

FOR OFFICE USE ONLY:  
 FEE PAID \_\_\_\_\_  
 RECIEIPT # \_\_\_\_\_  
 DATE \_\_\_\_\_  
 RECV'D BY \_\_\_\_\_  
 CASE # \_\_\_\_\_  
 MEETING DATE \_\_\_\_\_

**PLAN/ZONING BOARD OF APPEALS  
 APPLICATION**

Special use (\$400)  
 Variation (\$150)  
 Text Amendment (\$300)

Map Amendment (Refer to Ord. 0-03-18)  
 Subdivision/PUD (Refer to Ord. 0-03-18)  
 Lot Consolidation (Refer to Ord. 0-03-18)  
 Appearance Review

**APPLICANT:** Lexington Homes, Nate Wynsma, Vice President

**ADDRESS:** 1731 N. Marcey St., Ste 200  
Chicago, IL 60614

**PHONE:** Dir-773-598-8407 Cell-847-899-4663

**E-MAIL:** www.lexingtonchicago.com

**ADDRESS OF SUBJECT PROPERTY:** Reserve at Muir Park, 1001 Oak Ave., Prospect Heights, IL  
and 999 Oak Ave., Prospect Heights, IL (Muir Park)

**PROPERTY IS LOCATED IN THE** R-1\* **ZONING DISTRICT.** (\*R-1 Single-Family)

**APPLICABLE SECTION OF ORDINANCE:** #1b See Attached Page 2

**DESCRIPTION OF REQUEST:** #1c See Attached Page 2

#1a  
 See Owners and Legal  
 Descriptions Attached  
 Page 2

Are there any covenants, conditions, restrictions or floodplain issues concerning type of improvements, setbacks, area or height requirements, occupancy or use limitations, etc. placed on the property and now of record: YES  NO   
 If yes, pelase describe: \_\_\_\_\_

#2 See attached Title Commitment on the 1001 Oak Avenue property

Has the property been the subject of previous or pending adminstrative legislative or court action:  
 YES \_\_\_\_\_ NO  If yes, give details: \_\_\_\_\_

The follow items MUST be submitted at time of filling: #3 See Applicant's Project Narrative and Exhibits, attached.

1. Application (12 copies)
2. Plat of Survey (12 copies) – must be drawn to scale and indicate the location of the proposed addition or construction and must contain the legal description of the property, along with additional information to support the application. (12 copies) \*Note - please include one copy for file no longer than 11x17.
3. Proof of Ownership (1 copy)
4. Letter indicating Hardship (for variations only 12 copies)
5. Notice to Property Owners (1 copy)
6. List of Property Owners (1 copy) obtained from the Wheeling Township Office, 1616 N. Arlington Heights Rd. Arlington Heights, IL 60004 – Tel.847-259-1515 of all properties lying within 350ft. of property line/subject's property once approved confirmation letter from the City of Prospect Heights is received.
7. Application Fee (cash or check made payable to: City of Prospect Heights)

\_\_\_\_\_  
 Date:

\_\_\_\_\_  
 Signature of Applicant

## **Attachment to Lexington Homes Plan/Zoning Board of Appeals Application**

### **#1a Owners and Legal Description:**

#### **Property:**

1001 Oak Avenue, Prospect Heights IL 60070

#### **Owner:**

Robert L. Bowie, as Trustee of the Robert L. Bowie Revocable Trust dated September 8, 1995 as to an undivided one-half interest and Georgia G. Bowie, as Trustee of the Georgia G. Bowie Revocable Trust dated September 8, 1995 as to an undivided one-half interest

#### **Legal Description:**

That part of the West ½ of the South ½ of the South ½ of the Northeast ¼ and that part of the West ½ of the North ½ of the North ½ of the North ½ of the Southeast ¼ taken as a tract (except the West 710.00 feet and except the East 201.00 feet of the West 911.00 feet of the South 900.00 feet and except the South 480.00 feet thereof) all in Section 15, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

### **#1b Applicable Section of the Ordinance:**

5-6-1: Single Family; 5-6-3: General Residential District; 5-10-10: Amendments; and Chapter 11: Planned Unit Development.

### **#1c Description of Request:**

1) Map Amendment to Rezone from R-1 Single Family District to R-2 General Residential District; 2) Subdivision and Special Use for a Planned Unit Development.

**Transaction Identification Data for reference only:**

ORIGINATING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Chicago Title Company, LLC 444 S. Rand Road, Suite 309 Lake Zurich, IL 60047 Main Phone: (847)540-1850 Email: ctlakezurich@ctf.com	Chicago Title and Trust Company 444 S. Rand Road, Suite 309 Lake Zurich, IL 60047 Main Phone: (847)540-1850 Main Fax: (847)540-1855

Issued By: Barry M. Rosenbloom  
1411 McHenry Road, Suite 125  
Buffalo Grove, IL 60089

Order Number: 18GST281041LZ

Property Ref.: 1001 Oak Street, Prospect Heights, IL 60070

**SCHEDULE A**

- Commitment Date: October 9, 2018
- Policy to be issued:
  - ALTA Owner's Policy 2006  
Proposed Insured: LEXINGTON HOMES L.L.C., an Illinois limited liability company By: Lexington Homes Illinois, Inc., an Illinois corporation  
Proposed Policy Amount: \$1,500,000.00
  - ALTA Loan Policy 2006  
Proposed Insured: Lender with a contractual obligation under a loan agreement with the Proposed Insured for an Owner's Policy  
Proposed Policy Amount: \$10,000.00
- The estate or interest in the Land described or referred to in this Commitment is:  
Fee Simple
- The Title is, at the Commitment Date, vested in:  
Robert L. Bowie, as Trustee of the Robert L. Bowie Revocable Trust dated September 8, 1995 as to an undivided one-half interest  
and  
Georgia G. Bowie, as Trustee of the Georgia G. Bowie Revocable Trust dated September 8, 1995 as to an undivided one-half interest
- The Land is described as follows:  
That part of the West 1/2 of the South 1/2 of the South 1/2 of the Northeast 1/4 and that part of the West 1/2 of the North 1/2 of the North 1/2 of the Southeast 1/4 taken as a tract (except the West 710.00 feet and except the East 201.00 feet of the West 911.00 feet of the South 900.00 feet and except the South 480.00 feet thereof) all in Section 15, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

**END OF SCHEDULE A**

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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ALTA Commitment for Title Insurance (08/01/2016)



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REVISED MAY 29, 2020

Proposal to Develop 69 Rowhomes and Improve Muir Park  
1001 Oak Street and 999 Oak Street  
Prospect Heights, IL

## **PROJECT NARRATIVE**

### **The Property:**

The property is comprised of 2 parcels. The north 5.2+/- acre parcel is improved with a vacant abandoned school. The school parcel is owned by Robert L. Bowie, as Trustee of the Robert L. Bowie Revocable Trust dated September 8, 1995 as to an undivided one-half interest and Georgia G. Bowie, as Trustee of the Georgia G. Bowie Revocable Trust dated September 8, 1995 as to an undivided one-half interest. This parcel is described on **Exhibit A-1**. (“School Site”)

The south 0.64 +/- acre parcel is located in Muir Park, a 4.5 +/- acre parcel owned by the Prospect Heights Park District. The legal description of Muir Park and the swap parcel are attached as **Exhibit A-2** and **A-3** respectively (“Park Property”). Collectively, the School Property and the Park Property are referred to herein as the “Property.” A depiction of the swap parcel is attached as **Exhibit B**.

### **The Petitioner—Lexington Homes:**

Lexington Homes has over 45 years of experience in residential subdivision land development and residential home construction. It has constructed more than 40,000 homes in the Chicagoland area since 1974. Those residential homes consist of primarily single-family home and townhomes. The principals of Lexington were the developers and builders of the Rob Roy development in the City. Lexington Homes has received numerous awards for the excellence in residential subdivision and home design.

## **I. The Proposed Development/Alternative Development Plan:**

The petitioner, Lexington Homes, proposes to develop the properties at 1001 Oak Avenue and 999 Oak Avenue (the swap portion of Muir Park containing 0.64 acres) in the City of Prospect Heights (“City”) for residential use and construct 12 residential buildings containing 69 rowhome units and a 26 space parking lot to serve both the development and Muir Park. A copy of the development plan identifying these improvements and others is attached as **Exhibit C**. The development shall be known as Reserve at Muir Park.

Alternatively, Lexington Homes requests approval of a 61-unit rowhome development on only the School Site consisting of 11 buildings in the event that agreement cannot be reached with the Park District on the “swap” discussed below. A copy of the alternative development plan and the proposed parking plan is depicted on attached **Exhibit D**. Pursuant to the alternative plan, the parking lot would be replaced with 26 shared stalls arranged along the west property line.

1) Map Amendment to Rezone from R-1 Single Family District to R-2 General Residential District; 2) Subdivision and Special Use for a Planned Unit Development.

## **II. Planned Unit Development 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 pursuant to Section 5-11-3:

### **A. Conformance: That said planned unit development conforms with the purpose of this chapter.**

The property is challenging to develop. The School Property is a relatively narrow parcel of land (408’ wide) wedged between residential developments to the north, south, east and west. In addition, the School Property is impressed with easements of access and a shared parking easement running to the benefit of its neighbor to the south - the Park District.

Lexington Homes and its engineering and architectural teams have brought their considerable talents to developing a viable plan that incorporates excellence in design, and, in partnership with the Park District, affords a usable open space available to all of the residents of the City, Reserve at Muir Park and the surrounding residential developments both within the City and in Wheeling.

The proposed plan is in keeping with the overall land use intensity and open space objectives found in the City's Comprehensive Plan.

The proposed development plan fosters creative design, efficient use of land, enhances appearance; encourages creation of open space; and provides compatibility with surrounding areas as further described herein.

- 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.**

Altogether the School Property and the Park District Property comprise 9.6 +/- acres.

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

- 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.**

Reserve at Muir Park shall be owned and controlled by Lexington Homes and its assigns and successors. The common areas shall be subject to a declaration of covenants and restrictions establishing the controls and authorities vested in the homeowners association.

Lexington Homes accepts the conditions and stipulations set forth in subparagraph 1-3 above.

- 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.**

The development plan is for an entirely residential development consisting of either 69 rowhomes or 61 rowhomes (per the Alternative Plan). Such a residential use is compatible with the existing residential land uses in the immediate surrounding area as described herein.

Due to the inherent compatibility of the proposed use with surrounding land uses the proposed development will not cause any appreciable injury or damage to the surrounding land uses.

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

Residential development in the City has been stunted by a combination of an absence of vacant developable land in the City and the absence of a public water supply.

- a. The Last Single Family Subdivision: “The Orchards of Ann” subdivision was approved by ordinance #O-05-22 on June 22, 2005.
- b. The Last attached Single Family product approved by ordinance #O-81-10, constructed in 1995 and 1996 (Villas of Rob Roy).

In that period of time the Villages of Wheeling, Glenview and Arlington Heights have enjoyed considerable growth and development.

- 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.**

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.**

The front elevations are two and one-half (2½) stories, 25 feet from grade to the eave, 33'-6" to the roof ridge, 29'-6" to the average roof mean. The rear elevations are three (3) stories in height, 28'-6" feet from grade to the eave, 36'-6" to the roof ridge, 32'-6" to the average roof mean. To the extent these elevations are inconsistent with the City's standards, Lexington Homes requests the City to grant them a departure to permit the building elevations as proposed.

- 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').**

Lexington Homes requests a departure from the strict application of this standard wherein it requests approval of the Development Plan subject to the design standards described in subparagraph K below and the elevations attached as attached as **Exhibit E 1** and **Exhibit E-2**.

- 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.**

Lexington Homes requests any departures from this requirement to the extent that the City's application of this standard yields less than 69 rowhomes or 61 rowhomes (per the Alternative Plan). The R-2 Residential Zoning District stipulates 3,000 sf/ unit (assuming all 3-Bedroom units). Applying this standard to the School Site the density is 3,732 sf/ unit.

- 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.**

Lexington Homes has commissioned a traffic study to assess the traffic conditions in the area, the expected traffic circulation patterns for the proposed development and to identify planned improvements 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 internal street system will be designed and maintained as private roads consistent with the City's standards. The maintenance and repair of said streets shall be the responsibility of the homeowner's association. The traffic engineer is recommending the elimination of the existing left turn restriction at Oak Avenue and Drake Terrace.

- 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.**

Due to the previous and current development of the School Property there exists little if any significant natural landscaping on the School Property worthy of preservation. The natural landscaping that does exist is low quality consisting primarily of common buckthorn, eastern cottonwood and white mulberry. The proposed development which includes significant improvements to Muir Park

and a creative landscaping plan prepared by Dickson Design Studio addresses this standard. A narrative of the proposed landscape design is attached as **Exhibit F**.

- 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.**

Because of the site constraints on the School Property, there are not many alternative arrangements of the buildings. Lexington Homes' architects, BSB Design, have incorporated the following elements into the design to address the standards above. The proposed rowhomes are comprised of multiple unit types ranging in size from 1,751 sq. ft. to 1,913 sq. ft. and consisting of 48 2-bedroom units and 21-3 bedroom units. The floor plans can be intertwined and arranged to create multiple building configurations of varying number of units adjusting to the site's characteristics. The individual homes' floor plans are contemporary in design with open living spaces featuring spacious kitchens, bedrooms, bathrooms and closets. Each residence has a two-car internal garage as well as individual front entrances and private rear yard deck terraces. The exterior facades are designed in a classical colonial style and incorporate a variety of durable exterior materials, colors, details and features. Each residence has a private front entrance on the two and a half story front façade. The first and second floors feature masonry, porch roofs, varying fenestration patterns from home to home as well as an undulating roof scape with multiple gables adding to the streetscape articulation. The side elevations may feature optional bay windows while the rear elevation incorporates cantilevered bay windows and cantilevered private decks for the homeowners.

- 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.**

Lexington Homes accepts the conditions and stipulations set forth above.

- M. **Visual and Acoustical Privacy:** The development shall provide reasonable visual and acoustical privacy for each building and dwelling unit. Fences, insulation, walks, 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.

Lexington Homes accepts the conditions and stipulations set forth above.

Proposed plant material will enhance the overall development and the building architecture. It will be carefully and purposely sited to screen views and take into consideration window locations and pedestrian and vehicular visibility (both for aesthetics and safety).

- 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.

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.

Lexington Homes requests a small departure from this standard if only the School Site is included in the calculation.

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.

Lexington Homes accepts the conditions and stipulations set forth above.

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.

Lexington Homes accepts the conditions and stipulations set forth above.

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.

Lexington Homes accepts the conditions and stipulations set forth above.

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.**

Lexington Homes accepts the conditions and stipulations set forth above in subparagraph 5(b) above.

- 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)**

Lexington Homes accepts the conditions and stipulations set forth above.

### **III. Map Amendments**

#### **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 pursuant to section 5-10-10:

- 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.**

By virtue of the development addressing the City's objectives contained in the Comprehensive Plan of diversifying its housing stock and type of housing; the addition of new housing stock on a property that lies vacant and undeveloped and tax exempt thereby not contributing to the tax base of the government bodies that serve the Property; the benefits to the City as a whole with the planned cooperation between Lexington Homes and the

Prospect Heights Park District; stormwater mitigation to alleviate chronic flooding in the area and the regulatory framework of the Planned Unit Development which guarantees the City that the developer will build what it has represented it will build in conformance with the plan it has presented, the net impact of the proposed development will be beneficial to the entire community

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.**

Residential development in the City has been stunted by a combination of an absence of vacant developable land in the City and the absence of a public water supply.

- a. The Last Single Family Subdivision: “The Orchards of Ann” subdivision was approved by ordinance #O-05-22 on June 22, 2005.
- b. The Last attached Single Family product approved by ordinance #O-81-10, constructed in 1995 and 1996 (Villas of Rob Roy).

In that period of time the Villages of Wheeling, Glenview and Arlington Heights have enjoyed considerable growth and development,

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.**

The Proposed Use is consistent with the Objective found in the Comprehensive Plan to “Identify parcels that can be assembled for development to encourage 'right-sized' development including: retail, mixed-use, office, multi-family or senior housing.”

The Proposed use is consistent with Recommended Strategies for implementing Residential Land Use Policy Statements wherein to emulate the Rob Roy development to encourage a diversity of housing types and allow increased density in appropriate areas; and to map R-2 districts include multi-family dwellings to permit additional multi-family where appropriate.

4. **That the proposed use is compatible and harmonious with uses in the surrounding general area.**

The Property as well as the residential subdivision to the north is located within the City. The Property is currently zoned R-1 Residential Single Family. The properties to the east, south and west are all located in the Village of Wheeling (“Wheeling”). The property to the west in the Village of Wheeling is zoned R-4 Multi-Family Residential, the densest residential zoning classification in Wheeling. The entirety of the western property line of the Property is developed with two story multi-family buildings. Along the eastern border, that property in Wheeling is zoned R-3A Single-Family-6,000 Sq Ft and developed with single family homes on a minimum lot size of 6,000 sq. ft. To the east of Muir Park that property located in Wheeling is zoned R-3 Single-Family-7,000 Sq Ft and developed with the Pleasant Run Park. To the south of Muir Park the land is zoned R-3 Single-Family-7,000 Sq Ft and developed with single family homes on a minimum lot size of 7,000 sq. ft.

As such the proposed development is compatible and harmonious with uses in the surrounding general 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.**

All regulatory requirements pertaining to flood plains will be adhered to. There is an existing FEMA Zone A floodplain located on the Property that will be impacted by the proposed development. The impacted floodplain will be incorporated into the overall stormwater management design of the Property in accordance with the requirements of the various Jurisdictional Agencies.

#### **IV. Special Use Standards**

**Standards:** No special use shall be recommended by the plan/zoning board of appeals unless said board shall find:

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.**
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.**
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.**

By virtue of the narrative above addressing consistency with the standards for a Planned Unit Development the requested special use for a residential planned unit development for either development plan is consistent with Special Use Standards 1-3 above are satisfied.

In addition, the Property as well as the residential subdivision to the north is located within the City. The Property is currently zoned R-1 Residential Single Family. The properties to the east, south and west are all located in the Village of Wheeling (“Wheeling”). The property to the west in the Village of Wheeling is zoned R-4 Multi-Family Residential, the densest residential zoning classification in Wheeling. The entirety of the western property line of the Property is developed with two story multi-family buildings. Along the eastern border, that property in Wheeling is zoned R-3A Single-Family-6,000 Sq Ft and developed with single family homes on a minimum lot size of 6,000 Sq Ft. To the east of Muir Park that property located in Wheeling is zoned R-3 Single-Family-7,000 Sq Ft and developed with the Pleasant Run Park. To the south of Muir Park the land is zoned R-3 Single-Family-7,000 Sq Ft and developed with single family homes on a minimum lot size of 7,000 Sq Ft.

4. **That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.**
  - a. **Sanitary Sewer.** Reserve at Muir Park will utilize existing sanitary sewer along the northern portion of the site and existing storm sewer.



b. **Potable Water.** Water will be provided utilizing a community well and pump house to be constructed by Lexington Homes. (See below for explanation of the “Water Problem”).

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.**

Lexington Homes has commissioned a traffic study to assess the traffic conditions in the area, the expected traffic circulation patterns for the proposed development and identify planned improvements 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.

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.**

Lexington Homes has requested as companion relief a planned unit development which authorizes the City to permit departures from the strict application of the requirements in the underlying requested R-2 district and the Subdivision code. 26’ Front to front private streets in Ingress-Egress Easements has been included in the design.

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.**

All regulatory requirements pertaining to flood plains will be adhered to. There is an existing FEMA Zone A floodplain located on the Property that will be impacted by the proposed development. The impacted floodplain will be incorporated into the overall stormwater management design of the Property in accordance with the requirements of the various Jurisdictional Agencies.

## V. The Water Supply Problem

Lexington Homes spent countless months seeking to obtain a water supply for this development. Wheeling has refused Lexington Homes' request for water service and Lexington Homes has determined that the private water company alternative is neither feasible nor viable.

Without a viable water supply, any future tax generating development is an impossibility. The only choices available for developing the School Property are either disconnection from the City and annexation into Wheeling or leaving the School Property undeveloped or under-developed with a church or other non-tax generating use.

The City Council has indicated that it does not embrace and support the disconnection alternative but is willing to consider a public-private financing mechanism through the use of tax increment financing to fund Lexington Homes' eligible expenses to make its substantial up-front expenditures viable financially.

As an initial first step (with it understood that Lexington Homes cannot rely on the City's adoption of said inducement resolution) the City adopted an Inducement Resolution on December 9, 2019.

In addition, Lexington Homes entered into discussions and appeared before the Prospect Heights Park District on several occasions during the summer and fall of 2019 to discuss the possibility of a swap of land with the Park District ("Park District") Lexington Homes proposes to affect a land swap of two equal-sized parcels each with an area of approximately 0.64 acres. (See **Exhibit B**). Lexington Homes has proposed to the Park District that each affect a swap; that Lexington Homes redesign and redevelop the existing baseball field for either a little league baseball field, or another organized sports activity sports; to reconstruct and perpetually maintain a shared parking lot containing 26 parking spaces identified on **Exhibit C**; to reconstruct and perpetually maintain a large detention pond to serve both the reconfigured Park District Property and the Reserve at Muir Park development and constructing a connecting sidewalk to the existing park lying to the east ("Park Improvements"). In addition, Lexington Homes has offered the Park District a considerable sum of money.

Again, without committing to proceed on the proposed land swap, the Park District on January 29, 2020 authorized Lexington Homes to request the Illinois Department of Natural Resources ("IDNR") to approve the conversion of this

land owned by the Park District (which was the subject of an OSLAD grant from IDNR) to be “converted”.

Lexington Homes has received a confirmation from IDNR that its consent is not necessary for the Park District to affect the conversion.

This application for rezoning and for a special use for a planned development is but one of several steps necessary to make Reserve at Muir Park development ready<sup>1</sup>.

In the alternative plan, Lexington Homes will reconstruct the shared parking lot and assume on behalf of itself and its successors perpetual maintenance and repair of the parking lot.

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<sup>1</sup> The other approvals include

- The establishment of a TIF on the 1001 Oak Ave property and Muir Park (or at least the portion Lexington purchases) ("Property")
- A written agreement with the Park District on the swap.