



AGENDA ITEM # 18

AGENDA ITEM EXECUTIVE SUMMARY

Village Board Meeting

September 13, 2021

Item Title: Lexington Annexation Agreement Amendment

Staff Contact: Caron Bricks, AICP, Village Planner

VILLAGE BOARD ACTION

Provide direction to staff regarding the terms and conditions of the required amendment to the annexation agreement for 7N601 Rodenburg Road for the Lexington Timberleaf 64-unit townhome development.

Executive Summary:

At the May 24, 2021 meeting, the Village Board granted the preliminary approvals for a 64 unit townhome subdivision proposed by Lexington Homes for the property known as 7N601 Rodenburg Road (southeast corner of Rodenburg Road and railroad tracks, just south of Schaumburg Airport).

The property is subject to an annexation agreement adopted by Ordinance 2018-3955 that includes terms directly related to a 7-lot single family subdivision originally proposed and preliminarily approved in 2018. Staff is requesting Board direction on the below items that will be included in an amendment to the annexation agreement needed to schedule a public hearing in October 2021.

1) Wetland

The site is over 30 acres, however approximately 22 are a wetland. The wetland drains through Hampton in the Park and then further south through the Village. As part of the preliminary approval, the developer agreed to provide additional compensatory storage (stormwater) above and beyond what we typically require by code in an effort to help alleviate flooding issues in the area.

The original annexation agreement required the property owner to deed the wetland portion to DuPage County Stormwater. The County has since changed their policies and can no longer accept ownership of the wetland. The amendment will need to address how the wetland is maintained and owned. As it is a crucial part of drainage for many subdivisions, staff recommends the wetland is maintained by the HOA in accordance with DuPage County Stormwater Ordinance guidelines for wetlands.

- **Ownership**

The Developer has requested that the wetland, buffer, and outlots be deeded to the HOA upon completion of the subdivision. This also includes the roadways as they are private. The HOA Declarations include language regarding this turnover to ensure it happens, as well as requirements for the HOA to fund maintenance of these commonly owned areas following plans that have been prepared by the Developer and approved by the Village.

- **Maintenance (Special Service Area)**

The County is requiring a 3-year maintenance plan to be followed by the Developer once all site work has been completed in order to ensure that the restoration and specialized plantings survive. The preliminary approvals granted earlier this year required that the Village and the Developer reach an agreement on the ownership and maintenance of the wetland and outlots prior to final approvals being granted.

Staff recommends the proposed amendment which requires that the wetland, buffer, and stormwater detention outlots are included in a backup Special Service Area (SSA). These properties would still be owned by the HOA, but the SSA would allow the Village to be reimbursed for any costs associated with maintenance or work that needs to be done if the HOA does not fulfill their contractual duty. No taxes would be assessed by the Village unless the Village is required to incur costs and perform work necessary to ensure proper drainage and flow in these areas due to a breach of contractual duty. The Village would then use the real costs of the work to disburse amongst the property tax bills within the SSA for reimbursement. The approval of the SSA will need to occur prior to any occupancy of the units, therefore, the process will come before the Board at a future Village Board meeting.

2) Utility Construction

The developer requests that construction of the extension of the Village's water and sewer mains to the site begins as soon as possible. The developer has applied for the necessary permits with the Illinois Environmental Protection Agency (IEPA) but have not received approval at this time.

Staff recommends the construction of the mains may proceed as long as the developer **does not** connect the new mains to the Village's distribution systems until all IEPA permits are in hand.

3) Site Clearing/Sales Trailer

Significant site work needs to occur prior to any construction beginning on site. This includes demolition of the existing house and removal of scrub and trees in the area of the townhomes. The site needs to be clear and graded before any foundations can be poured. The Developer's intent is to pour several foundations before the weather turns this calendar year. Therefore, they have requested permission to begin clearing the site and construct their sales office prior to the public hearing for the annexation agreement.

Staff has reviewed and approved the sales trailer plans, but has not issued the permit pending receiving concurrence from the Board on this issue.

4) Construction Hours

The developer has requested construction hours partially outside of what current ordinances allow. Currently we permit construction 7AM-6PM Monday through Friday. They have requested to be able to work on weekends. The draft language permits work on Saturdays 8AM-6PM. It also includes work on Sundays from 9AM-3PM with the specific stipulation that it is for earth and site work only (ie. grading, tree removal, dirt removal, etc.) This will not permit building construction on Sundays (ie. framing).

5) Signage

The Developer has requested permission to put up a “Coming Soon” sign on the site as soon as possible. The agreement also details their request to display multiple sale signs during construction for the public. Staff recommends permitting the signs for the Developer.

Implications:

Is this item budgeted? No.

Any other implications to be considered? In addition to the typical costs associated with plan review of this type of project, the Developer has also paid \$18,900 to DuPage County for the portion of the wetland they will be impacting to construct detention and then restoring.

Attachments:

None