



# City of Prospect Heights

Department of Building & Zoning  
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## MEMORANDUM

Date: September 18, 2020

To: Mayor Helmer & City Council

Cc: Joe Wade, City Administrator  
John O'Driscoll, City Attorney

From: Daniel A. Peterson, Director of Building & Development

Subject: Plan/Zoning Board of Appeal Recommendation  
PZBA Application #20-08 MA, SU, PUD, Subdivision  
1001 Oak Ave., Prospect Heights, IL

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**Issue:** PZBA vote 6-0 to recommend to the City Council approval of a Map Amendment for rezoning, Special Use and PUD with conditions, Preliminary Plan & Engineering and Preliminary Plat of Subdivision.

**Background:**

The property at 1001 Oak Ave., Prospect Heights, is 5.23 acres in land area and is currently vacant. Previous use was the former Jolly Fun House Academy. Jolly Fun House Academy ceased operation approximately 4+ years ago. The property is vacant and for sale. The current zoning is R-1 Single-Family.

Adjoining the vacant property to the south is the John Muir Park, a 4.50-acre park, owned by the Prospect Heights Park District. The JFHA and Muir park properties are surrounded on the east, south and west by the Village of Wheeling and the north by City of Prospect Heights.

Lexington Homes entered into a purchase agreement with the owner in 2019 and submitted an application for Map Amendment to rezone the property to R-2, special use for a planned unit development, preliminary plat and preliminary engineering approval for the development of either a 69-unit Row Home community (Primary Plan) or 61-unit Row Home community (Alternate Plan). The 69-unit plan involves a land swap with the Prospect Heights Park District and redevelopment of Muir Park. The 61-unit Alternate Plan involves only the 5.23-acres of the former JFHA property.

The City received a complete application from Lexington Homes for consideration by the Plan/Zoning Board of Appeals (PZBA). The PZBA opened the public hearing on June 25, 2020 at the regularly scheduled meeting of the PZBA. The PZBA held three additional special meetings, July 9, 2020; July 30, 2020 and August 20, 2020, to hear all testimony presented from the applicant and residents. All public meetings related to this case were virtual format through Zoom. Public notice was provided per City ordinance.

Prior to, and during the course of the public hearing the applicant submitted complete plans, supplemental exhibits for both the 69-unit plan and 61-unit plan. Additionally, staff reports, written objections and a petition in opposition against the project were presented as exhibits for consideration of the application. Thirty-four (34) exhibits and twenty-two (22) supplemental exhibits were received as evidence into the record for the hearing. All exhibits have been available on the City's web site and are available electronically for the elected officials.

Over the course of the public hearing the applicant and development team provided expertise and testimony supporting their application. Applicant experts that provided testimony.

**Tom Burney, Attorney for Lexington Homes, presents application**  
**Nate Wynsma, V.P., Vice President, Lexington Homes:**  
**Luay Aboona, P.E., President, KLOA Traffic Engineers**  
**Todd Shaffer, Principal at Haeger Engineering LLC**  
**Sharon Dickson, Landscape Architect, Dickson Design Studio**  
**Jeremy Lynn, Lytech Engineering, Hydro Engineer**  
**Thomas Jasek, Haeger Engineering, Zoning/Land Use**

The applicant originally submitted two development plans for consideration. However, during the August 20, 2020 meeting, the applicant requested to table the 61-unit plan and move forward with the 69-unit plan.

#### Plan Summary

69-unit plan includes land from Muir Park (land swap):  
Includes 9.72 acres total with 64.2% open space  
3/1 parking ratio

61-unit plan: 5.23 acres; with park easement only  
3/1 parking ratio

Both have units from 1750-2,000 sq. ft.  
2-3 bedrooms  
2-2 ½ bath  
2 car garage

Base priced at \$300-\$350,000 - With interior upgrades available.

The proposed plan conforms with the City's 2014 Comprehensive Plan. Land Use Goals & Objectives Section 1.2 and Land Use Recommended Strategies Section 3.1. Proposed use would be harmonious to the adjoining properties. The density in units per acre range the zoning district abutting the

property are 2 u/a, 6.22 u/a, 7.26 u/a and 20 u/a. The applicant is proposing 13.2 u/a, which complies with the City ordinance.

The applicant is requesting three deviations from the strict requirements of the City Code. The applicant is seeking relief through the PUD. Please refer to Exhibit #34 for summary of compliance of zoning standards.

Requested Variances: 69 Unit Plan

There are only three (3) variances requested by the applicant.

1. Front yard setback variation of 25' reducing the front yard to 25'. If this was approved for straight R-2 rezoning the minimum front yard setback is 20'.
2. West side yard setback variation of 15' reducing the side yard setback to 20' from 35' required. R-2 the variation would be 5.68'.
3. Building Separation variation of 9' from 33' – 24'+. R-2 variation would be 2'.

The City received 58 emails from 45 residents in opposition to the project prior to the close of the public hearing (Exhibit #31). Twenty residents provided 30 oral comments during public comment during the public hearing. Twenty-one submitted both written and oral comments. An objector submitted a petition against the application and entered as an exhibit #26.

The major concerns raised by the residents include:

- Traffic and Pedestrian
- Tree Removal
- Property Swap and tax impact
- Sewer lines
- Loss of parkland/Open Space
- Density increase
- Single Point of access
- Impact on individual wells
- No sidewalks
- Loss of Property value due to density
- Storm water and flooding
- Construction traffic
- Impacts on emergency response by police and fire
- Impacts to neighboring properties. Storm water and flooding
- Public Access to the park
- Traffic Impact Study and Traffic counts
- Impact on schools and bus traffic
- Questions related to TIF and taxing agency impacts
- HOA management and maintenance of the property

## **Board Comments & Findings:**

Upon completion and closing of the public hearing, the Plan/Zoning Board of Appeals made a finding of fact that the application met the standards and requirements for Map Amendment, Special Use for a Planned Unit Development, Preliminary Plan & Engineering and Preliminary Plat of Subdivision.

The PZBA after deliberation determined that they would recommend approval of two of the requested variations, 15' west side-yard variation and the 9' building separation variation. They would recommend approval of the PUD and engineering conditions as provided by staff. The PZBA did act to deny the 25' front yard variation. The applicant will be requesting that the 25' front yard variation be granted as part of the PUD relief.

## **Decisions**

### **1. Map Amendment**

Commissioner Mellen made a Motion to recommend approval of the petition for Map Amendment to rezone the subject property from R-1 Single Family Residential District to R-2 General Residential District, seconded by Commissioner Saewert. By a vote of six (6) ayes and zero (0) nays, Commissioner Patel absent.

### **2. Special Use for a Plan Unit Development**

Commissioner Mellen made a Motion to recommend approval of the petition for a Special Use for a Planned Unit Development in the R-2 General Residential District and to 1) approve in part the west side yard variation of 15', the building separation variation of 9' and with conditions and modifications as read; and to 2) deny in part the front yard setback variation of 25', seconded by Commissioner Kempa. By a vote of six (6) ayes and zero (0) nays, Commissioner Patel absent.

### **3. Preliminary Plan & Engineering**

Commissioner DeGraf made a Motion to recommend approval of the petition for Preliminary Plan and Engineering with conditions for \ the subject property, seconded by Commissioner Kempa. By a vote of six (6) ayes and zero (0) nays, Commissioner Patel absent. PZBA recommends the approval of the Preliminary Plan and Engineering with conditions.

### **4. Preliminary Plat of Subdivision**

Commissioner Mellen made a Motion to recommend approval of the petition for Preliminary Plan and Engineering with conditions for \ the subject property, seconded by Commissioner Kempa. By a vote of six (6) ayes and zero (0) nays, Commissioner Patel absent.

**Conclusion & Recommendation:**

All exhibits related to this case are available electronically. I have full set of paper copies that I can review with you if necessary. Should you have any questions or need assistance with the plans, I can be reached at 847-398-6070 ext. 208.

Please note that following exhibits are strictly for the 61-unit plan that is tabled until October 22, 2020.

Exhibits

- #3 Alternate PUD Plan by Haeger Engineering dated 5-28-20
- #14 Report of Soils Exploration 5.23 ac School Property by TSC date 3-1-10
- SE-12 Open space plan bu Haeger Engineering dated 7-23-20
- SE-13 Preliminary Plat of Subdivision by Haeger Engineering dated 7-23-20
- SE-14 Alternate Site Plan by Haeger Engineering datged 7-23-20
- SE-15 Preliminary Engineering Plans – Haeger Engineering dated 7-23-20
- SE-16 Stormwater Management Report – Haeger Engineering dated 7-23-20
- SE-17 Preliminary Landscape Plan – Dickson Design Studio dated 7-23-20
- SE-18 Tree Preservation & Removal Plan – Dickson Design Studio dated 7-23-20

Staff concurs with the 6-0 vote by the PZBA to approve the zoning approvals for this project. Staff does recommend that the 25' front yard variation be approved in this case. The strict R-2 General Residential District front yard setback is 20'. Please refer to Exhibit #34 to see compliance standards comparison. Therefore, the proposed setback is greater than the 20' permitted by the base zoning.

**Recommendation: This is a first reading and no action is required at this time.**