

Case 22-008-CU-V

600 E. Algonquin Road

Conditional Use / Variation

Case 2-002-FPUD-FPLAT-VAC

1050 E Oakton St

Final Plat of Planned Unit Dev. /
Final Plat of Subdivision / Variations



DES PLAINES PLANNING AND ZONING BOARD MEETING

March 8, 2022

MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, March 8, 2022, at 7:00 p.m. in Room 101 of the Des Plaines Civic Center.

Chairman Szabo called the meeting to order at 7:00 p.m. and read this evening's cases. Roll call was established.

PRESENT: Szabo, Veremis, Saletnik, Hofherr, Weaver, Fowler

ABSENT: Catalano

ALSO PRESENT: Jonathan Stytz, Planner Community & Economic Development
John Carlisle, Director of Community & Economic Development
Ryan Johnson, Assistant Director of Community & Economic Development
Vanessa Wells/Recording Secretary

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to approve the minutes of February 23, 2022, as presented.

AYES: Szabo, Veremis, Saletnik, Hofherr, Weaver, Fowler

NAYES: None

ABSTAIN: None

*****MOTION CARRIED *****

PUBLIC COMMENT

There was no public comment.

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NEW BUSINESS

1. Addresses: 600 E. Algonquin Road

Case Number: 22-008-CU-V

The petitioner is requesting the following items: (i) A conditional use to allow an office use in the C-1 Neighborhood Shopping District; (ii) A variation for number of off-street parking spaces; and (iii) any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-19-214-031-0000

Petitioner: Donna Adam, Clean Up – Give Back, 612 S. Fifth Avenue, Des Plaines, IL 60016

Owner: City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016

Chairman Szabo swore in Donna Adam, with Clean Up – Give Back at 612 S Fifth Ave. in Des Plaines, Illinois. This is a small non-profit organization that intends to relocate its headquarters to 600 E. Algonquin Rd. They organize, coordinate, and facilitate cleanup projects throughout the area. They offer a flexible service program that allows individuals to earn service hours by participating in the cleanup events, which are not held on site but rather alongside roads, or at parks or other properties needing clean up.

Member Fowler asked how many employees will be at this location.

Ms. Adams stated they have mostly volunteers but we do have two paid interns currently. This number may increase to six to eight employees maximum.

Member Hofherr asked how many people attend board meetings.

Ms. Adams responded that eleven board members attend but they usually have their meetings at the Elk's Club.

Member Fowler asked where the volunteers meet at 600 E. Algonquin Road or on site of the project.

Ms. Adams responded we meet on site at the cleanup location. However, if it is a large group we will have some volunteers or the organizers pick up the supplies at our office before heading to the designated location.

Member Hofherr asked what other municipalities or towns does Clean Up – Give Back work with.

Ms. Adams stated we will travel one hour away outside of Des Plaines, so we can get close to the Wisconsin or Indiana borders.

Member Veremis asked if the clean-up campaigns typically occur on weekends.

Ms. Adams responded that clean-ups typically occur on weekends March through January but during the summer months clean-up events can happen daily.

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Chairman Szabo asked if people picking up supplies are completing a public service requirement.

Ms. Adams responded that they have a flexible service program available where people who need to fulfill a public service requirement can complete it through these clean-up events.

Member Weaver asked if there is a vehicle that will transport volunteers and or staff to the cleanup sites and where it is parked.

Ms. Adams responded there is a van that will be kept on site that we use to go to the sites but it is not for the volunteers only for staff and or the interns to use. Volunteers are required to have their own way to and from the cleanup site.

Member Fowler asked for clarification from staff regarding available parking on site, specifically if there are nine current spaces that are being reduced down to six or if there are six existing spaces on site.

Jonathan Stytz, Planner for CED, responded that the parking requirement is for nine parking spaces with a minimum of one handicap accessible spaces. However, the existing site has six parking spaces with two handicap accessible parking spaces and the petitioner is not proposed any proposed changes to the parking area.

Planner Stytz gave his staff report.

Issue: The petitioner is requesting a conditional use for an office use in the C-1 Neighborhood Shopping District and a major variation for off-street parking at 600 E. Algonquin Road.

Address: 600 E. Algonquin Road

Owner: City of Des Plaines, 1420 Miner Street, Des Plaines, IL, 60016

Petitioner: Clean Up – Give Back, (Representative: Donna Adam, 612 S. Fifth Avenue, Des Plaines, IL 60016)

Case Number: 22-008-CU-V

PIN: 09-19-214-031-0000

Ward: #3, Alderman Sean Oskerka

Existing Zoning: Vacant building

Surrounding Zoning: North: R-1, Single Family Residential District
South: R-1, Single Family Residential / C-3, General Commercial Districts
East: R-1, Single Family Residential District
West: C-3, General Commercial District

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Surrounding Land Use: North: Single family residences
South: Restaurant (Commercial) / Church (Residential)
East: Single family residences
West: Auto Service Repair Shop (Commercial)

Street Classification: Algonquin Road is classified as a major collector and Wolf Road is classify as a minor arterial.

Comprehensive Plan: The Comprehensive Plan illustrates the site as institutional.

Zoning/Property History: Based on City records, the property was annexed into Des Plaines in 1927. The existing structure has been used as an office in the past but has been vacant since December of 2020. It was most recently the Self Help Closet and Food Pantry of Des Plaines.

Project Description: The petitioner, Clean Up – Give Back, with written consent of property owner City of Des Plaines, is requesting a conditional use to allow an office use in a C-1 Neighborhood Shopping District and a major variation to reduce the required number of off-street parking spaces from nine to six at 600 E. Algonquin Road. The subject property is a corner lot in the C-1 Neighborhood Shopping District directly northeast of the Algonquin Road and Wolf Road intersection. An alley runs along its east (rear) property line. The property consists of one parcel totaling 8,362 square feet (0.19 acres) and currently consists of a 2,419-square-foot, one-story commercial building, paved parking area off the alley with six total parking spaces, and existing green space as shown on the Plat of Survey (Attachment 3). The existing one-story commercial building is set back approximately 30 feet off the west property line (front) along Wolf Road, 26 feet from the east property line along the alley (rear), 5 feet off the north property line (side), and 29 feet off the south property line (side) along Algonquin Road.

The petitioner is a small non-profit organization that intends to relocate its headquarters to the subject property. They organize, coordinate, and facilitate cleanup projects throughout the area. They offer a flexible service program that allows individuals to earn service hours by participating in the cleanup events, which are not held on site but rather alongside roads or at parks or other properties and locations needing clean up. The proposal does not include any exterior changes to the building. They will remodel and partition the interior to provide the following: (i) an office desk and workspace area; (ii) a reception area; (iii) a volunteer and workshop area for programs; (iv) an area for cleanup kits to be prepared; (v) space for donated items and occasional meetings; and (vi) a storage area for supplies as shown in the Floor Plans (Attachment 4). The petitioner projects four employees and anticipates that over the course of an entire day, no more than 25 to 30 individuals will visit the building, usually for a short period to pick up supplies for a service project. The proposed hours of operation are 7 a.m. to 7 p.m. Monday through Saturday and closed on Sundays. While the organization's board meetings normally take place off-site, they would occasionally like to use one of the rooms in the building for this purpose, although this would not be a day-to-day or regular function of the headquarters. See the Project Narrative and Petitioner's Responses to Standards (Attachment 1) for more information.

An office use requires a conditional use permit in the C-1 district pursuant to Section 12-7-3(K) of the Zoning Ordinance. The petitioner is also requesting a variation for off-street parking. Pursuant to Section 12-9-6 of the Zoning Ordinance, one parking space is required for every 250 square feet of gross floor

area. Floor area, as defined in Section 12-13-3, includes all space devoted to the proposed office use and any portion of the total proposed storage area greater than 10 percent of the entire combined floor area of the building. Based on the Floor Plans (Attachment 5), the proposed office space and portions of intended storage over 10 percent of the entire combined floor area equates to a total of nine required parking spaces. However, there are only six parking spaces, including two handicap accessible spaces. Section 12-9-2 provides that when a new use is proposed, it should meet the minimum parking requirement for the new use. When the new use cannot meet the minimum, as in this case, variation is required.

Conditional Use Finding: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance. The PZB may use the staff comments below or the attached petitioner responses as its findings, or the Board may adopt its own:

1. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: The proposed principal use is classified as an office. An office use is a conditional use as specified in Section 12-7-3 of the Zoning Ordinance. Accessory uses are permitted in the C-1 District.

2. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The subject property is a vacant building. The proposed office non-profit organization repurposes the subject property to provide opportunities for residents to serve and benefit the city as a whole.

3. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

Comment: The proposed office use for the non-profit organization would utilize the existing building and site, which is harmonious with the surrounding commercial development to the west and south of the property. It also serves as a gradual transition from commercial to residential development in the north and east sides of the subject property.

4. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: The proposed office use would not be hazardous or disturbing to the existing neighboring uses. Instead, the proposal will improve an underperforming property with a new use that is self-contained inside a building and will not detract or disturb surrounding uses in the area.

5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:

Comment: The subject property is a corner lot with direct access to essential public facilities and services. Staff has no concerns that the proposed use will be adequately served with essential public facilities and services.

6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:

Comment: The proposed use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community. The proposed use could help improve the economic well-being of the community by beautifying visible areas.

7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:

Comment: All proposed activities for the proposed office use would take place inside, reducing any noise, smoke fumes, light, glare, odors, or other concerns. The actual clean-up projects do not occur at the building. The existing development and site improvements currently do not project adverse effects on the surrounding properties.

8. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:

Comment: The proposed use will not create an interference with traffic on surrounding public thoroughfares as access is from an existing public alley. The proposal will not alter the existing access point or add any curb-cuts to the existing property.

9. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:

Comment: The subject property is already developed so the new use would not result in the loss or damage of natural, scenic, or historic features. Instead, the petitioner is repurposing the existing development to house a new non-profit organization in an effort to benefit the city.

10. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: The proposed office use will comply with all applicable requirements as stated in the Zoning Ordinance.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. The PZB may use the staff comments below or the attached petitioner responses as its findings, or the Board may adopt its own:

1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty:

Comment: The layout of the existing development does not provide the property owner ample space to add parking to meet the minimum requirement. The enforcement of the off-street parking requirement would likely require altering the existing layout and access of the existing parking area as well as decrease the amount of permeable open space currently on site.

- 2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot:**

Comment: Staff's review concludes that there are some unique physical conditions on the subject property than differs from many other properties in this area. First, the size of the lot is relatively small for a commercial corner at an intersection of two arterial roads. This limits the amount of room for a building, parking areas, and access. Additionally, the existing building comprises a large amount of the lot, preventing the addition of new parking spaces in the back and severely limiting the addition of a drive aisle/parking spaces on other building frontages. Last, the property is on a corner next to a busy intersection, which limits the opportunity for the sensible placement of new curb cuts and access to, for example, a separate and new parking area.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title:**

Comment: The subject property and adjoining residential properties were annexed into the City in 1927. The building and property were, at the time of construction, designed for lower driving and parking demand and use. Because of the unique physical conditions (i.e. small lot at the corner of a busy intersection), it became unreasonable to add parking after the surrounding area was built out.

- 4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision:**

Comment: Carrying out the strict letter of this code to require the minimum nine parking spaces would limit the property owner from fully utilizing the existing structure and property as a whole, and thus would deprive the substantial rights enjoyed by other commercial properties.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot:**

Comment: Granting of this variation for off-street parking spaces would not provide any special privilege but rather a solution to some of the existing unique physical conditions of the site and practical difficulties associated with the development of the subject property. Additionally, the granting of this variation does not allow the petitioner to make additional money, as that is not the petitioner's mission.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan:**

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Comment: Staff's review concludes that the proposed variation would help meet objectives of the Comprehensive Plan, especially those pertaining to services for residents and contributing to an aesthetically beautiful community.

7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

Comment: There are no reasonable ways to avoid the requested variation given the characteristics of the existing development and the property as a whole. Any potential options, including a demolition of a portion of the existing building or addition of drive aisles and parking areas in other areas of the site, would be too cost prohibitive for any use and could drive potential users away.

8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

Comment: Approval of this variation request is the minimum measure of relief to address the petitioner's concerns and the existing conditions on site. The variation would allow the property owner to fully utilize the existing building with a new use. Please see the Petitioner's responses to Standards for Variations.

PZB Procedure and Recommended Conditions: Under Section 12-3-4(D)(3) (Procedure for Review and Decision of Conditional Uses) and Section 12-3-6(G)(2) (Procedure for Review and Decision for Major Variations) of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use and major variation requests for 600 E. Algonquin Road. The City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) and Section 12- 3-6(H) (Standards for Variations) of the Zoning Ordinance. Staff does not recommend any conditions with this request.

A motion was made by Board Member Fowler, seconded by Board Member Hofherr, to approve a conditional use for an office use in the C-1 Neighborhood Shopping District and a major variation for off-street parking at 600 E. Algonquin Road.

AYES: Szabo, Veremis, Saletnik, Hofherr, Weaver, Fowler

NAYES: None

ABSTAIN: None

*****MOTION CARRIES UNANIMOUSLY ****

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2. Addresses: 1050 E. Oakton Street

Case Number: 22-002-FPUD-FPLAT-VAC

(Also 1000-1110 Executive Way and 1555 Times Drive)

The petitioner is requesting the following items: (i) A Final Plat of Planned Unit Development under Section 12-3-5 of the Zoning Ordinance to construct a 125-unit townhome development, with exceptions related to fence height and minimum lot area per unit, for which the petitioner received Preliminary Plat approval of the City Council on October 4, 2021; (ii) A Final Plat of Subdivision under Section 13-2-7 of the Subdivision Regulations; and (iii) any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-20-316-020-0000; -021; -023; -024; -025; -026; 09-20-321-005-0000;
09-20-322-001-0000

Petitioner: Marc McLaughlin, M/I Homes of Chicago, LLC, 400 E. Diehl Road, Suite 230, Naperville, IL 60563

Owner: 1090-1100 Executive Way, LLC and 1555 Times Drive, LLC, 2211 Old Willow Road, Northfield, IL 60093; AND Oakton Mannheim, LLC, 2734 W. Superior Street, Chicago, IL 60654

Chairman Szabo swore in the following individuals: (i) Julie Workman with Levenfeld Pearlstein, 2 N LaSalle St. Chicago, Illinois; (ii) Tom Petermann with Cage Engineering, 3110 Woodcreek Drive, Downers Grove, IL 60515, (iii) Marc McLaughlin with MI Homes of Chicago, LLC, 400 E. Diehl Road, Naperville, IL 60563; and (iv) Rich Olsen, Gary R. Weber Associates, INC, 402 W. Liberty Drive, Wheaton, IL 60187.

Ms. Workman stated on October 4, 2021 the City Council granted preliminary PUD approval of petitioner M/I Homes' proposal for 125 townhouses, known collectively as Halston Market. Ms. Workman explained that today they are requesting a conditional use for a final plat of PUD as well as a final plat of subdivision. Each building would be three stories with each unit having a ground floor, two-car, rear-loaded garage that faces inward toward the development, not toward public streets. Walkways would connect unit front doors to public and private sidewalks. Units include balconies and small landscaped front yards.

Ms. Workman added that their team has worked with city staff diligently and we are also including four primary changes that include full reconstruction of Executive Way that will include adding curbs, sidewalks, and storm water drainage. Times Drive we will add 28ft of curbs and sidewalks. This project is envisioned to have passive open space and also feature two park areas that will have a steel shelter gazebo with seating.

Chairman Szabo asked if they met with the engineering department at the City of Des Plaines and if they are okay with their proposed stormwater drainage.

Mr. Petermann responded that they have met with the engineering department three times and that the engineering plans have been passed to MWRD.

Member Fowler asked about the detention facility and what is included with it.

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Director Carlisle mentioned that it is a dry basin with native plantings and referenced a page in the PZB packet pertaining to the detention facility.

Member Fowler wanted confirmation that the detention facility would not be a pond.

Richard Olsen with Gary R. Weber Associates, INC stated that the detention area is a stormwater basin that is meant to be dry for most of the year with native plantings on a slight slope. He explained that they have proposed various prairie plants in the detention facility that take varying water conditions, meaning that the top portion of the detention area has plantings that take drier conditions and plantings that take wetter conditions in the lower portion of the detention area. He added that all plantings proposed are native, sustainable, and do not require a lot of maintenance.

Member Fowler asked if there would be in fencing around the detention area for children's safety.

Mr. Olsen responded that there is not a fence proposed around the detention facility but there is a safety shelf area inside the detention area that prevents someone who steps into the upper portion of the detention basin to touch water at the bottom of the detention basin, acting as a safety shelf. He added that these types of vegetated basins are very common and very safe.

Member Fowler stated she envisions children in the park area and is concerned about their safety. She asked is there a reason why there is no fence proposed for this basin.

Mr. Olsen responded that it is not required in the code and fences are generally not installed around these types of basins as they are very visible, so you can see its bottom, and there are no safety concerns.

Member Veremis asked if there will be any fencing by the proposed gazebo as shown in the photo provided by the petitioners in their presentation.

Ms. Workman responded that this is a stock photo and that no fencing will be installed with the gazebo.

Member Veremis wanted confirmation that there will be no stoplights installed for the entrances coming out onto Oakton Street.

Ms. Workman stated that since there are other stoplights in close proximity to the subject property, adding additional stop lights would not be warranted.

Member Fowler was concerned about traffic movements and mentioned that this was a big concern to residents before.

Ms. Workman stated that their traffic consultant is here who completed a traffic study over the Oakton Street right-of-way and with other signalized intersections nearby at Lee Street and Webster Lane and could provide additional information.

Member Fowler stated that would not be necessary.

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Member Weaver asked what the progress was with MWRD and if there are any issues.

Tom Petermann, with Cage Engineering, 3110 Woodcreek Dr. Downers Grove Illinois stated they are working on comments and expect to have a permit in the next one to two months.

Member Weaver asked if there are any anticipated substantial changes to the design of the development.

Mr. Petermann responded that there may be some slight changes to the detention basin but nothing to the lots, stormwater, sanitary, or water main.

Member Weaver asked once the townhomes are sold, will the common elements belong to the HOA.

Julie Workman stated that is correct. Everything out side of the building footprint becomes the common element and will be handled by the HOA.

Chairman Szabo asked CED Director John Carlisle to enter the staff report.

Director Carlisle noted in the version of plans recommended for approval by the PZB in June 2021, the northernmost row of buildings were set back 21 feet from the north lot line where a minimum of 25 feet is required. This plan necessitated a rear-yard exception. However, after listening to input at the public hearing and subsequent meetings with neighbors and at the City Council, the petitioner revised the drawings to shift these buildings to the south such that a rear-yard exception is no longer necessary.

Director Carlisle explained that the petitioner proposes that most of the north-south portion of Executive Way where it connects to Oakton and borders the post office, would remain a public street. However, at a point just south of the existing curve, the developer would construct a new east-west private drive and demolish the existing east-west segment of Executive Way. Similarly, a portion of Times Drive would also be vacated and become private; however, the remainder of Times, which provides access to businesses on the east side of the street, would remain public.

Director Carlisle added that the Subdivision Regulations 13-2, requires parkland dedication (public) and/or fee-in lieu. The rationale is the development adds residents and therefore increases demand for public parks. The proposed project does not contain a land dedication for a public park, which instead leads to a fee-in-lieu obligation. However, Section 13-4-2.A allows for on-site private open space to reduce the fee-in-lieu, in the form of a credit.

Issue: The petitioner is requesting a Conditional Use for a Final Plat of PUD under Section 12-3-5 of the Zoning Ordinance, as well as a Final Plat of Subdivision under Section 13-2-7 of the Subdivision Regulations.

After the PZB's review and recommendation regarding these requests, the petitioner will also seek the following approvals from the City Council: (i) Vacation of Public Streets (Plat of Vacation) under Section 8-1-9 of the City Code; (ii) Fee in Lieu of Dedication of Park Lands under Chapter 13-4 of the Subdivision Regulations; and (iii) a redevelopment agreement.

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Owner: 1090-1100 Executive Way, LLC; 1555 Times Drive, LLC; Oakton Mannheim, LLC

Petitioner: M/I Homes of Chicago, LLC

Case Number: 22-002-FPUD-FPLAT-VAC

PIN: 09-20-316-020-0000; -021-0000; -023-0000; -024-0000; -025-0000; -026- 0000;
09-20-321-005-0000; 09-20-322-001-0000

Ward: #5, Carla Brookman

Existing Zoning: R-3, Townhouse Residential District (via Ordinance Z-40-21)

Surrounding Zoning: North: R-1, Single Family Residential
South: C-3, General Commercial and C-4, Regional Shopping MEMORA NDUM
East: C-3, General Commercial, and C-4 Regional Shopping
West: C-3, General Commercial

Surrounding Land Use: North: Single family detached homes
South: Restaurants and retail goods
East: Services (Vision Care), restaurants, retail goods (Jewel-Osco grocer)
West: Post office

Street Classification: Oakton Street is classified as an arterial roadway. Times Drive and Executive
Way are local roadways.

Final PUD

Project Summary: On October 4, 2021 (Ordinance Z-40-21), the City Council granted preliminary PUD approval of petitioner M/I Homes' proposal for 125 townhouses, known collectively as Halston Market. The approval was based on a proposed unit mix of seven two-bedrooms and 118 three-bedrooms, all of which would be horizontally connected to other units (i.e. townhouse style) across 23 separate buildings. Each building would be three stories with each unit having a ground-floor, two-car, rear-loaded garage that faces inward toward the development, not toward public streets. Walkways would connect unit front doors to public and private sidewalks. Units include balconies and small landscaped front yards. However, the amount of private open space per unit is minimal, as the concept is built around shared open space.

Centrally located in Halston Market is a landscaped common plaza of approximately 14,000 square feet with benches, plantings, walkways, and open green space. There is also an approximately 10,000-square-foot common area oriented north-south between the buildings in the southwest portion of the development. In the southeast portion, a storm water detention area ("dry" basin, not a pond) of approximately 69,050-square feet (1.6 acres) is shown, with adjacent surface visitor parking spaces. Thirty-seven visitor spaces are interspersed through the development for a total of 59, which in addition to the 250 indoor spaces for each of the 125 units would amount to a full total of 309 spaces, exceeding the minimum requirement of 282 (Section 12-9-7).

Concurrence with Preliminary Plat

The petitioner's final proposal reflects the site design of the preliminary plans, including the exception requests acknowledged in Ordinance Z-40-21, which granted preliminary approval. These exceptions are pursuant to Section 12-3-5 and would grant relief from the bulk regulations of the R-3 district, as well as the fence regulations:

- **Minimum lot area:** Seventy-nine units are proposed with a lot area of 923 square feet, and 46 units are proposed at 1,038 square feet. The proposed lot area for each unit includes only the livable space inside the building and a small landscaped front yard. All other area in the development (e.g. open space, private drives, storm water basin) is allocated not to dwelling units but instead to the development overall. The minimum lot area per dwelling unit requirement pursuant to Section 12-7-2.J is 2,800 square feet.
- **Maximum fence height:** Pursuant to Section 12-8-2.A., the maximum height of a residential fence is 6 feet. As labeled on the Final PUD Plat, the petitioner proposes 8 feet for the full length of the rear/north lot line. The change from six to eight feet was suggested first by the PZB and subsequently required by the City Council. An eight-foot fence is allowable along the eastern border to screen the residential use (the townhouses) from the back of the Oak Leaf Commons shopping center.

In the version of plans recommended for approval by the PZB in June 2021, the northernmost row of buildings were set back 21 feet from the north lot line where a minimum of 25 feet is required. This plan necessitated a rear-yard exception. However, after listening to input at the public hearing and subsequent meetings with neighbors and at the City Council, the petitioner revised the drawings to shift these buildings to the south such that a rear-yard exception is no longer necessary.

Building Design and Elevations

The Building Design Review requirement under Section 12-3-11 would apply. The petitioner's final submittal is unchanged from the preliminary. They are proposing that for the elevations that face public streets, the primary material is face brick on all three stories with projections of complementary vinyl. Elevations that would not face public streets contain face brick only on the ground floor, and where garage doors are shown, the brick is interrupted.

Landscaping, Screening, and Lighting

The petitioner submitted a Final Landscape Plan that appears to conform to the requirements of Chapter 12-10. For example, building foundation landscaping is installed at the bases of the buildings, shade trees are interspersed throughout common areas and open space, and at lot lines where required particularly at the north lot line where the development abuts a single-family neighborhood – plantings are shown such that when they are mature, they should, in concert with the proposed fencing, provide ample screening. The petitioner has also submitted a photometric plan, which is attached, that shows how light will be contained within the borders of the development.

Streets and Access

The petitioner proposes that most of the north-south portion of Executive Way where it connects to Oakton and borders the post office – would remain a public street. However, at a point just south of the existing curve, the developer would construct a new east-west private drive and demolish the existing east west segment of Executive Way. This requires a vacation of approximately 29,000 square feet.

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Similarly, a portion of Times Drive (approximately 10,600 square feet) would also be vacated and become private; however, the remainder of Times, which provides access to businesses on the east side of the street, would remain public. More details of the private street plan are discussed on Page 6 of this report. The final submittal includes a fire truck turning radius diagram, attached to this report, to ensure access to the various buildings and units. The Fire Prevention Bureau recommends approval, provided all private drives are a minimum of 20 feet wide.

The Illinois Department of Transportation (IDOT) has jurisdiction over the Oakton Street right-of-way, and given existing signalized intersections at Lee Street and Webster Lane (1,600 feet apart), an additional signalized intersection in front of the development will not be warranted. Consequently, without a traffic signal in front of the development, pedestrian activity will be restricted to the sidewalk on the north side of Oakton before reaching a marked crossing, approximately 700-800 feet in each direction (three-to-five-minute walk for an able-bodied person). However, the development includes a pedestrian opening to accommodate walking to shopping – particularly useful for groceries at Jewel-Osco – at the east lot line, near the detention pond. That opening may also be useful for those walking to or from the Oakton-Lee Street intersection and the public transportation that is existing or planned in that area (e.g. Pace PULSE Dempster Line station, future Metra stop at Oakton and the North Central Service/Canadian National Rail Line).

Construction Schedule and Phasing Plan

The petitioner has submitted a construction schedule as required by Section 12- 3-5.H., as well as a Phasing Plan. These are combined into one document and attached to this report. In summary, the developer intends to separate vertical construction of the buildings into two phases: Phase I and Phase II. Phase I covers the southern half of the development, where 10 buildings (56 units) are planned. Phase I includes mass earthwork for the entire site, including digging the detention basin and implementing the grading components of the storm water drainage plan. The Phase II area covers the northern 13 buildings, or 69 units. The Phasing Plan illustrates the timing of various improvements, such as the installation of underground utilities such as water mains and storm sewers, as well as the construction or reconstruction of private drives and public streets. Phase I has a projected end date of October 2022, with Phase II in October 2023. However, the petitioner notes: “Building starts will commence subject to sales absorption and seasonal construction limitations.” Per the Zoning Ordinance, the petitioner has an 18-month period of flexibility on the dates in the construction schedule before the City Council may re-evaluate the final PUD approval.

Final Plat of Subdivision

Request Summary: The PZB approved a Tentative Plat of Subdivision in 2021 to re-subdivide the 11.2-acre subject property from the existing eight lots to 131: 125 for each individual townhouse units plus six lots for land under common/homeowners’ association ownership. The area of each townhouse lot will vary from 923 square feet (interior units) to 1,038 square feet (end units), necessitating a PUD exception for minimum lot area (2,800 square feet in the R-3 district).

The Final Plat aligns with the Tentative Plat to show the following existing easements and building lines: (i) a 13-foot Public Utility Easement and 20-foot building line on both sides of Executive Way throughout the development; (ii) a 13-foot Public Utility Easement and 20-foot building line on both sides of Times Drive throughout the development; (iii) a 20-foot building line along Oakton Street on the south side of

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the lot; (iv) a ten-foot electric and telephone easement and 24-foot ingress, egress, and driveway easement behind the commercial development on the south side of the lot; (v) a 23-foot public utility easement along the existing drive aisle east of the proposed detention area; (vi) a 15-foot public utility easement along the east property line of the development; and (vii) a five-foot public utility easement located along the north property line of the development. The proposed Final Plat illustrates vacations of portions of Executive Way and Times Drive with their respective easements.

Public Improvements and Final Engineering

Under Section 13-3-1 of the Subdivision Regulations, the developer is required to improve adjacent rights-of-way. The City will require Executive Way, on the western boundary of the development and next to the Post Office, to be reconstructed. The City will also require Times Drive to be reconstructed to the same standards, and the developer will be bound to certain construction/reconstruction of adjacent underground infrastructure such as water mains and sewers.

The developer has provided the City Engineer with an estimated cost of public improvements, which will be agreed to and finalized at the time of approval by the City Council and reinforced by the redevelopment agreement. A performance security in the form of a letter of credit, with the City named as the beneficiary, that amounts to 125 percent of the total estimated cost plus a 10 percent maintenance warranty will be required to secure the improvements.

City Engineers note that inside of the development barrier curb should be installed around corners to prevent landscaping from being damaged. Further, while various plans in the submittal (e.g. Final Landscape Plan) show overhead lighting over the private drives, details on the structures of the fixtures should be added to the engineering plans. The attached Public Works and Engineering memo lists the department's comments, which are expected to be resolved upon final construction design approval of both the City and external agencies such as IDOT.

Private Open Space and Recreation; Parkland Dedication or Fee-in-Lieu The petitioner is proposing two open space areas to serve residents: an approximately 14,000-square-foot central plaza area in the Phase II area, just south of Building 22, and a 10,000-square-foot north-south oriented green space in the Phase I area with a mix of trees and grassy space between Buildings 8 and 9 (west) and Buildings 4 and 5 (east). The plaza area is proposed to have a steel shelter gazebo with seating. The north-south linear area is shown with two backless benches. In general, the project is envisioned to have passive open space instead of actively programmed recreation such as playgrounds, ball fields and courts, or fitness equipment.

For residential developments at the proposed scale, Chapter 13-4 of the Subdivision Regulations requires parkland dedication (public) and/or fee-in lieu. The rationale is the development adds residents and therefore increases demand for public parks. The proposed project does not contain a land dedication for a public park, which instead leads to a fee-in-lieu obligation. Per the calculation prescribed by Section 13-4-4, there are 296 projected residents, which leads to a parkland obligation of 1.63 acres, equivalent to a fee-in-lieu of approximately \$326,000. However, Section 13-4-2.A allows for on-site private open space to reduce the fee-in-lieu, in the form of a credit, at the discretion of the City Council if the proposed open space is determined to meet the expectations of that Section. These open space details are provided for the PZB's information, but any decision on whether to grant a credit rests with City Council.

Vacation of Public Streets (Plat of Vacation), Private Streets

Request Summary: As described in the Project Summary on Pages 2-3, the petitioner will seek vacations of public streets. Based on an appraisal conducted by JMS Appraisal Group, the value of the approximately 40,000-square-foot total vacation area is \$32,000. The southernmost approximately 185 linear feet of Times Drive, which provides accesses to businesses Dunkin' Donuts and Vision Works, is not proposed to be vacated, but this segment of street will nonetheless be reconstructed, and the redevelopment agreement will require the future homeowners' association to be responsible for yearly maintenance activities such as snow removal and leaf collection. Although only the City Council can approve the vacation, the details are included for the PZB's information.

The City maintains an Address Assignment Policy, to which new proposed private drives must conform per 13-2-5 of the Subdivision Regulations. The petitioner proposes within the development 11 private drive names to which addresses would be assigned. The most current list, which is not reflected in the current submittal is Bogart Street, Blaine Street, Cooper Street, Denny Way, Dock Street (new), Wren Road (new), Girard Avenue, Phinney Lane, Renton Avenue, Slade Way, and Tolt Avenue. Staff has reviewed the proposed names against a master existing street name list and does not have concerns about redundancy or confusion. A condition is recommended that the petitioner update plans and drawings with the updated street name list.

Although the project does not yet have a street numbering designation, at the time of official address assignment (during construction, pre-occupancy) unit address numbers will be given in accordance with the Des Plaines city grid number system. For reference, the Oakton-Lee intersection is 1200 East and 1600 South. Per the addressing policy, each unit will have its own address number. Finally, the Address Assignment policy requires compliance with the 2015 International Fire Code and International Residential Code, which dictates minimum sizes, location, and legibility of address numbers.

Alignment with the 2019 Comprehensive Plan

Although the PZB previously reviewed at the preliminary stage, the Board may find the following analysis useful in determining the extent to which the proposed project aligns with the Comprehensive Plan.

- Under Overarching Principles:
 - The principle to "Provide a Range of Housing Options" mentions "high-quality townhomes" in general and recommends, "For the Oakton Street Corridor, it is recommended that the City update ... zoning ... to permit townhomes, row homes, and mixed-used development."
- Under Land Use & Development:
 - The Future Land Use Plan illustrates the property as commercial. While the proposal does not align, it may be seen as a reasonable concept to support nearby commercial uses and the theme that the Oakton-Lee intersection should be anchored by commercial.
- Under Housing:
 - There is a recommendation to "Ensure the City has several housing options to fit diverse needs." Townhouses appeal to a wide range of potential households and provide a middle ground between the heavy supply (proportionally) of single-family detached homes and apartments/condominiums.

PUD Findings of Fact

The proposed development is reviewed below in terms of the Findings of Fact contained in Section 12-3-5 of the Zoning Ordinance. In addition to staff comments, the Board should review petitioner's responses (attached).

1. The extent to which the Proposed Plan is or is not consistent with the stated purpose of the PUD regulations in Section 12-3.5-1 and is a stated Conditional Use in the subject zoning district:

Comment: A PUD is a listed conditional use in the R-3 zoning district. The proposed project meets the stated purposes of the PUD. Additionally, the redevelopment of the subject parcels will enhance the general area by activating a long-vacant site while being cognizant of nearby land uses.

2. The extent to which the proposed plan meets the prerequisites and standards of the planned unit development regulations:

Comment: The proposed development will be in keeping with the City's prerequisites and standards regarding planned unit development regulations.

3. The extent to which the proposed plan departs from the applicable zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to the density, dimension, area, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest:

Comment: The proposed project is in line with the intent of a PUD, as there are exceptions being requested to accommodate the specific design of this mixed-use development, which allocates much of its land to common areas to appeal to households to whom it is marketed. The exception for fence height is to provide greater screening to the adjacent single-family residential block on Wicke Avenue.

4. The extent to which the physical design of the proposed development does or does not make adequate provision for public services, provide adequate control of vehicular traffic, protect open space, and further the amenities of light and air, recreation and visual enjoyment:

Comment: All provisions for public services, adequate traffic control, and the protection of open space would be accommodated in the proposed development, provided that comments regarding exit turn lanes from Executive Way and Times Drive to Oakton Street are addressed.

5. The extent to which the relationship and compatibility of the proposed development is beneficial or adverse to adjacent properties and neighborhood:

Comment: The proposed development serves as a transition between single-family development to the north and corridor commercial development to the south and east. Additionally, considerations will be made to mitigate impact on the nearby residential uses from light and noise pollution.

6. The extent to which the proposed plan is not desirable to physical development, tax base, and economic well-being of the entire community:

Comment: The proposed project will contribute to an improved physical appearance by removing a large, vacant, visually unappealing property. Such a significant improvement will contribute positively to the tax base – of the City overall and the Oakton-Lee TIF District – and economic well-being of the community.

7. The extent to which the proposed plan is in conformity with the recommendations of the 2019 Comprehensive Plan:

Comment: The proposed development meets general goals and objectives of the Comprehensive Plan, in particular housing goals.

Recommendation and Conditions: Pursuant to Section 12-3-5.E of the Zoning Ordinance and 13-2-7 of the Subdivision Regulations, the PZB should vote on a recommendation to City Council to approve, approve with modification, or deny the requests for a Conditional Use for a Final Plat of PUD and Final Plat of Subdivision. If the PZB chooses to recommend approval/approval with modifications, staff recommends the PZB recommendation be subject to the following:

- A Plat of Vacation must be approved and recorded concurrently with any approved Final Plat of PUD and Subdivision.
- A redevelopment agreement between the Petitioner and the City must be approved by the City Council concurrently with the requested approvals of the Final Plat of PUD and Final Plat of Subdivision. The redevelopment agreement will reinforce all terms including but not limited to construction phasing; required public improvements; street naming, addressing, and signs; and long-term maintenance and operations of the future development, in particular refuse service, leaf collection, and snow and ice maintenance for the adjacent portion of Times Drive that will remain public.
- All governing documents for the proposed development including covenants, conditions, and restrictions, or operating reciprocal easement agreements must be submitted to and approved by the City's General Counsel prior to the recording of the Final Plat of PUD or Final Plat of Subdivision.
- The final engineering plans to be approved by the City should attempt to incorporate comments in the attached Public Works and Engineering memo, pending external agency approval where noted.
- The estimated costs for required public improvements must be finalized and approved by the City Engineer, and included with the materials to be reviewed by the City Council.

Chairman Szabo asked if anyone from the audience had questions or concerns. No one from the public responded.

Chairman Szabo asked if the petitioners were aware of all conditions proposed by staff.

Ms. Workman responded that they would like them read.

Chairman Szabo read the conditions and asked the petitioners if they had issues with any of the conditions.

Ms. Workman responded that they did not.

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A motion was made by Board Member Weaver, seconded by Board Member Saletnik to approve requesting the following items: (i) A Final Plat of Planned Unit Development under Section 12-3-5 of the Zoning Ordinance to construct a 125-unit townhome development, with exceptions related to fence height and minimum lot area per unit, for which the petitioner received Preliminary Plat approval of the City Council on October 4, 2021; (ii) A Final Plat of Subdivision under Section 13-2-7 of the Subdivision Regulations; and (iii) any other variations, waivers, and zoning relief as may be necessary.

AYES: Szabo, Veremis, Saletnik, Hofherr, Weaver, Fowler

NAYES: None

ABSTAIN: None

*****MOTION CARRIES UNANIMOUSLY *****

Member Saletnik thanked city staff for doing a great job on this project and the process.

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, March 22, 2022.

Chairman Szabo adjourned the meeting by voice vote at 7:52 p.m.

Sincerely,

Vanessa Wells, Recording Secretary

cc: City Officials, Aldermen, Zoning Board of Appeals, Petitioners