



Legislation Details (With Text)

**File #:** 18-378      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 5/2/2018      **In control:** City Council

**On agenda:** 5/15/2018      **Final action:**

**Title:** Pass the ordinance approving the final plat of subdivision and the owner’s acknowledgement & acceptance (OAA) for Avenida located at 504 Commons, Naperville - PZC 17-1-150

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Avenida - Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat of Subdivision, 4. Exhibit C - Final OAA

Date	Ver.	Action By	Action	Result
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**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving the final plat of subdivision and the owner’s acknowledgement & acceptance (OAA) for Avenida located at 504 Commons, Naperville - PZC 17-1-150

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

Not required.

**BACKGROUND:**

The petitioner, Avenida Senior Living, LLC, requests approval of a final plat of subdivision and the owner’s acknowledgment and acceptance (OAA) in order to consolidate 38 lots that are currently platted as single-family sized lots and associated vacated right-of-way into one lot in order to construct a 146 unit age-restricted residential building. The 6.6 acre property is currently vacant and is located on the southwest corner of Commons Road and Mill Street. The East Sector Update (1998) to the Comprehensive Master Plan identifies the future land use of the property as “Office/Research and Development”. The proposed OCI zoning is compatible with this designation and the zoning of other recently annexed properties near the subject property.

**DISCUSSION:**

On September 19, 2017, the subject property was annexed into the City per Ordinances 17-142 and 17-143. In conjunction with the annexation, the property was rezoned to OCI (Office, Commercial and Institutional District) and granted approval of a conditional use for multi-family dwelling units and variances for lot area and off-street parking per ordinances 17-144 and 17-146. A preliminary plat of subdivision was also approved per ordinance 17-145. The petitioner now requests approval of the

final plat of subdivision for Avenida.

Per Section 7-2-2:5 (Subdivision Plat Procedures: Review) of the Naperville Municipal Code, a request for a final subdivision plat in which no zoning variances are required is sent directly to City Council for review and approval. The final plat of subdivision is consistent with the approved preliminary subdivision plat. Staff finds that the requested final plat of subdivision for Avenida meets all the City's technical requirements and staff recommends approval.

### ***Owner's Acknowledgement and Acceptance***

An owner's acknowledgement & acceptance agreement has been referenced within the ordinance approving the final plat of subdivision. The OAA includes the following:

- Financial Surety shall be provided in the amount of 110% of the approved engineer's cost estimate to guarantee the competition of public improvements pursuant to the approved final engineering plans.
- Streetlights shall be installed across the Mill Street frontage of the subject property and across the Harbor Chase development directly north of the subject property. Streetlights shall also be installed on one or both sides of Mill Street, in accordance with the final engineering plans, at the cost of the developer within three years of the issuance of the building permit.
- The annexation agreement shall be recorded prior to the recordation of the OAA. The recordation of the annexation agreement approved in September of 2017 was delayed until the petitioner acquired ownership of the property.

### ***Key Takeaways***

- The petitioner requests approval of the final plat of subdivision and the Owner's Acknowledgement and Acceptance (OAA) for Avenida.
- The final plat of subdivision is consistent with the approved preliminary plat of subdivision and staff recommends approval.

### **FISCAL IMPACT:**

N/A