

Memorandum



To: Chairman Lorenzini and Members of the Plan Commission

CC: Randy Recklaus, Village Manager

All Department Heads

From: Sam Hubbard, Development Planner

Date: 4/20/2017

Re: PC #17-002 – 2214 E Palatine Rd (Hogreve Subdivision)

Project Background:

The Plan Commission held a public hearing on 3/22/17 to discuss application PC #17-002, which involves the subdivision of single lot into two lots, which property is located along East Palatine Road and contains an existing single family home.

The proposed lots comply with all zoning requirements relative to lot size and lot width. However, in order to comply with the subdivision code requirements, the petitioner would have to construct an extension of the Village water main located to the north of the property along Lilac Terrace, extending this main to the south of the subject property where it would terminate with a fire hydrant. Additionally, a sidewalk would need to be constructed along the north of Lot 2, and the petitioner would be required to provide a bond and deposit to the Village to ensure that the water main extension and sidewalk were completed within two years of completion of the subdivision.

The petitioner presented to the Plan Commission a scenario where construction of the sidewalk along Lilac Terrace be postponed until a home on Lot 2 was built. The gentleman who has a contract to purchase Lot 2 and construct a home on it was at the hearing and agreed to construct the sidewalk if required. The Plan Commission felt that they may not necessarily want to require construction of the sidewalk, but wanted to know how much it would cost in case it were to be required.

Additionally, the petitioner has asked that construction of the water main along the western edge of his property (from north to south) terminating at the south with a fire hydrant, be postponed until such time in the future as the home on the southern lot (Lot 1) be demolished and a new home with a water service line was proposed in its place. The Plan Commission appeared willing to consider this, but wanted to know how much it would cost the petitioner to do this work.

Finally, the petitioner has proposed that the required public improvement deposit and maintenance deposit for this work would be postponed until such time as 1) the deposit for the sidewalk would be required when a building permit was submitted for Lot 2, and/or 2) the deposit for the water main would be required when the existing home on Lot 1 was demolished and a new home was constructed on the lot.

In order to move forward, the following Variations from Chapter 29 (Subdivision Code) are therefore required:

1. Section 29-501a – To postpone the construction of the sidewalk along Lilac Lane until such time as a building permit for Lot 2 is received.
2. Section 29-501c and d – To postpone the construction of the water main and fire hydrant until such time as the home on Lot 1 is demolished and new home is built.
3. Section 29-503a, b, and c – To postpone the provision of the maintenance and public improvement bond for the water main and fire hydrant until such time as the existing home on Lot 1 is demolished. The deposits for the sidewalk would be postponed until a building permit for Lot 2 is received.

The petitioner has provided the cost estimates for the sidewalk and water main, and provided an engineering plan that shows the construction of the water main. Additionally, they have revised the Plat document to include a 10' easement along the western property line, which easement would accommodate for the future construction of the water main.

Staff Analysis:

Staff believes that the petitioner should comply with the subdivision ordinance and the aforementioned Variations should not be granted for the following reasons:

1. There is no guarantee that the water main will ever be installed in the future. To tie the future construction of this water main to an uncertain action (removal of existing home on Lot 1) does not provide any assurance that this work will get completed in the future.
2. To postpone construction of the water main will impact the future owner of Lot 2. Construction of the water main will be a disturbance to the landscaping and improvements that are placed within the 10' easement area along the west of both properties. While the proposed homeowner is OK with this risk, any future owner will not likely know about the possibility of a water main (with associated digging and construction) being extended within their side yard.
3. While the private service line will cross the northern property via a private easement, if repairs are needed to this line, it will impact both property owners. Furthermore, if the service line breaks and damages both properties, the owner of Lot 1 will be responsible for the damages. It should be noted that this service line has likely been in the ground for several decades.
4. While a private easement will be created for the existing water line, it is not preferable to allow the private utilities from one lot to cross over another lot.
5. Water quality on the existing line, which is close to 400' long, may be poor due to the being stagnant on such a long run of pipe that serves only one home. Additionally, water pressure could also be poor due to the length of the private service line.

Staff Recommendation:

The Staff Development Committee has reviewed this application and recommends approval of the Preliminary Plat of Subdivision and Rezoning from R-1 to R-2.

Further, the Staff Development Committee recommends denial of the Variations to the Chapter 29 (Subdivision Code) due to the aforementioned reasons.

Said development is conditioned upon the following:

1. APPROVAL OF THE FINAL PLAT OF SUBDIVISION.
2. THE EXISTING SHED ON THE PROPOSED LOT 1 SHALL BE MOVED 3 INCHES TO THE SOUTH IN ORDER TO COMPLY WITH THE REQUIRED 5' REAR YARD SETBACK, OR SHALL BE REMOVED.
3. LAND CONTRIBUTION FEES FOR LOT 2 SHALL BE PAID FOR PARKS, SCHOOLS AND LIBRARY PER CHAPTER 29 OF THE MUNICIPAL CODE.
4. A FEE IN LIEU OF DETENTION, IN THE AMOUNT OF \$9,476 SHALL BE REQUIRED AS PER THE REQUIREMENTS OF THE ENGINEERING DEPARTMENT.
5. THE APPLICANT SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND VILLAGE CODES, REGULATIONS, AND POLICIES.

C: Mike Pagones, Deputy Director of Engineering