

Justification to the Land Use Variations Criterion
(ALSO APPLIES TO ZONING CODE VARIATIONS)
2045 S. Arlington Heights Road

REVISED 11/19/2020

VARIATION FOR DENSITY

A variation to Chapter 28 of the Municipal Code, Section 5.1-8.1, to allow 357,628 square feet (8.21 acres) of land area, where 420,000 square feet is required. Per the Municipal Code regulations, 149 units are allowed on the site. A minimum lot size of 2,400 square feet (SF) per 1- or 2-bedroom dwelling unit is required. The project proposes a 175-unit facility and, thus, requires the variation.

Land Use Variation Criterion:

- 1) *The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.*

The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.

The Project site is currently the Arlington Executive Court and consists of four, one-story commercial buildings and surface parking. There is a mix of existing uses nearby: to the north, a one-story restaurant, one-story auto use and one-and-a-half-story church (zoned B-2 and R-1); to the south, a one- to one-and-a-half-story office building (zoned O-T) and a six-story hotel; to the east, a two-story apartment complex (zoned R-6); to the west, various one-and-a-half- to three-story office buildings (zoned M-2 and B-2). The Project site is guided Mixed-Use by the Comprehensive Plan. The character of the area will be enhanced by the Project, and the proposed density of the senior-housing building will serve to fill a growing need in the Village of Arlington Heights.

Per the detailed market assessment by ProMatura, within a five- to seven-mile radius of the Project site, the proposed independent living, assisting living and memory care uses are a growing need within the next five years. 'With no projects under construction, market opportunity only increases over the next five years [2020-2025].'

A detailed traffic study prepared by KLOA has also been submitted.

The apartment complex directly adjacent to the east of the Project site is guided Moderate Density Multi-Family by the comprehensive plan. Per the Cook County map viewer tool, the Residences at Arlington Heights apartment complex adjacent to the east of the Project site contains approximately 1,679,650 SF of lot area. The apartment complex contains approximately 800 units, giving it an approximate density of 2,100 SF per dwelling unit (there are 1-, 2- and 3-bedroom units within this complex). If that apartment complex was proposed today, it would not meet the Village's current density regulations and would also require a density variation as R-6 zoning requires, at minimum, 2,500 SF per 2-bedroom (or less) dwelling unit, 3,500 SF per 3-bedroom dwelling unit and 4,000 SF per 4-bedroom dwelling unit. If that

site was re-zoned to Institutional District, under the current zoning ordinance, it would not meet the Village's density regulations in Section 5.1-8.1 of 2,400 SF per 1- and 2-bedroom dwelling unit.

In summary, the Project's proposed density of 2,044 SF per dwelling unit is compatible with both nearby uses and zoning as the surrounding area contains a mix of existing uses including a denser housing project to the east.

- 2) *The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.*

The Comprehensive Plan states 'Arlington Heights has and will continue to focus on redevelopment of underdeveloped property.' The Project's existing site is comprised of low-density commercial office buildings, and, given the Comprehensive Plan's guidance for redevelopment of underdeveloped property and aligning with current market demands, the proposed use and density will be a more sustainable use and also has been identified in the market assessment as a needed and growing use for Village of Arlington Heights.

- 3) *The proposed variation is in harmony with the spirit and intent of this Chapter.*

The proposed variation is in harmony with the spirit and intent of the Institutional District and Planned Unit Development chapters. The intent of the Institutional District is that it is reserved for institutional non-residential and institutional residential uses, and the Project is aligned with this intent. Any development in the Institutional District shall be considered in accordance with the Planned Unit Development requirements; therefore, the Project also meets the intent and requirements of Planned Unit Developments.

- 4) *The variance requested is the minimum variance necessary to allow reasonable use of the property.*

The variance requested is the minimum variance necessary to allow reasonable use of the property. The applicant is required to meet fire access drive aisle widths (26 FT minimum), configuration (i.e., all the way around the building) and fire access drive aisle setbacks (15 FT minimum to 30 FT maximum). In order to accommodate these sizable requirements, the site's remaining, usable development area is limited, and proposing a larger unit size is not reasonable. Given the 357,628 SF of site area, the proposed density of 2,044 SF per dwelling unit rather than the required 2,400 SF per dwelling unit is reasonable. The applicant is also limiting height to three stories when up to four stories, 45 feet, are allowed. If a four-story facility was proposed, the proposed density would be even greater an amount than allowed, and the applicant is respecting surrounding character through limiting height to three stories and providing ample setbacks on all sides of the building.

VARIATION FOR UNIT SIZE

A variation is required to Chapter 28 of the Municipal Code, Section 5.1-8.6, to allow studio/efficiency Assisted Living and Independent Living units to be 431 square feet (and studio/efficiency Memory Care units to be 334 square feet), where code requires a minimum size of 550 for study/efficiency units.

A variation is required to Chapter 28 of the Municipal Code, Section 5.1-8.6, to allow some of the one-bedroom Assisted Living and Independent Living units to be 646 square feet, where code requires a minimum size of 650 for one-bedroom units.

Land Use Variation Criterion:

- 1) *The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.*

The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.

The dwelling unit types proposed are not general multiple-family dwelling units and are unique to the needs of the residents for which the proposed facility is designed. Zoning code language categorizes unit sizes to the 'multi-family dwellings' type, and the applicant is proposing independent living, assisted living and memory care dwelling unit types which have a smaller unit size and are consistent with market demands for these proposed uses. The units are designed efficiently and where a traditional multi-family dwelling unit might have an oversized kitchen island, the independent living units are designed with less eating space, as meals and multiple dining venues are provided. The property has over 30,000 SF of amenity space that act as an extension of the resident's unit. In assisting living units, full kitchens are not provided within the unit and in the memory care units, no kitchen is provided within the unit. All residents will be provided meals rather than being provided a full, typical kitchen within their type of dwelling unit (furthermore decreasing the size of unit necessary for assisted living and memory care residents).

The Project site is currently the Arlington Executive Court and consists of four, one-story commercial buildings and surface parking. There is a mix of existing uses nearby: to the north, a one-story restaurant, one-story auto use and one-and-a-half-story church (zoned B-2 and R-1); to the south, a one- to one-and-a-half-story office building (zoned O-T) and a six-story hotel; to the east, a two-story apartment complex (zoned R-6); to the west, various one-and-a-half- to three-story office buildings (zoned M-2 and B-2). The Project site is guided Mixed-Use by the Comprehensive Plan. The character of the area will be enhanced by the Project, and the proposed unit sizes of the senior-housing building will serve to fill a growing need in the Village of Arlington Heights.

Per the detailed market assessment by ProMatura, within a five- to seven-mile radius of the Project site, the proposed independent living, assisting living and memory care uses are a growing need within the next five years. 'With no projects under construction, market opportunity only increases over the next five years [2020-2025].'

- 2) *The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.*

The Comprehensive Plan states 'Arlington Heights has and will continue to focus on redevelopment of underdeveloped property.' The Project's existing site is comprised of low-density commercial office buildings, and, given the Comprehensive Plan's guidance for

redevelopment of underdeveloped property and aligning with current market demands, the proposed use and unit sizes will be a more sustainable use and also has been identified in the market assessment as a needed and growing use for Village of Arlington Heights.

3) *The proposed variation is in harmony with the spirit and intent of this Chapter.*

The proposed variation is in harmony with the spirit and intent of the Institutional District and Planned Unit Development chapters. The intent of the Institutional District is that it is reserved for institutional non-residential and institutional residential uses, and the Project and unit sizes proposed are aligned with this intent. Any development in the Institutional District shall be considered in accordance with the Planned Unit Development requirements; therefore, the Project also meets the intent and requirements of Planned Unit Developments.

4) *The variance requested is the minimum variance necessary to allow reasonable use of the property.*

The variance requested is the minimum variance necessary to allow reasonable use of the property. Given the 357,628 SF of site area, the proposed density of 2,044 SF per dwelling unit rather than the required 2,400 SF per dwelling unit is reasonable. Therefore, smaller unit sizes are also reasonable requests and meet typical market sizes for assisting living, independent living and memory care units. The applicant is also required to meet fire access drive aisle widths (26 FT minimum), configuration (i.e., all the way around the building) and fire access drive aisle setbacks (15 FT minimum to 30 FT maximum). In order to accommodate these sizable requirements, the site's remaining, usable development area is limited, and proposing a larger unit size is not reasonable.

VARIATION FOR ACCESSORY STRUCTURES AND/OR OBSTRUCTIONS

A variation to Chapter 28 of the Municipal Code, Section 6.5-2, to allow fire pits and an outdoor kitchen (BBQ Grill) within a side yard where such improvements are only allowed within a rear yard.

Land Use Variation Criterion:

1) *The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.*

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The Project site is currently the Arlington Executive Court and consists of four, one-story commercial buildings and surface parking. There is a mix of existing uses nearby: to the north, a one-story restaurant, one-story auto use and one-and-a-half-story church (zoned B-2 and R-1); to the south, a one- to one-and-a-half-story office building (zoned O-T) and a six-story hotel; to the east, a two-story apartment complex (zoned R-6); to the west, various one-and-a-half- to three-story office buildings (zoned M-2 and B-2). The Project site is guided Mixed-Use by the Comprehensive Plan. The character of the area will be enhanced by the Project, and the proposed accessory structures of the senior-housing building will serve to provide the overall

site's community with attractive, outdoor accessory structures strategically located adjacent to their related interior building spaces.

- 2) *The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.*

The Comprehensive Plan states 'Arlington Heights has and will continue to focus on redevelopment of underdeveloped property.' The Project's existing site is comprised of low-density commercial office buildings, and, given the Comprehensive Plan's guidance for redevelopment of underdeveloped property and aligning with current market demands, the proposed accessory structures and their proposed locations not being restricted to the rear yard (Tonne Dr side) make sense for the proposed overall use and programming of the site.

In Village of Arlington Heights' accessory structure zoning code, structures on a site that are not part of the main building or attached to the main building are considered accessory structures and/or permitted obstructions (including items like decks, pergolas, arbors, outdoor living/kitchen space and more). Ground-mounted barbeque grills ('outdoor living/kitchen space') and fire pits are allowed as permitted obstructions, but only within the rear yard. The front yard is considered Arlington Heights Road, the side yards are considered E Seegers Rd and the south property boundary, and the rear yard is considered Tonne Dr. This site fronts a public street on three sides, so it is not a traditional lot with a traditional "rear yard" that would be appropriate for the primary location of these accessory structures and/or permitted obstructions.

- 3) *The proposed variation is in harmony with the spirit and intent of this Chapter.*

The proposed variation is in harmony with the spirit and intent of the Institutional District and Planned Unit Development chapters. The intent of the Institutional District is that it is reserved for institutional non-residential and institutional residential uses, and the Project and accessory structures proposed are aligned with this intent. Any development in the Institutional District shall be considered in accordance with the Planned Unit Development requirements; therefore, the Project and its accessory structures also meets the intent and requirements of Planned Unit Developments.

- 4) *The variance requested is the minimum variance necessary to allow reasonable use of the property.*

The variance requested is the minimum variance necessary to allow reasonable use of the property. As stated earlier, this site fronts a public street on three sides, so it is not a traditional lot with a traditional "rear yard" that would be appropriate for the primary location of these accessory structures and/or permitted obstructions. Strict application of the zoning code would result in limiting the location of the proposed fire pits, fireplace features, and a ground-mounted barbeque grilling station to the rear yard only. If strictly applied, the zoning code would essentially not allow for these adequate, outdoor accessory structures to be adjacent to where these items make the most sense and will be most usable – adjacent to their related interior spaces.