

Memorandum

To: Prospect Heights Mayor and City Council

From: Danielle Dash – Chairman
Plan / Zoning Board of Appeals

Date: September 17, 2020

Subject: Recommendation
Case No. PZBA -20-08 Map Amendment, Special Use, PUD, Preliminary Plat and Preliminary Engineering.
Applicant: Nate Wynsma, Lexington Homes
Property Address: 1001 and 999 Oak Ave., Prospect Heights, IL
Hearing Dates: June 25, 2020, July 9, 2020, July 30, 2020 and August 20, 2020

I. Purpose

Conduct a public hearing regarding and application for the following approvals for 69 Unit Residential development at the property. The proposed development contemplates a land swap with the Prospect Heights Park District. The planned development will provide improvements to Muir Park including, new multi-purpose fields, dedicated parking and improved storm water management for the area. The applicant is seeking the following approvals to redevelop a vacant 5.23-acre school parcel.

1. Map Amendment to rezone property from R-1 Single Family District to R-2 General Residential District.
2. Special Use for a Planned Unit Development in the R-2 General Residential District.
3. Planned Unit Development with certain conditions.
4. Preliminary Plat of Subdivision.
5. Preliminary Engineering

II. Comments and Testimonies

The City received a complete application prior to the initial public hearing. The PZBA accepted all documents provided by the applicant, staff reports and written objections as part of the public record.

Mr. Tom Burney, Attorney for Lexington Homes, presented the initial development proposal and testimony to conformance to the City Standards for approval of the application. Mr. Nate Wynsma, Lexington Homes and the Lexington Design team presented testimony regarding the site development plan, engineering, soils report, storm water management plan, traffic impact analysis, tree removal and preservation plan, landscape plan, fire truck turning radius plan, property valuation and building elevations.

The City received 58 emails from 45 residents in opposition to the project prior to the close of the public hearing. 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.

III. Board and Staff Comments

Director Peterson provided comments that the project is in conformance with the City's 2014 Comprehensive plan. Land Use Goals & Objectives Section 1.2 and Land Use Recommended Strategies Section 3.1

Staff provided comments showing that the 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/ and 20 u/a. The applicant is proposing 13.2 u/a, which complies with the City ordinance.

Director Peterson summarized the three (3) code requirements the applicant was seeking relief through the PUD application.

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' to 24'. R-2 variation would be 2'.

IV. Decisions and Findings

After closing the public hearing and board deliberation, the Plan Zoning Board of Appeals took the following actions.

A. Staff Report of Compliance

Commissioner DeGraf made a Motion to receive into the public record the staff review of the zoning compliance for the application 20-08 MA, SU, PUD with the zoning standards as presented by staff and to make these standards a part of the official record of this application. Seconded by Commissioner Kempa, By a vote of six (6) ayes, zero (0) nays, Commissioner Patel absent.

B. Acceptance of Additional Exhibits

During the public hearing for PZBA Case #20-08, Chairman Dash accepted into the public record exhibits #1 – 31, Supplemental exhibits #SE 1 – SE 22. Commissioner Saewert made a Motion to receive into the public record the additional evidence presented this evening for application 20-08 MA, SU, PUD, amending exhibit #31 and adding exhibits #32, #33 and #34. Seconded by Commissioner Mellen. By a vote of six (6) ayes, zero (0) nays, Commissioner Patel absent.

C. The Plan/Zoning Board of Appeals find that the requested Map Amendment conforms to the standards in Section 5-10-10 C, 1- 5.

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.
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.
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.
4. That the proposed use 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.

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, the motion passes.

D. The Plan/Zoning Board of Appeals find that the requested Special Use conforms to the standards in Section 5-10-9 E, 1-7

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

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.

E. The Plan/Zoning Board of Appeals finds that the requested Planned Unit Development conforms to the Standard in Section 5-11-3

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

- 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').
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
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)

Commissioner Mellen asked the City Attorney if it was appropriate to separate the requests for deviations from the code for the PUD and vote to recommend approval in part and to deny in part? The City Attorney confirmed that was appropriate.

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. Recommendation passes by a vote of six (6) ayes and zero (0) nays, Commissioner Patel absent.

F. Preliminary Plan and 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.

G. 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. PZBA recommends approval of the Preliminary Plat of Subdivision.

Respectfully Submitted.