



## Legislation Details (With Text)

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**On agenda:** 2/16/2021      **Final action:** 2/16/2021

**Title:** Receive the staff report for the C. Cobb Subdivision (424 East Chicago Avenue) - PZC 20-1-093 - (Item 1 of 4)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Petition, 2. Disclosure of Beneficiaries, 3. Legal Description, 4. Preliminary-Final Subdivision Plat, 5. Site Plan, 6. Temporary Use Letter

Date	Ver.	Action By	Action	Result
2/16/2021	1	City Council	approved	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the staff report for the C. Cobb Subdivision (424 East Chicago Avenue) - PZC 20-1-093 - (Item 1 of 4)

**DEPARTMENT:** Transportation, Engineering and Development

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

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

N/A

#### **BACKGROUND:**

The subject property is zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is located at the southwest corner of the intersection of Sleight Street and Chicago Avenue. The subject property was previously comprised of two lots; however, in 2009, the two lots were consolidated into one large lot through the approval of C & S Cobb Resubdivision. Today, the 0.58-acre property is currently improved with a single-family residence and a detached garage; the east half of the existing lot is largely comprised of accessory structures and open space.

The Owner and Petitioner, Christopher Cobb has submitted a request to subdivide the existing lot into two lots. The existing home will remain on the western lot and a new home will be constructed on the eastern lot. Staff concurs.

#### **DISCUSSION:**

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

The Petitioner seeks approval of a Preliminary/Final Plat of Subdivision and an Owner's Acknowledgement and Acceptance (OAA) agreement in order to subdivide the property into two lots.

Attached to the ordinance approving the Preliminary/Final Plat of Subdivision is an OAA agreement which includes further details on the school and park donation, work required to be performed on and adjacent to the subject property, and a temporary use request which is further described below. As identified on the Site Plan, part of the required work is the removal of pavers within the required 5ft interior side yard setback of the proposed Lot 1. These pavers are required to be removed prior to recordation of the plat of subdivision.

The proposed lot sizes will be 12,766 square feet and 12,640 square feet in size. The preliminary/final plat of subdivision complies with the minimum lot width and size requirements for the R2 zoning district as well as the ninety percent rule.

### ***Temporary Use Approval***

In conjunction with the subdivision request, the Petitioner is seeking approval of a temporary use, subject to City Council review and approval. Per code Section 6-2-10:6, accessory structures are not permitted without a principal structure. If the plat of subdivision is approved, the accessory structures on future Lot 2 (as shown in the attached site plan) will be located on a lot without a principal structure. These accessory structures include an existing iron fence and stone pillars and a PVC fence.

The temporary use request is to permit the accessory structures on future Lot 2 to remain for a period of two years, pending submittal and review of a building permit for construction of a new single-family home (note: if the plat of subdivision is not approved, the temporary use approval will not be necessary). Per Section 6-2-11 of the Naperville Municipal Code, temporary uses require City Council review and approval if the temporary use request exceeds six months.

At the conclusion of the two-year timeframe, the temporary use will expire and all accessory structures on future Lot 2 will be required to comply with the code provisions (whether that be by removal of the structures or construction of a new single-family residence). Staff is supportive of the temporary use request.

### ***Right-of-way Encroachment License Agreement Approval***

As depicted on the Site Plan, a portion of the fence and two pillars encroach into the Sleight Street right-of-way that is adjacent to the proposed Lot 2 of the subject property. The petitioner has requested approval of an encroachment license agreement in order to keep these accessory structures in the right-of-way. The attached encroachment license agreement provides that if the fences and stone pillars on future Lot 2 are required to be removed in accordance with the requirements of the Temporary Use Ordinance, the accessory structures in the right-of-way shall be removed at the same time. Staff does not have a concern with the right-of-way encroachments.

### ***Key Takeaways***

- The Petitioner requests approval of a preliminary/final plat of subdivision, an encroachment license agreement for existing accessory structures in the right-of-way, and approval of a temporary use request to permit accessory structures to remain on future Lot 2 for a period of two years without a principal structure. These requests are made in order to subdivide the property located at 424 East Chicago Avenue into two lots.

### ***Related Files***

- Pass the ordinance approving the Preliminary/Final Plat of Subdivision and OAA for the C. Cobb Subdivision (424 East Chicago Avenue) - PZC #20-1-093 - (Item 2 of 4)

- Pass the ordinance approving a temporary use for the C. Cobb Subdivision (424 East Chicago Avenue) - PZC #20-1-093 - (Item 3 of 4)
- Pass the ordinance approving a right-of-way encroachment license agreement for the subject property located at 424 East Chicago Avenue (C. Cobb Subdivision) - PZC #20-1-093 - (Item 4 of 4)

**FISCAL IMPACT:**

N/A