

ITEM B.5.

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
FEBRUARY 14, 2006 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Resolution – Final Plat of Subdivision with Exceptions for Nelson Meadow	✓ Resolution Ordinance Motion Discussion Only	David Fieldman Deputy Village Manager

SYNOPSIS

A Resolution has been prepared to approve the Final Plat of Subdivision of the 4.8 acre property located on the east side of Brookbank Road, north of Jefferson Avenue and west of Carpenter Street into 11 single family residential lots. The subdivision includes five (5) exceptions to the Subdivision Code. The recommended Resolution includes a number of changes to the final plat that are not supported by the Plan Commission or the petitioner, Andersen Development.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval of the Resolution prepared by staff which requires the petitioner to redesign the detention area (Lot 8) and will result in the loss of one buildable lot. In addition to other items identified in the Resolution, staff would like to note the proposal for a subdivision improvement agreement to be required as part of the development.

BACKGROUND

The subject property is approximately 4.8 acres and is located on the east side of Brookbank Road, north of Jefferson Avenue and west of Carpenter Street. The petitioner is seeking Final Plat Approval with Exceptions to allow an eleven (11) lot residential subdivision. The proposed Final Plat of Subdivision depicts the dedication and construction of a new cul-de-sac street, Nelson Court, stemming north from Jefferson Avenue.

The site is zoned R-3 Single Family Residence. The Future Land Use Plan designates the subject property as Residential at 0-6 dwelling units per acre. The proposal is consistent with the existing Future Land Use designation. The proposed eleven (11) residences would constitute an effective density of 2.3 dwelling units per acre, also consistent with the Future Land Use designation. The lot dimensions and sizes are listed below:

PC 25-05 Nelson Meadow Subdivision	
Zoning	R-3 Single Family
Size	4.8 Acres
Number of Lots	11
Density	2.3 d.u./acre
Maximum Lot Size	33,578 sq. ft. (Lot 8)
Minimum Lot Size	10,500 sq. ft.
Average Lot Size	15,682 sq. ft.
Average Lot Width	94 feet
Average Lot Depth	152 feet

The petitioner is requesting the following exceptions. All are supported by staff:

- Brookbank Road to allow right-of-way width of sixty-six (66) feet, where seventy (70) are feet required;
- Carpenter Street to allow right-of-way width of sixty-six (66) feet, where seventy (70) are feet required;
- Proposed Nelson Court to allow right-of-way width of sixty-six (66) feet, where seventy (70) are feet required.
- To not provide a sidewalk over portions of Lots 8, 9, 10, and 11 along the west side of Carpenter Street. To not provide street lights along Carpenter Street.
- To not widen the pavement or provide curb and gutter along Carpenter Street.

Several outstanding issues remain for this petition. They are:

1. *Stormwater Detention Basin Design Issues:*

- Proposed grading – the existing gentle slope of the property would be replaced with a relatively severe slope at the edges of the detention area.
- Large retaining wall – the proposed grading would require a large retaining wall along the south side of the basin. The wall would be seven (7) feet tall at its tallest point.
- Proximity of the propose house on Lot 8 – the plans indicate that the proposed building pad for Lot 8 would be immediately adjacent to the detention area. The proposed grade change would be substantial (approximately 25%) in the area immediately south of the proposed building pad. Please note that building pad is only on the plan for illustrative purposes.

Staff is concerned that the petitioner’s proposal to locate a house and the detention area on the same lot would lead to excessive grading. Staff believes it a more appropriate design (e.g. less-severe grade change) can be achieved by separating the detention basin from a buildable lot.

2. *Stormwater Detention Basin Maintenance:* The plans indicate the basin on Lot 8 would be owned and maintained by this property’s owner. The petitioner is proposing to grant a stormwater easement to the owner of Lot 8. Staff is concerned that the owner of Lot 8 may not have the expertise or resources to maintain a basin that serves the entire subdivision. Staff is experiencing enforcement issues with similar situations and believes a common ownership arrangement is more appropriate for the maintenance of private stormwater structures.

3. *Trees along the South Property Line:*

- Location of trees - there are eleven (11) black walnut trees near the south property line on the neighbor's property. The trees range from seventeen (17) feet to four (4) feet, with the majority within six (6) feet, from the petitioner's property.
- Construction activities – site development and construction activities including grading and excavation for the proposed detention basin and retaining wall would take place near the south property line. Neighbors are concerned that these activities may negatively impact the existing trees. The Village Forester has reviewed the plans and feels that the trees would be sufficiently protected from construction activities and would survive the development of the property.
- Water main – the petitioner is proposing to place an eight (8) inch water main under the center of the walking path (3.5 feet north of the south property line). According to the plans, the petitioner is proposing to move the main approximately two (2) feet to the north to minimize the potential impact on the adjacent trees.

4. The neighbors also have concerns about the overall construction activities. Staff would hold a pre-development meeting with the developer to address these concerns.

The Plan Commission considered the project on December 12, 2005 and unanimously recommended approval of the proposed plat of subdivision with exceptions subject to the conditions as outlined in the alternate resolution of which a copy is attached. The Plan Commission differed from staff's recommendation with regard to Lot 8. The Commission recommended approval of the subdivision with the condition that a homeowners association is created to maintain the detention easement on Lot 8.

Staff recommends that the petitioner execute the attached Subdivision Improvement Agreement. This document would contractually bind the petitioner to install the required public improvements, conform to Village Code and adhere to all of the conditions of approval. During the summer of 2005, the petitioner installed a silt fence around the perimeter of the property. This fence is not permitted by Village Code. Staff requested that the petitioner remove the fence. The petitioner refused to remove the fence and was issued a citation and notice to appear in court. The petitioner requested and received a continuance to the March court date. Staff is concerned about the petitioner's refusal to adhere to Code requirements and failure to follow staff direction. This behavior is one of the reasons staff is requesting that the petitioner execute the attached subdivision improvement agreement. The execution of the agreement would also reduce the likelihood that the developer would misinterpret or misunderstand the conditions of the Council's approval.

ATTACHMENTS

1. Draft Resolution with staff recommended conditions
2. Alternate Resolution with Plan Commission recommended conditions
3. Staff Report, with attachments, dated December 5, 2005
4. Draft Minutes of Plan Commission Public Hearing dated December 12, 2005

The full package is online at <http://neighbors.nelsonmeadow.com>