



Legislation Details (With Text)

**File #:** 22-1431      **Version:** 1

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 11/17/2022      **In control:** City Council

**On agenda:** 12/6/2022      **Final action:** 12/6/2022

**Title:** Receive the staff report and conduct the public hearing for property located at the northeast corner of Nannyberry Street and 103rd Street (Ashwood Heights Unit 2) - PZC 22-1-002 (Item 1 of 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Petition, 2. Location Map, 3. Petitioner Position Letter to City Council, 4. Stormwater Report, 5. City Council Meeting Minutes 10.18.22, 6. Cost Estimate, 7. Final Engineering, 8. IEPA Sanitary Construction Application, 9. IEPA Water Construction Application

Date	Ver.	Action By	Action	Result
12/6/2022	1	City Council	received	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report and conduct the public hearing for property located at the northeast corner of Nannyberry Street and 103rd Street (Ashwood Heights Unit 2) - PZC 22-1-002 (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, AICP, Community Planner

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 22-1-002 was published in the Naperville Sun on November 20, 2022. On October 18, 2022, the City Council reviewed two outstanding items (required landscaping and installation of a portion of the required parkway trees) pertaining to the development. Following discussion, City Council concurred with Option A as presented, thereby directing the Petitioner to increase the landscaping provided along 248<sup>th</sup> Avenue and install parkway trees along 103rd Street and Viburnum Court (approved, 8-1).

**BACKGROUND:**

The subject property consists approximately 4.04 acres, is zoned R1A (Low Density Single-Family Residence District) and is currently vacant.

On March 26, 2004, the City Council passed Ordinance 04-043 which authorized the execution of the Annexation Agreement for Agreement for Ashwood Park (a/k/a 248th Assemblage Center) and Ordinance 04-044 annexing a number of properties located north of 111th Street and west of 248th Avenue known as the 248th Assemblage Center, one of which properties is the subject property. The approved annexation agreement noted that the Subject Property, (Lot 23 of Pod 8), was to be developed as a church site.

On September 16, 2014, the City Council passed ordinance establishing a new controlling site plan for Lot 23, which includes the subject parcel. The Subject Property /Lot 23 continued to be reserved for a church site in the 2014 first amendment to the annexation agreement.

Since the proposed single-family residential development does not align with the originally proposed church use, a third amendment to the annexation agreement is required.

## **DISCUSSION:**

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

The Petitioner, Silverthorne Development Company, is seeking approval of a Preliminary/Final Plat of Subdivision for the parcel located at northeast corner of Nannyberry Street and 103rd Street for the development of nine single-family detached residential homes. The proposed lots will range in size from 11,868 SQFT to 22,963 SQFT. The lot sizes are compliant with the R1A minimum lot size of 10,000 SQFT, lot width requirement of 70ft per lot, and the 90% rule minimum lot size as required by Section 7-4-4:2.4 of the Naperville Municipal Code.

As a part of the development, a bike path will be installed along 248<sup>th</sup> Avenue continuing the path to the north. 248<sup>th</sup> Avenue is proposed to be widened along this site. Per Council direction received on October 4, 2022, to the City will not install a sound wall along the portion of 248<sup>th</sup> Street abutting the subject property.

### ***Amendment to the Annexation Agreement***

Based on the prior history of the parcel provided in the background section, an amendment to the annexation agreement is required to change the use for Lot 23 of POD 8 to single family residential rather than the initially proposed church use.

### ***Landscaping Plan***

The proposed development has been requested to provide landscaping that aligns with the character of the original Ashwood Heights development to the north which includes “extensive landscaping.” The City Council discussed the landscaping required during the October 18, 2022, meeting. Jim Work and Paul Lehman, Petitioner, presented the impracticality of the landscaping requirement due to the dedication of right-of-way on the subject property and sound wall on the adjacent property. The City Council discussed the property owner’s responsibility of the landscaping, staff recommendation, location of parkway trees, and annexation procedures. No members of the public spoke on the request. The City Council voted that a sound wall on an adjacent property does not preclude the City from requiring the landscaping outlined in the OAA and requiring the Petitioner install parkway trees along 103rd Street and Viburnum Court (8-1).

After the City Council meeting, the Petitioner amended the landscape plan to include additional hydrangea, arborvitae, and grasses in addition to their originally proposed parkway trees and fence along 248<sup>th</sup> Street. The Petitioner has also agreed to plant required parkway trees along 103<sup>rd</sup> Street and Viburnum Court. Staff is in support of the revised landscaping plan.

### ***Key Takeaways***

- The Petitioner requests approval of a Preliminary/Final Plat of Subdivision and the third amendment to the Ashwood Park (A/K/A 248th Assemblage Center) Annexation Agreement for the Ashwood Heights Unit 2 Subdivision to develop nine single-family detached residences.

***Related Files***

- Pass the ordinance authorizing the execution of an amendment to the Ashwood Park (A/K/A 248th Assemblage Center) Annexation Agreement for the Ashwood Heights Unit 2 Subdivision - PZC 22-1-002 (requires six positive votes) (Item 2 of 3)
- Pass the ordinance approving the preliminary/final plat of subdivision for property located at the northeast corner of Nannyberry Street and 103rd Street (Ashwood Heights Unit 2) - PZC 22-1-002 (Item 3 of 3)

**FISCAL IMPACT:**

Cost of City's assuming installation of Shared Use Path (\$24,258) plus installation 248th parkway trees (\$6,000) is \$30,258.