



## Legislation Details (With Text)

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<b>Type:</b>	Report	<b>Status:</b>	Passed
<b>File created:</b>	8/10/2020	<b>In control:</b>	City Council
<b>On agenda:</b>	8/18/2020	<b>Final action:</b>	8/18/2020
<b>Title:</b>	Receive the staff report for the 77th Street Project located at 24W560 77th Street, Naperville, PZC 19-1-140 (Item 1 of 3)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Development Petition, 2. Disclosure of Beneficiaries, 3. Final Engineering, 4. Final Landscaping & Tree Preservation-4 (STAMPED), 5. Stormwater Report		

Date	Ver.	Action By	Action	Result
8/18/2020	1	City Council	approved	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the staff report for the 77<sup>th</sup> Street Project located at 24W560 77<sup>th</sup> Street, Naperville, PZC 19-1-140 (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Community Planner

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

Not required.

#### **BACKGROUND:**

The petitioner, Oak Creek Capital Partners, LLC., requests approval of a Final Plat of Subdivision and Owner's Acknowledgement and Acceptance agreement (OAA) to subdivide the property into 10 lots for construction of single-family residences. In conjunction with the request, a variance to the Design Manual for public improvements is required for the stormwater facilities at the subject property. The property is approximately 3.4 acres and is located at the northeast corner of Wehrli Road and 77<sup>th</sup> Street with a common address of 24W560 77<sup>th</sup> Street.

#### **DISCUSSION:**

On November 11, 2019, the City Council approved an annexation agreement, annexation, a preliminary plat of subdivision, and rezoning to R1A (Low Density Single-Family Residence District) upon annexation for the subject property (Ord. 19-142 thru Ord. 19-145). The proposed development remains consistent with the prior approvals issued.

#### ***Final Plat of Subdivision & Owner's Acknowledgement and Acceptance***

Per Section 7-2-2:5 (Subdivision Plat Procedures: Review) of the Naperville Municipal Code, a

request for a final subdivision plat in which a zoning variance is not required is sent directly to City Council for review and approval. The final plat of subdivision of 77<sup>th</sup> Street is consistent with the approved preliminary subdivision plat. Staff finds that the requested final plat of subdivision of 77<sup>th</sup> Street meets all of the City's technical requirements and therefore recommends approval.

An Owner's Acknowledgement & Acceptance agreement has been referenced within the ordinance approving the final plat of subdivision. The OAA includes the following:

- A stormwater detention and pedestrian easement agreement with the Lizzadro Estates Subdivision which requires the owner and developer to expand stormwater detention facilities on lot 18 within the Lizzadro Estates Subdivision and for construction of the stormwater detention facilities on outlot A of the subject property.
- An easement agreement for pedestrian ingress/egress. The easement agreement will be recorded concurrently with the recordation of the Final Subdivision Plat.
- School and park donation fees will be paid on a per permit basis per section 7-3-5:5.2.2.
- Financial Surety, in a form acceptable to the City Attorney, 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

### ***Variance to the Naperville Design Manual for Public Improvements***

Section 5-7-1 of the Naperville Municipal Code requires storm water systems to be designed in accordance with the City of Naperville Design Manual for Public Improvements. Per Section 5-7-2:5, any modification from the requirements of the storm water design may require approval of a variance upon recommendation by the City Engineer.

The Naperville Design Manual for Public Improvements sets design requirements for stormwater facilities including detention basins. Section 2.5.4.3 of the Manual allows a maximum depth of water in a detention basin of 6.0 feet. This depth is measured from the normal water elevation to the design high water elevation. The proposed development basin will require 6.1 feet of depth in order to provide the required volume and controlled discharge. Given the detention basin is over the maximum depth of 6.0 feet, a variance is required subject to the approval by the City Council. Per Code Section 5-7-2:5, this variance may be granted, denied, or granted with modification by the City of Naperville City Council.

### ***Key Takeaways***

- The petitioner requests approval of the final plat of subdivision and the owner's acknowledgement and acceptance (OAA) for Chicago Commons Subdivision. The final plat of subdivision is consistent with the approved preliminary plat of subdivision and staff recommends approval.
- The petitioner also requests approval of a variance to the Naperville Design Manual for Public Improvements.

### ***Related Agenda Items***

The following agenda items are related to PZC 19-1-140:

- An ordinance approving the Final Plat of Subdivision and OAA for the 77<sup>th</sup> Street Project located at 24W560 77<sup>th</sup> Street -PZC 19-1-140 (Item 2 of 3);
- An ordinance approving a variance to the Naperville Design Manual for Public Improvements for the 77<sup>th</sup> Street Project located at 24W560 77<sup>th</sup> Street - PZC 19-1-140 (Item 3 of 3).

**FISCAL IMPACT:**

N/A