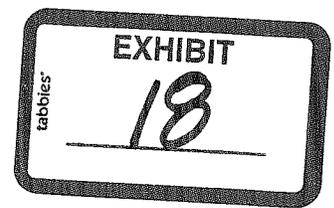


Zoning Review



Date: June 17, 2020
Reviewer: Daniel A. Peterson, Director of Building & Development
Applicant: City of Prospect Heights
Subject Property: 1001 Oak Ave. – Vacant former school site and;
999 Oak Ave. – Muir Park, Prospect Heights, IL 60070
Application: ZBA 20-10 MA, SU PUD and Subdivision
Map Amendment to rezone subject property from R1 Single Family to R2
General Residential District
Special Use – Planned Unit Development
Subdivision – Preliminary Plant and Preliminary Engineering
Project: Reserve at Muir Park, 69 Unit Row Home Development
Lexington Homes

Documents Reviewed:

1. Application prepared by Lexington Homes, Nate Wynsma, Vice President
2. Preliminary PUD Site Plan dated May 28, 2020 – Haeger Engineering
3. Alternative PUD Site Plan Exhibit D dated May 28, 2020 – Haeger Engineering
4. Preliminary Landscape Plan dated May 28, 202 – Dickson Design Studio
5. Landscape Narrative Exhibit F dated May 28, 2020 – Dickson Design Studio
6. Engineering Plans date March 20, 2020 – Haeger Engineering
7. Surrounding Conditions Plan dated May 28, 2020 – Haeger Engineering
8. Haeger Engineering Response Letter dated May 29, 2020 – Haeger Engineering
9. Boundary and Topographic Survey dated February 6, 2020 – Haeger Engineering
10. Tree Preservation & Removal Plan dated May 28, 2020 – Dickson Design Studio
11. Fire Truck Turning Exhibit dated May 27, 2020 – Haeger Engineering
12. Swap Parcel Exhibit dated February 13, 2020 – Haeger Engineering
13. Population Equivalent Calculations dated May 22, 2020 – Haeger Engineering
14. Soils Report dated March 1, 2020 – Testing Service Corporation
15. Declarations dated May 29, 2020 – Meltzer, Purtill & Stelle, LLC
16. Traffic Impact Study dated May 19, 2020 – Kenig, Lindgren, O'Hara & Aboona, Inc.
17. Storm Water Management Report dated May 22, 2020 – Haeger Engineering

Applicable Zoning Code Sections:

Map Amendments: 5-10-10
Special Uses: 5-10-9 and 5-7-4 C
Planned Unit Development: Chapter 11
Subdivision: Title 6

Property Size: 9.72 acres
 1001 Oak Ave. Townhome Parcel = 5.23 Ac.
 999 Oak Ave. Park District Parcel = 4.5 Ac.

Current Zoning: R-1 Single Family
 Proposed: R-2 General Residential District

Current Use:
 1001 Oak Ave. - Vacant former school site. Site vacant for 4+ years.
 999 Oak Ave. – Muir Park owned and operated by Prospect Heights Park District

Proposed:
 1001 Oak Ave.: Preliminary Plan = 69 Townhome Units, Density 13.2 U/Ac.
 Alternate Plan = 61 Townhome Units, Density 11.7 U/Ac
 999 Oak Ave: Muir Park will continue as a park. Parks are a permitted use in the R-2 General Residential District.

Parking:	Preliminary Townhomes		Alternate Plan D	
Garage Parking	138	2:1	122	2:1
Guest Parking	40	0.58:1	25	0.41:1
Guest/Share	26	0.38:1	26	0.38:1
Total Parking	204	Parking Complies	173	Parking Complies

5-10-10: AMENDMENTS:

A. Authorization: The regulations imposed and districts created by this title may be amended by ordinance from time to time in the manner provided by this title and the applicable Illinois statutes. (Ord. 0-77-27, 7-18-1977)

B. Initiation Of Map And Text Amendments: Text amendments may be proposed in writing by the city council, the plan/zoning board of appeals, by any person having proprietary interest in the property in the city, or by any interested citizen of the city.

Map amendments may be proposed by the owner of the property involved, by the city council, by the plan/zoning board of appeals, or by other city officials.

Response: Applicant has a contract purchase agreement for the property and may propose the map amendment.

C. Standards For Map And Text Amendments: No map or text amendments shall be recommended by the plan/zoning board of appeals unless said board shall find: (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

1. That the net impact of the proposed amendment, if granted, will be beneficial to the entire community and will not be harmful to the local area in particular.

Response: Please see page 10 of the application. The proposed development meets the diversification of housing objectives of the City of Prospect Heights Comprehensive Plan. The development will bring 5.23 acres of developed land into the tax base. The current vacant school land was tax-exempt and contributing no money to the taxing agencies that serve the community. Additionally, the project will improve storm water management for the neighborhood to the north and surrounding properties.

2. That a need exists for the general type of use proposed and that the specific proposal will indeed satisfy it more closely than the other possible uses.

Response: See page 11, paragraph #2 of the application. The property is vacant and this proposed use will provide redevelopment of residential in a type of housing stock that the City does not currently have. The City lacks tracks of developable land and public water source to support development. The proposed use addressed both issues. There has not been a viable development proposal for this property due to lack of water and would likely remain vacant.

3. That the use proposed is compatible with the current comprehensive land use plan of the city of Prospect Heights, in effect on the date of the application.

Response: See page 11, paragraph #3 of application. The proposed use is in conformance and consistent with the Land Use Goals and Objectives in section 1.2 and Section 3.1 Land Use Recommended Strategies of the City's Comprehensive Plan.

4. That the proposed use is compatible and harmonious with uses in the surrounding general area. (Ord. 0-77-27, 7-18-1977)

Response: See page 12 of application. The variety of residential uses that border the property.

North Boarder: Prospect Heights R-1 Single-family minimum 20,000 sq. ft.
West Boarder: Wheeling R-4 Multi-family Residential. Highest density zoning classification

South Boarder: Wheeling R-3 Single-family 7,000 sq. ft. lots

East Boarder – Development parcel: Wheeling R3-A 6,000 sq. ft. lots

Muir Park parcel: Wheeling R-3 Single-family 7,000 sq. ft. lots

The proposed development would be compatible and harmonious in size and density with the development in the area.

5. That the area described in the petition does not lie wholly or partly in the floodplain as defined by the Illinois department of transportation, division of water resources, or, if it does lie wholly or partly within the floodplain, that adequate provisions for storage, runoff control and floodwater retention, as appropriate, have been made or can be made. (Ord. 0-89-25, 6-5-1989)

Response: See page 12 of the application. The existing FEMA Zone A will be incorporated into the overall stormwater management plan. See preliminary engineering plans. City engineer to ensure compliance with all regulatory requirements.

D. Notice Of Hearing: Public notice of such hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before such hearing, in a newspaper published within the city of Prospect Heights. Such notice shall contain the date, time and place of the hearing, the street address or common description of the property involved, legal description of the property involved, and a brief description of the proposed amendment. The board may give such additional notice as it may, from time to time, by rule provide. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney. (Ord. 0-77-27, 7-18-1977)

Response: **Notification of the publication has met the requirements of the City ordinance.**

E. Notice To Property Owners: The petitioner for a map amendment shall notify all property owners within three hundred fifty feet (350'), excluding public land and rights of way, but in no event more than four hundred fifty feet (450'), in each direction of the petitioner's property lines, by certified mail or hand delivery to said property owners, of the date, hour and location of the public hearing and the map amendment requested. For notice to the owners of condominiums, cooperatives, or other types of common interest communities (except common interest communities made up exclusively of detached single-family homes) service upon the president or registered agent of the condominium association, cooperative, or common interest community as reflected in the records of the Illinois secretary of state, with delivery via first class U.S. mail to individual unit owners, shall be sufficient notice under this paragraph.

Such notice shall be in the same form as the published public notice and shall be mailed or delivered not less than fifteen (15) and not more than thirty (30) days prior to the date of the public hearing. The owners to be notified are such persons or entities which appear in the authentic tax records of Cook County. Proof of notification shall be submitted by the petitioner to the plan/zoning board of appeals no later than the day of the public hearing. (Ord. 0-16-12, 4-11-2016)

Response: **Notice to property owners complied with the requirements if the City ordinance.**

5-10-9: SPECIAL USES:

A. Authorization: The locations, construction, extension, or structural alteration of any use for which a special use permit is required pursuant to the provisions of this title may be authorized by a permit issued by the corporate authorities, subject to the standards set forth herein, and such conditions as may be imposed pursuant to this chapter. Prior to such authorization, a public hearing shall be held and a published notice shall be given, in the manner prescribed for amendments by this title.

B. Application For Special Use: Any person owning or having interest in the subject property may file an application to use such land for one or more of the special uses provided for in this title in the zoning district in which the land is situated.

Response: **Lexington Homes has a contractual interest in the property.**

C. Notice Of Hearing: The same procedure for notice of hearing as required for variations (subsection 5-10-8D of this chapter) shall be followed for special use. (Ord. 0-77-27, 7-18-1977)

Response: **Notice was published and has met the notice requirements.**

D. Notice To Property Owners: The petitioner for a special use permit shall notify all property owners within three hundred fifty feet (350'), excluding public land and rights of way, but in no event more than

four hundred fifty feet (450'), in each direction of the petitioner's property lines, by certified mail or individual notice executed by said property owners, of the date, hour and location of the public hearing and the special use requested. Such notice shall be in the same form as the published public notice and shall be mailed or delivered and executed not less than fifteen (15) and not more than thirty (30) days prior to the date of the public hearing. The owners to be notified are such persons or entities which appear in the authentic tax records of Cook County. Proof of notification shall be submitted by the petitioner to the plan/zoning board of appeals no later than the day of the public hearing. (Ord. 0-06-35, 8-21-2006)

Response: Notice has been mailed to the property owners with three hundred fifty (350') of the subject property as required.

E. Standards: No special use shall be recommended by the plan/zoning board of appeals unless said board shall find: (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

1. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Response: See application page 13. A Planned Unit Development is a permitted special use in all zoning districts within the City. The proposed development is a multi-family residential development that is consistent with the multiple types of residential zoned properties abutting the property.

2. That the special use will not be injurious to the use and enjoyment of other property in the community for the purposes already permitted, nor diminish and impair property values within the community.

Response: See application page 13. The proposed development is a residential use that will replace a vacant school building and use, while preserving the park property for the enjoyment of the community.

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Response: The proposed development is providing normal and orderly development. The current property and use have been vacated for over four years. During this period there have been no other proposals for development of the property.

4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

Response: The site is served by sanitary sewer owned by the City of Prospect Heights. A community well is proposed to supply potable water. The water system will be designed to accommodate potable water and fire protection. Full and complete storm water management plan is provide and the project will comply with local, state and federal requirements. A traffic plan indicates that the existing roadways and intersection are adequate and are capable of handling the traffic demands of the development.

5. That adequate measures have been or will be taken to provide ingress or egress so designed to minimize traffic congestion in the public streets. (Ord. 0-77-27, 7-18-1977)

Response: See traffic plan page 26. Refer to the first bullet point.

6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the plan/zoning board of appeals. (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

Response: The applicant will be seeking relief through the Planned Unit Development for departures from the strict requirements of the R2 Zoning District and the Subdivision code. Applicant has submitted a table of relief sought. Refer to PZBA exhibits 3 & 4. Applicant's narrative, page 5, refers to these exhibits a E-1 and E-2

7. That the area described in the petition does not lie wholly or partly in floodplain, as defined by the flood control ordinances of the city; or, if it does lie wholly or partly within the floodplain, that adequate provisions for storage, runoff control and floodwater retention, as appropriate, have been made.

Response: The property does lie within a floodplain. The flood plain will be incorporated into the overall storm water management plan and meet all regulatory requirements.

Planned Unit Development – Chapter 11

5-11-2: APPLICATION PROCEDURE:

- A. An application for a planned unit development shall be processed in the same manner as an application for a special use.
- B. An application for a planned unit development shall be accompanied by a tentative plat of subdivision which meets the requirements of the subdivision regulations of the city.
- C. The application shall also be accompanied by preliminary architectural drawings as well as by a preliminary development plan which shall contain the following:

Application items #1-8 have been addressed in the application narrative application pages 1-10 and with supporting exhibits.

5-11-3: STANDARDS:

In addition to the standards generally applicable to special uses, as provided in section 5-10-9 of this title, no planned unit development shall be approved unless the plan/zoning board of appeals shall also find:

- A. Conformance: That said planned unit development conforms with the purpose of this chapter.
- B. Size Of Development: That any residential development is located on a tract of land of three (3) or more contiguous acres and any commercial development is located on a tract of land of one or more contiguous acres.

Response: The development area consists of 2 lots and consist of 9.72 Ac. The Lexington Homes lot is 5.23 Ac. And the Park District Property is 4.5 Ac.

C. Common Ownership: That the planned unit development will be on a tract of land under common ownership or control.

Response: See statement in application narrative.

1. Such common ownership or control shall extend to all common open space, landscaping, exterior maintenance and all other exterior common area aspects of the development for a period of not less than twenty (20) years.
2. Said common ownership or control shall extend to all portions of the planned unit development for a period of not less than twenty four (24) months following the completion of all public improvements, common area improvements, and the developer's relinquishing its control of any and all owners' associations.
3. Common ownership or control as required herein shall mean unity of ownership or legal authority to act on behalf of all owners which shall be evidenced by deed, contract, management agreement or other written guarantee.

D. Compatible Uses: That the uses permitted in the planned unit development shall be compatible to each other and with existing land use in the surrounding area. Uses shall be deemed compatible if they comply with the underlying zoning district and they are so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected and such uses will not cause appreciable injury or damage to other property in the area in which it is located.

Response: Multi-family residential and park use are permitted in the R-2 General Residential District and compatible with the surrounding area.

E. Necessity: That the planned unit development will be responsive to a demonstrated need within the community.

Response: The proposed development is in meets the goals, objectives and strategies of the City's Comprehensive Plan related to residential developments and land use.

F. Height Provisions: That the maximum height permitted in the planned unit development, exclusive of steeples, belfries, spires, chimneys, smoke stacks, cooling towers, elevator bulkheads, parapet walls, and building equipment penthouses shall not exceed the maximum height permitted for the zoning district in which the development is located.

Response: Please refer to Exhibits 3 & 4 for table of zoning review. Proposed development complies.

1. Provided such buildings do not exceed thirty feet (30') in height the minimum horizontal distance between buildings (including their appurtenances) of one story, two (2) stories, three (3) stories, or combinations thereof, shall not be less than thirty feet (30').
2. In the case of buildings exceeding thirty feet (30') in height, the space between buildings shall be equal to the height of the tallest building from which the measurement is taken.

G. Yards: That the required yards along the periphery of the planned unit development shall be at least equal in width or depth to the greater of the required yard for real property adjacent to the planned unit development or a distance not less than the height of the closest building to such yard, unless such planned unit development is located adjacent to real estate owned by the Illinois toll highway authority, in which event the yard adjacent to such real estate shall be fifty feet (50').

Response: The proposed development is seeking relief of 5.7' for side yard setback. Applicant to identify all areas affected by this relief.

H. Density: That residential density of the planned unit development shall not exceed in number of dwelling units the maximum number of lots that could be achieved through a conventional subdivision of the site as demonstrated by the subdivision sketch plan. It is understood that whenever the development is located in more than one zoning district, the number of allowable dwelling units must be separately calculated for each portion of the development that is in a separate zoning district. Thereafter the combined total of all dwelling units so calculated as allowable may be constructed and distributed within the entire planned unit development without concern for the respective zoning districts within which the planned unit development is located, provided there is compliance with building locations shown upon the site plan approved for such planned unit development.

Response: The proposed development complies with the R-2 maximum number of units per acre and minimum size dwelling unit for both the 69 unit and 61 units plans. Permitted units/ac in R-2 is 17.24. Proposed 69 unit = 13.19 u/a; 61 unit plan = 11.66 u/c.

I. Traffic Circulation: That the planned unit development shall include a traffic plan which will provide ingress and egress which is designed to minimize traffic congestion in the public streets outside the planned unit development and facilitate the free flow of traffic, both vehicular and pedestrian, within the planned unit development. The streets and other traffic thoroughfares, public or private, provided in such planned unit development shall conform with at least the minimum requirements for streets and public ways of the ordinances of the city of Prospect Heights.

Response: See site plans, fire truck turning exhibit and traffic study.

J. Preservation Of Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Response: See preservation plan.

K. Relationship Of Proposed Structures: Proposed structures shall be related harmoniously to the terrain and to existing structures in the vicinity and have a visual relationship to the existing nearby structures. The achievement of such relationship may include the creative enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

Response: Provided in Exhibits 3 and 4.

L. Functional And Mechanical Features: Exposed storage areas, trash, and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the project and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

Response: See application narrative page 7, 8.

M. Visual And Acoustical Privacy: The development shall provide reasonable visual and acoustical privacy for each building and dwelling unit. Fences, insulation, walls, barriers and landscaping shall be used as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.

Response: See Application narrative page 8.

N. Common Open Space: Each residential planned unit development permit shall have a site plan which contains at least twenty percent (20%) usable common open space, except as it may be modified by the plan/zoning board of appeals in accord with this chapter.

Response: See complete application and narrative pages 8-10.

1. Ineligible Area: Such usable common open space shall not include:
 - a. Areas reserved for the exclusive use or benefit of an individual occupant;
 - b. Dedicated streets and other public rights of way;
 - c. Vehicular drives, private streets, and parking, loading and storage areas; nor
 - d. Strips of land less than ten feet (10') wide.
2. Access: Primary (abutting) access from such common open space to each building site need not be provided; however, convenient access through permanent easement must be provided and perpetually guaranteed to all residents not granted primary access.
3. Recreational Facilities: The only recreational facilities permitted within any common open space tract are those which are graphically shown on the face of the development plan at the time of approval by the mayor and city council; provided however, that any development plan may be amended through the procedures specified in this chapter.
4. Character And Quality: No proposed area on a site plan may be accepted as usable common open space unless its character and quality have been reviewed by the plan/zoning board of appeals and approved by the mayor and city council. When making its determination, the plan/zoning board of appeals and mayor and city council shall give consideration to the following variables:
 - a. The size and character of the structures to be constructed within the planned unit development;
 - b. The character of surrounding development;
 - c. The topography and existing amenities of the proposed area, including trees, ground cover and other natural features;
 - d. The manner in which the proposed area is to be improved and maintained for recreational or amenity purposes; and
 - e. The existence of public parks or other public recreational facilities in the vicinity and the relationship thereto.
5. Ownership And Maintenance: All land shown on the final development plan as common open space must be conveyed and maintained under one of the following options:

- a. Public Agency: It may be conveyed to a public agency acceptable to the mayor and city council, which agency will agree to maintain the common open space and any authorized improvements placed upon it according to enumerated criteria.

- b. Private Association: It may be conveyed to a private association or similar organization formed by a condominium agreement, townhouse declaration, indenture, restrictive covenant or other binding agreement acceptable to the mayor and city council. The legal instrument(s) creating such association or organization must specify that the common open space and related authorized improvements will be maintained according to the enumerated criteria, and shall include a provision granting the city a right to enforce the same.

- O. Surface Water Drainage: In conformance with the applicable storm water management regulations contained in this code, special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. (Ord. 0-05-01, 1-18-2005, eff. 1-28-2005)