



City of Prospect Heights

Department of Building & Zoning
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MEMORANDUM

Date: August 18, 2020
To: Danielle Dash – Chairman
Plan/Zoning Board Commissioners
From: Daniel A. Peterson, Director of Building & Development
Subject: ZBA Case No. 20-08 MA, SU, PUD Subdivision
Lexington Homes, Reserve at Muir Park Residential Development
Staff Review and Proposed Conditional for Approval

Prior to the Special PZBA meeting of July 30, 2020, the applicant submitted supplemental exhibits to address items in the 69 Unit preferred plan and a full submittal for the 61 Unit plan. Additionally, the City received a draft of Conditions for Approval from the applicant for consideration by the PZBA.

A list of all exhibits submitted for this application are part of attachment A and part of this report. All exhibits are available to be viewed by access through the City’s web page.

Zoning Standards and PUD Modification Request

Lexington Homes has applied for a Special Use for a Planned Unit Development (PUD).

5-11-4: PERMITTED MODIFICATIONS TO ZONING DISTRICT REGULATIONS:

- A. *The off street parking, yard, setback (including scenic easements), lot size, lot width, FAR, open space, height restrictions and maximum lot coverage regulations of the zoning district governing the site may be modified in conjunction with a planned unit development permit, provided the city council determines that the development plan complies with the spirit and intent of this chapter. Any such modifications must be explicitly indicated in the development plan or the underlying zoning district regulations shall control.*

- B. *The plan/zoning board of appeals may recommend and the mayor and city council may impose such additional restrictions, conditions, or development schedules which are particularly applicable to such planned unit development. (Ord. 0-05-01, 1-18-2005, eff. 1-28-2005)*

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'. R-2 variation would be 2'.

List of Standards and Variances					
	Proposed	Required			
Variations Requested	69 Unit Plan	R-2	PUD	Max. Variation	Notes
Yards					
Front	25'	20'	50'	25'	
Side - East	30'	25.68'	30'	Complies	
Side - West	20'	25.68	35'	15'	
Rear	350'	30'	30'	Complies	
Building Heights	32' 9"	45'	45'	Complies	
Building Separation	24' @ deck	26'	33'	9'	Note: Buildings are 35' w/w.
					5-3-4G Decks are permitted to encroach 4' into a yard
Standards In Compliance					
Lot Area	423,504	10,000		Complies	
Lot Width	610.71	60'		Complies	
Density	Proposed	R-2	PUD	Complies- Yes or No	
Units Per Acre	13.2 DU/Ac	17.24 DU/Ac	17.24 DU/Ac	Yes	
Lot Area/Unit	6,138	3,000	3,000	Yes, 3br. Units	
Parking	204	2.0 p/u	2.0 p/u		
Garage Parking	178	2.0 p/u	2.0 p/u	Yes	
Guest - Townhomes	40			Not Required	
Shared Parking Pkg	26			39 spaces Req. Yes, Due to excess guest pkg.	
Well House	10'	5'	5'	Complies	
Open Space	64.20%	40%	40%	Complies	

Usable Open Space	64.20%	20%	20%	Complies	
Lot Coverage	14.50%	40%	40%	Complies	
F.A.R.	31.18%	80%	80%	Complies	

Requested Variations: 61 Unit Plan

There are only four (4) 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-rezoning the minimum front yard setback is 20'.
2. East side yard setback variation of 5' reducing the side yard setback to 25' from 30'. R-2 is in general compliance at less than 1'.
3. Rear yard setback variation of 15' reducing the rear yard setback to 15' from 30'. R-2 would also require a 15' variation.
4. Building Separation variation of 9' from 33'. R-2 variation would be 2'.

List of Standards and Variances					
	Proposed	Required			
Variations Requested	61 Unit Plan	R-2	PUD	Max. Variation	Notes
Yards					
Front	25'	20'	50'	25'	
Side - East	25'	25.68'	30'	5'	
Side - West	54'	25.68	35'	Complies	
Rear	15'	30'	30'	15'	
Building Heights	32' 9"	45'	45'	Complies	
Building Separation	24' @ deck	26'	33'	9'	Note: Buildings are 35' w/w. 5-3-4G Decks are permitted to encroach 4' into a yard
Standards In Compliance					
Lot Area sq. ft.	227,670	10,000		Complies	
Lot Width	610.71	60'		Complies	
Density	Proposed	R-2	PUD		
Units Per Acre	11.7 DU/Ac	17.24 DU/Ac	17.24 DU/Ac	Complies	
Lot Area/Unit	3,732 sq. ft.	3000 sq. ft.	3000 sq. ft.	Complies	Yes, 3br. Units
Parking	180	2 p/u	2.0 p/u	Complies	
Garage Parking	122			Yes	

Guest - Townhomes	32			Not Required	
Shared Parking Pkg	26			39 Req. Yes, Due to excess guest pkg.	
Well House	10'	5'	5'	Complies	
Open Space	45.00%	40%	40%	Complies	
Usable Open Space	45.00%	20%	20%	Complies	
Lot Coverage	23.90%	40%	40%	Complies	
F.A.R.	51.28%	80%	80%	Complies	

Possible Conditions for Approval

Lexington Homes has prepared a draft list of probable Conditions for Approval, attachment B, of this report. It is not clear if these conditions are specific for the 69 Unit plan or both plans.

The following items need further consideration.

- A. Condition 16. Lexington Homes is proposing as part of their request (see item 16) to have vested rights pursuant to the approval of the Preliminary Planned Development plan. **Please be advised that the PZBA does not have jurisdiction over Section 5-11-8: City Council Consideration; Preliminary Development Plan.**

5-11-7: CITY COUNCIL CONSIDERATION; PRELIMINARY DEVELOPMENT PLAN:

The mayor and city council shall indicate its approval or disapproval of the preliminary development plan by resolution. Approval of the preliminary development plan shall vest no rights to the applicants other than the right to submit a final development plan. (Ord. 0-05-01, 1-18-2005, eff. 1-28-2005)

- B. Condition #10. The City additionally has the right and authority through the City ordinances to issue citations, levy fines and penalties. This condition allows the City to act after notice to the HOA to maintain, repair or replace the common elements including off-site improvements.
- C. Condition #12. Final HOA Declarations shall require a permanent maintenance requirement for off-site improvements such as detention area, parking facility, signage, etc.
- D. Condition #14. The required number of parking spaces for the park is 39. Parking for the park is compliant only because the City code does not specify or require guest parking. The application has adequate parking with the 26 shared and 40 guest parking spaces. Existing parking for park use included 26 existing parking spaces for the park and arrangement for extra parking with Jolly Fun House Academy. Therefore, the applicant shall dedicate 26 parking spaces for the Park District use and overflow into guest parking. A parking agreement with the Park District will be required.
- E. Should the 61 Unit plan move forward, applicant shall provide protective screening between the ball field and the structures located 15' from the property line. This protective screening shall be the responsibility for the HOA to maintain, repair or replace and made part of the declarations.

61-Unit Plan Zoning Review

- A. Applicant did not supply a "Turning Radius" exhibit with this plan. Shall provide documentation to verify development.

- B. Provide a Traffic Impact Study update for the 61 Unit plan and include narrative for parking for the site and the Park District property.
- C. Engineering. Please refer to City Engineer Glenn's response letter dated August 18, 2020.
- D. Applicant shall identify the 26 parking spaces for Park District use on the site plan, or explain how the HOA is going to provide access to 26 spaces for park use.
- E. Applicant shall provide testimony regarding the storm water management plan. How it functions and what the impacts will be to the subject property, park district property and adjoining properties.

PZBA Next Steps

The City attorney will provide an outline for the process closing the public hearing generating recommendations. In general, the process will entail.

- Close public hearing on the entire application or close on either one of the two plans.
 - The PZBA can bifurcate the request as two separate plans under consideration.
 - The PZBA close the public hearing on the 69 Unit Plan.
 - Continue the 61 Unit Plan to a time certain in the future. October 22, 2020 regular PZBA meeting.
 - It is recommended that the applicant request which plan, or both they want action on.
- Deliberate on the requested plan after close of the public hearing.
- Take action and vote.

Sequence of Approvals

1. Map Amendment to rezone territory from R-1 Single Family to R-2 General Residential - BM, SS, 6-0
2. Special Use for a Planned Unit Development with Modification → 6-0
3. Preliminary Plan and Engineering Approval with Conditions - SD, SS, 6-0
4. Preliminary Plat of Subdivision. * M-K, →

Please review the following Code Sections when considering the application.

Section 5-10-10: Amendments
Section 5-11: Planned Unit Development
Section 6-3-2: Preliminary Plat

Conclusion

Staff recommends a favorable recommendation with the following conditions:

- PZBA move forward with the 69 Unit Plan and continue the public hearing for the 61 Unit Plan until the regularly scheduled meeting of the PZBA on October 22, 2020.
- All engineering requirements are met per letter dated August 17, 2020
- Prospect Heights Park District shall provide a statement and acknowledgement of support of the 69 Unit Plan.