community facilities" future land use designation is reflective of the property's ownership by the Zion Evangelical Lutheran Church and adjacency to their existing church facilities. However, if Zion Lutheran Church does not intend to improve the subject property with their facilities, staff has no concerns with the requested residential use of the property.

#### **DISCUSSION:**

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

The petitioner, JHL Developments LLC, is requesting annexation of the subject property into the City of Naperville and rezoning of the property to R1A (Low Density Single-Family Residence District) upon annexation. Upon review, staff found the proposed R1A zoning to be incompatible with surrounding zoning districts and is recommending rezoning to R1 (Low Density Single-Family Residence District).

The petitioner's responses to the Standards for Granting a Map Amendment are included in the Development Petition. The determination of whether rezoning of a property will be granted shall be made using the standards below as guidelines. Staff does not concur with the responses to the standards submitted by the petitioner. Staff's comments with respect to the Standards for Granting a Map Amendment, based upon review of the subject property and applicable Code provisions are as follows:

**Section 6-3-7:1: Standards for Granting a Map Amendment (Rezoning)**

1. *The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and official land use plan and other official plans of the City; and*
  - a. While the comprehensive plan identifies the future land use of the property to be "Community Facilities", the plan does not provide details regarding future facility needs at the site. Given that surrounding properties are residential, the proposed use is compatible with the area. However, staff finds that the R1 zoning is more appropriate for the subject property given the zoning of surrounding properties and their improvement in compliance with the R1 standards.
2. *The trend of development in the area of the subject property is consistent with the requested amendment; and*
  - a. The surrounding properties to the north and to the east are zoned R1; a comparison of R1 vs. R1A zoning requirements can be found on the following page. Staff recommends rezoning to R1 upon annexation for consistency with surrounding properties and the manner in which they have been developed.
3. *The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and*
  - a. The proposed single family houses are a suitable use for the property given the surrounding properties within the City. Altering the proposal to R1 zoning would still permit the single family houses on the property and maintain a consistent zoning classification.
4. *The subject property has not been utilized under the existing zoning classification for a substantial period of time; and*
  - a. The subject property is currently not incorporated within the City of Naperville limits.
5. *The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*
  - a. Rezoning to the R1A district will alter the essential character of the neighborhood given that R1A zoning is not consistent with surrounding properties. A table has been provided below comparing R1A and R1 setback, lot width, and lot size requirements. The proposed subdivision meets the requirements for the R1 zoning district. Rezoning to this district would maintain consistency with surrounding properties without requiring the petitioner to seek additional variances.

Zoning Requirements	R1 Zoning	R1A Zoning
Front Yard Setback	30'	30'
Side Yard Setback	10' min. per side total of 25'	8' min. per side total of 20'
Corner Side Yard Setback	30'	30'

Rear Yard Setback	25% lot depth, not to exceed 35'	25% lot depth, not to exceed 30'
Minimum lot width	85'	70'
Minimum lot area	13,000 sq. ft.	10,000 sq. ft.

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. The subject property is contiguous to property that is currently within the City of Naperville and is eligible for annexation.

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

In conjunction with the requested annexation and rezoning, the petitioner requests approval of a preliminary/final plat of subdivision for Enclave on Book. The proposed subdivision contains eight lots and one associated outlot. The eight lots are planned for the development of single-family detached housing and the outlot will be improved as part of the stormwater management easement.

The proposed lots are in compliance with the R1 zoning district minimum lot width and lot area requirements. 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 minimum lot size requirements are required to be a minimum of 15,425 square feet. The smallest lot proposed is 15,874 square feet; therefore, the proposed lot sizes comply with the 90% rule requirement.

Per the standards established in 7-2-2:5 (Subdivision Plat Procedures), the petitioner's preliminary/final plat of subdivision request is not reviewed by the Planning and Zoning Commission since no variances are required. Information on the request is provided for reference and review of the request will be heard by the City Council at a subsequent meeting date.

### ***Landscape Plan***

The proposed landscape plan identifies new parkway trees where appropriate along Book Road and along the proposed street, Sparkles 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 R1A zoning district. Staff recommends rezoning to R1 upon annexation to maintain compatibility with surrounding incorporated properties.