



Memorandum

To: Charles Witherington-Perkins, Director of Planning and Community Development

CC: Randy Recklaus, Village Manager

From: Sam Hubbard, Development Planner

Date: 3/12/24

Re: PC #21-007 – 1821 N. Verde Subdivision, 1821 N. Verde Avenue

Project Update:

John Van Kooten, petitioner for PC #21-007, had originally submitted a Plan Commission application for approval of the following:

1. Preliminary and Final Plat of Subdivision approval to resubdivide the property into 2 lots.
2. Rezoning of the subject property from the R-1 One Family Dwelling District to the R-3, One Family Dwelling District.
3. Variations from Chapter 28 and 29 of the Municipal Code to allow a 68.5' wide lot where 75' wide lots are required.

Per Village Code, prior to Village Board approval of any Final Plat of Subdivision, the petitioner must provide a Public Improvement deposit guaranteeing that they will install the required public improvements for the subdivision, along with a Maintenance deposit guaranteeing that the public improvements are constructed to a standard acceptable to the Village. Both deposits can be provided as either a cash deposit (held in Escrow), a surety bond, or a letter of credit. Upon construction and final inspection of the public improvements, the Public Improvement deposit is returned to the petitioner, and 18-months after passing the final inspection, the Maintenance deposit is returned to the petitioner.

Per these requirements, the petitioner must pay the deposits as outlined below prior to Village Board approval of this application:

- Public Improvement: \$102,193.60
- Maintenance: \$15,329.04

The petitioner has informed staff that they are having difficulty securing construction financing since they have not yet obtained zoning approval for the project, and they cannot obtain the zoning approvals until they have paid the required deposits. While they state that they have a multitude of financing options, they cannot explore and pursue any of them without having first secured the zoning approvals.

As an alternative, the petitioner has requested approval of only the Preliminary Plat of Subdivision at this time, along with the requested rezoning and the variations, which would potentially allow them to secure the financing needing to post the required deposits. Once these initial entitlements are granted, he would submit the deposits and return back before the Village Board for approval of the Final Plat of Subdivision. Since the Plan Commission has already reviewed both the Preliminary and Final Plats, the petitioner would not have to return back before the Plan Commission for another review. Village Code allows for the separation of Preliminary and Final Plat of Subdivision approval into separate processes.

Recommendation:

The Staff Development Committee recommends that the Village Board grant the following approvals:

1. Preliminary Plat of Subdivision approval to resubdivide the property into 2 lots.
2. Rezoning of the subject property from the R-1 One Family Dwelling District to the R-3, One Family Dwelling District.
3. A Variation from Chapter 28, Section 5.1-3.1, to allow a 68.5' wide lot where 75' width is required.
4. A Variation from Chapter 29 of the Municipal Code, Section 29-307b.2, to allow a 68.5' wide lot where 75' width is required.

Approval of the application shall be subject to the following conditions, with one new condition added below (shown in **green**):

1. The existing home of the subject property shall be demolished no more than six months after subdivision approval by the Village Board.
2. Prior to issuance of a building permit for a new home on Lot 1, impact fees shall be required in accordance with Chapter 29 of the Municipal Code.
3. A Design Commission application shall be required for each new home on the subject property.
4. Linkage fees, in accordance with Chapter 7 of the Municipal Code, shall be required prior to permit issuance for each new home on the subject property.
5. The petitioner shall continue to work with the Village on the final design and footprint of the homes on each proposed lot and shall preserve as many of the existing mature trees on the subject property that are in good health, as feasible.
6. Prior to issuance of a site development permit for the required improvements, the petitioner shall provide a \$8,264 fee-in-lieu of onsite detention.
7. The petitioner shall enter into an Estoppel Agreement with the Village, which agreement shall state that the property owner will not object to the establishment of a Special Assessment for construction of paving, curb and gutter, storm sewer, and sidewalk improvements within the Verde Avenue Right-of-Way.
8. **The petitioner obtain Final Plat of Subdivision approval.**
9. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.