



## Legislation Text

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File #: 23-0689D, Version: 1

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### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the staff report for the Mill and Bauer Townhomes located at 27W280 Bauer Road and conduct the public hearing to consider the Annexation Agreement and related ordinances for said property - PZC 23-1-006 (Item 1 of 5)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

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

The Planning and Zoning Commission conducted the public hearing for PZC 23-1-006 on June 7<sup>th</sup> and July 19, 2023. Four members of the public spoke in opposition to the proposed development at each public hearing. During discussion, some PZC members expressed concerns regarding the appropriateness of the proposed development on the subject property, as well as the transition to properties to the east. At the conclusion of the public hearing on July 19<sup>th</sup>, the PZC made a motion to approve PZC 23-1-006 (approved - vote 5 in favor; 4 opposed).

#### **BACKGROUND:**

The Petitioner, Mill & Bauer, LLC, has submitted a petition to annex 27W280 Bauer Road, which is located at the northeast corner of Mill Street and Bauer Road, into the City of Naperville. The subject property is approximately 39,069 square feet in size. Upon annexation, the Petitioner is requesting rezoning to TU, a preliminary/final plat of subdivision, and a density variance to develop the property with 10 townhome units located within two buildings (one 7-unit building; one 3-unit building).

The dwelling units will be rental townhome units and the owner will take care of all exterior maintenance, landscaping and any necessary snow removal. A roadway access point is provided into the development from Bauer Road and will connect to a private roadway to be located behind the buildings. The petitioner is platting cross-access in order for the private roadway to be connected to the eastern property line should the properties to the east redevelop in the future. An additional right-out only exit is provided onto Mill Street.

A total of 24 parking spaces are provided for this development, two parking spaces per unit (located in attached garages) and an additional 4 guest parking spaces located behind the buildings. The proposed development complies with the minimum number of parking spaces required by code.

#### **DISCUSSION:**

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

The subject property consists of ten lots. The Petitioner has submitted a request to consolidate the existing lots and to establish cross access and utility easements; this plat qualifies for administrative

approval. The Petitioner has also submitted a request for annexation in the City; the properties are contiguous and eligible for annexation.

### ***Rezoning to TU (Transitional Use District)***

The Land Use Master Plan identifies the future land use of the property to be City Corridor. The City Corridor designation recommends B2, B3, OCl, and TU zoning districts. The Petitioner is requesting this property be zoned TU upon annexation. The TU zoning district is intended to serve as a mixed-use transitional area between low-density residential neighborhoods and other more intensive uses such as an arterial roadway or a business district. Properties are intended to be developed with low-intensity office, service, and residential uses that are designed in a manner compatible with the adjacent residential neighborhoods.

A variety of zoning districts and land uses are adjacent to the subject property:

- The property to the north is Nike Park which is zoned R1 (Low Density Single-Family Residence District).
- The properties to the east and to the south (across Bauer Road) are located in unincorporated DuPage County and are zoned R-3 single family. The property to the south is Mayneland Farmstand.
- The property to the west (across Mill Street) is Truth Lutheran Church and Everleigh Naperville (fka Avenida). Both properties are zoned OCl (Office, Commercial, and Institutional District).
- The property to the southwest is zoned R3A PUD (Medium Density Multiple-Family Residence District Planned Unit Development) and is improved with single family attached townhomes (Cress Creek Townhomes).

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

Staff finds the TU zoning district designation to be appropriate given the properties adjacency to a minor arterial roadway (Mill Street) and low-density residential properties to the east and Nike Park to the north. Staff is supportive of the proposed rezoning to TU upon annexation. The Petitioner's responses to the Standards for a Map Amendment 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.

### ***Lot Area Variance (Density Variance)***

The TU zoning district permits single family attached dwellings by right but requires a minimum lot area of 4,000 square feet per dwelling unit. This is calculated by taking the area of the lot (39,069 square feet) divided by 4,000 square feet which equates to 9.76 dwelling units. The Petitioner has requested a variance to round the density up to 10 dwelling units (an increase of 0.3 dwelling units). The proposed townhome buildings comply with all applicable setbacks. Staff finds the proposed townhome use to be appropriate for the subject property given the adjacent uses, its location at a busy intersection, and believes it will serve as a transition to the less intensive residential uses to the east and to the south.

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

The Petitioner's responses to the Standards for Granting a Zoning Variance 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.

### ***Building Elevations***

The Petitioner has submitted four-sided building elevations for the proposed townhomes which will be comprised of stone veneer and hardie board siding with asphalt shingles. The proposed dwellings are two stories and will not exceed 29'-9 1/8" to the peak height of the roof.

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

On June 7, 2023, the PZC opened the public hearing for PZC 23-1-006. City staff and the petitioner introduced the case and provided an overview of the requested entitlements. Four members of the public spoke in opposition to the proposal raising concerns with traffic, density, proposed rezoning, architectural style of the buildings, snow removal, garbage pickup, and the amount of guest parking provided. A member of the Petitioner's team noted that the snow removal would be handled by a maintenance company. Staff noted a private waste service would collect the garbage for the site given it is on a private road. The PZC discussed the proposed rezoning to the TU district and questioned whether the density variance request met the variance standards and proved a hardship. Following feedback from the Planning and Zoning Commission, the Petitioner requested the case be continued to the June 21, 2023 Planning and Zoning Commission meeting.

The petitioner later requested that the case be rescheduled to the July 19, 2023 PZC meeting. In advance of the July 19<sup>th</sup> meeting, the Petitioner modified the proposed plans based on PZC feedback provided at the June 7<sup>th</sup> meeting, including a reduction in the number of units from 12 to 10; an increase in the number of guest parking spaces from 3 to 4; a revision to the landscape plan to accommodate snow removal along the north side of the property; and updated building elevations.

At the July 19<sup>th</sup> public hearing, four members of the public again spoke in opposition to the development. Some PZC members also raised concerns about the appropriateness of the proposed use for the subject property and within the context of the larger area. At the conclusion of the public hearing, the PZC made a motion to approve PZC 23-1-006 (approved - vote 5 in favor; 4 against).

### ***Final Changes***

The proposed ordinances incorporate additional modifications to the plans to address remaining staff concerns related to garbage pick-up, cross-access to the east, and screening of the air conditioning units. Staff supports the final plans as presented.

### ***Key Takeaways***

- The Petitioner requests annexation, rezoning to TU upon annexation, preliminary/final plat of subdivision, and a density variance to develop the property with 10 townhome units located within two buildings.
- Staff and the Planning and Zoning Commission are supportive of the proposed use and layout of the Subject Property and finds the proposed development to be compatible with the surrounding area.

### ***Related Files***

The following agenda items are related to PZC 23-1-006:

- Pass the ordinance authorizing the execution of the Annexation Agreement (*requires six positive votes*) for the Mill and Bauer Townhomes - PZC 23-1-006 (Item 2 of 5)

- Pass the ordinance annexing the Mill and Bauer Townhomes - PZC 23-1-006 (Item 3 of 5)
- Pass the ordinance rezoning the Subject Property to TU upon annexation - PZC 23-1-006 (Item 4 of 5)
- Pass the ordinance approving a density variance for the Mill and Bauer Townhomes - PZC 23-1-006 (Item 5 of 5)

**FISCAL IMPACT:**

None