

## STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission  
Prepared By: Latika Bhide, Development Planner  
Meeting Date: July 9, 2014  
Date Prepared: July 3, 2014  
Project Title: Parkview Apartments  
Address: 212 N. Dunton Ave.

### BACKGROUND INFORMATION

Petitioner: Parkview Dunton LLC  
Address: 900 W. Jackson, 2W  
Chicago, IL 60607

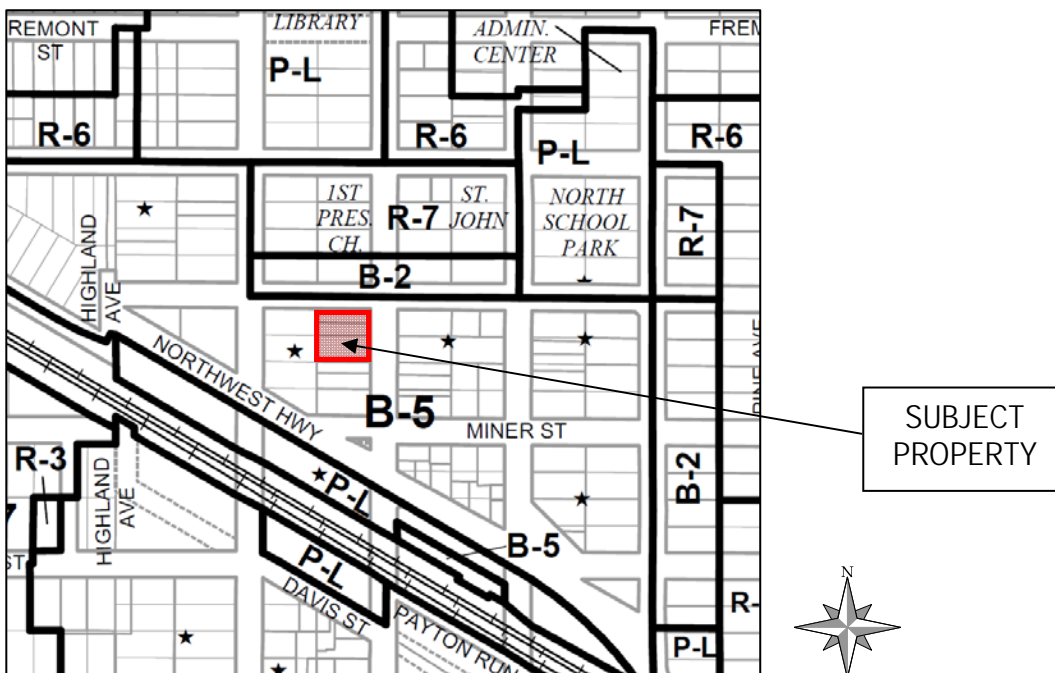
Existing Zoning: B-5, Downtown Business

### Requested Action:

- A Preliminary Planned Unit Development to allow the construction of a 7 story mixed use building that has a total of 45 residential rental apartment units, 1,254 square feet of commercial/retail space on the first floor, and a total of 54 interior parking spaces.

### Variations Required:

1. A variation from Chapter 28, Section 5.1-14.6, Required Minimum Yards, to allow a reduction to the required combined side yard (south) setback from 39.6' to 1' 3";
2. A variation from Chapter 28, Section 5.1-14.6, Required Minimum Yards, to allow a reduction to the required rear yard setback (west), from 30' to 25' 4" for the residential units above the first floor;
3. A variation from Chapter 28, Section 11.7, Schedule of Loading Requirements, to waive the required loading berth for the development;
4. A variation from Chapter 28, Section 11.2-8 Horizontal Width of Drive Aisles, to allow a reduction to the required two way drive aisle from 24' to 20' 2".



**Surrounding Land Uses**

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	B-2, General Business District	Religious Institution	Government
South	B-5, Central Business District	Commercial	Mixed Use
East	B-5, Central Business District	Multi-Family Residential	Mixed Use
West	B-5, Central Business District	Multi-Family Residential	Mixed Use

**Summary:**

The subject site, which is currently zoned B-5, Central Business District, consists of three land parcels that have a combined area of approximately 0.4 acres (17,424 square feet). The proposed action, if approved, would allow the petitioner, Parkview Dunton LLC, to redevelop the site with a mixed-use residential/commercial development. The plan as proposed would include a total of 45 dwelling units (16 one-bedroom, 24 two-bedroom, 5 three-bedroom) that would be located on floors three through seven as well as approximately 1,254 square feet of leasable commercial space on the first floor. Parking is located on the first and second floors. The proposed commercial space would encompass the northeast corner of the building with frontage along Dunton Avenue and Eastman Street. Access to the garage would be provided in two locations, one each on Dunton and Eastman.

The following chart provides a breakdown of the proposed development versus the previous development that received Preliminary PUD approval in 2007:

**Table I: Development Characteristics**

	CURRENT PROPOSAL	PREVIOUS PLAN
Floors	7	8
Dwelling Units	45 rental	49 condo
Parking	54	75
Commercial Space	1,254 SF	3,778 SF
Variations Chapter 28	South Setback; West Setback; Loading Space; Drive Aisle Width.	South Setback; West Setback; Density.

**Plat and Subdivision Committee**

The Committee met on May 14, 2014 to discuss this project. The Committee was generally supportive of the request but advised that additional commercial space and on-site parking should be explored. A copy of the minutes has been included in the Plan Commission packet.

**Neighborhood Meeting Summary**

The Petitioner held a neighborhood on May 20, 2014 to discuss the project with area residents. Approximately 30 people attended the meeting. Several items were discussed including the building material, building height, setbacks and parking. Other issues discussed included impact of any excavation, construction noise and mess, project cost, impact on the value of surrounding properties, etc. The Petitioner felt that development team answered the questions to the satisfaction of the attendees.

**Zoning and Comprehensive Plan**

A Preliminary Planned Unit Development for this property was approved previously by the Village Board in 2007, however that PUD has since expired. This plan has many similarities in terms of massing, architecture, and density, but it does vary from the previous plan in that this is a rental apartment building with less parking and less commercial square footage. The previous development was proposed to have two levels of underground parking, retail space on the first floor and residential units on floors two through eight.

The petitioner has indicated that 19 units in this development will be available at affordable rates, consistent with Village Policy. To confirm the correct zoning classification for this project, staff asked the petitioner to verify that this project would be a mixed-income, mixed-use apartment development and not an Institutional development. The petitioner verified in writing that the project is proposed as a mixed-income, mixed-use apartment development. During the Housing Commission meeting on July 1, 2014, the petitioner stated that they will have "on-site managers". As a result, staff has requested detailed clarification from the developer regarding how many on-site managers will be present, where they will be located, the hours they will be present and what services would be provided?

For the Commission's reference, the terms 'Apartment' and 'Residential Institution' as defined in the Zoning Ordinance are listed below:

**Apartment:** A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen and bathroom facilities, permanently installed, must always be included for each apartment.

**Institution, Residential:** A housing facility owned, supervised, managed or controlled by an organization that qualifies as "institutional-non-residential." Such housing facility shall be used for dwelling purposes only and be limited to members of, or persons under the supervision or control of the institutional organization such as, but not limited to elderly, students, clergy, disabled, etc.

Two variations are being sought for the south and west setbacks, and a third variation is being sought for drive aisle width. The setback variations are substantially similar to the previous approval with the exception of the expansion of the second floor in the current plan. The residential units for the previous development were located on floors two through eight. Therefore, greater setbacks of 24'-11" on the south side and 24' on the west side were provided for the earlier development starting on the second floor. The petitioner must provide written justification for each variation based on the hardship criteria that is outlined in the Village's Zoning Ordinance, more specifically:

- **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.**
- **The plight of the owner is due to unique circumstances.**
- **The variation, if granted, will not alter the essential character of the locality.**

The proposed action is consistent with the goals and objectives of the Village's Comprehensive Plan, which designates the subject site as Mixed Use, as well as the Downtown Master Plan, which was approved by the Village Board in January 2007.

### **Building Design**

The project was reviewed by the Design Commission on May 27, 2014. Overall, the design is a very nice traditional composition with good massing and rich materials and in keeping with the Design Guidelines. The petitioner has incorporated architectural details which fit in nicely with the Downtown environment. Massing has been addressed by providing context appropriate setbacks along the south and west property lines. The proposed palette of exterior materials is rich and nicely coordinated. The Commission recommended the use of a darker mortar color in the brick sections

### Density

The plan as proposed offers a variety of different size dwelling units and interior layouts, which adds to the uniqueness and character of the development. According to the Village's Zoning Ordinance the maximum number of units allowed is based on the bedroom mix and the size of the property. Based on the Petitioner's bedroom mix, which consists of 16 one-bedroom units, 24 two-bedroom units and 5 three-bedroom units, a lot area of 16,900 square feet is required in the B-5, Central Business District. The lot size of the proposed development is 17,424 square feet.

### Building Height

The code allows a maximum 90-foot building height. The proposed height of this project is 88' 8". In addition to meeting code for height, the upper levels 3 to 7 are setback some 25 feet from the west and from the south lot lines, thus providing open space between the proposed building and 201 N. Vail to the west.

Building Setbacks

With respect to the yards, there is no required setback from the front (north and east) property lines. However, the Petitioner is seeking the following variation from the required side yard (south) setback:

- A Variation from Chapter 28, Section 5.1-14.6, Required Minimum Yards, to allow a reduction to the required side yard (south) setback from 39.6 feet to 1'3".

Downtown developments need to provide a combined side yard setback that is not less than 30 feet or less than 30% of the average width of the lot, whichever is greater. The linear frontage for the entire site is 132 feet along Eastman Street and 132 feet along Dunton Avenue. Therefore, the side yard setback requirement is 39.6 feet from the south property line. The proposed development does not have any windows or openings on the first two levels of the south façade. Any future development on the property to the south will be required to comply with exterior wall fire rating, opening protection, etc. as stipulated in the Building and Fire Codes. Staff does not object to this variation as the upper levels 3 to 7 are setback 24' 9". However the petitioner shall respond to the variation criteria to justify said variation.

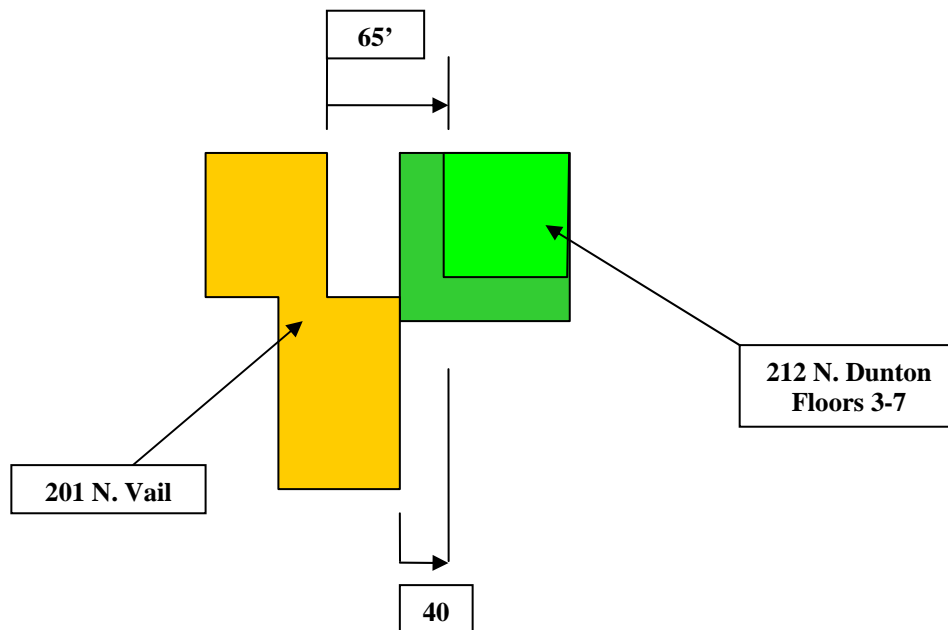
The proposed upper level residential (as measured at the southwest corner of the building) will be approximately 40 feet from the nearest corner of the 201 N. Vail Building. When compared to other developments in the Downtown, the Village Green on Vail Avenue building is approximately 39 feet at its closest point from the adjacent Village Green-Campbell Courte Building.

In addition to the side yard setback, the Petitioner is also seeking the following variation to the rear yard setback:

- A variation from Chapter 28, Section 5.1-14.6, Required Minimum Yards, to allow a reduction to the required rear yard (west) setback from 30 feet to 25'4".

Downtown developments are required to provide a rear yard setback for residential uses located above the first floor that is no less than 30 feet in depth, which would be the required setback from the west property line. Pursuant to the site development plans, the proposed setback for floors 3 – 7 is 25' 4". Staff does not object to this variation as the proposed upper level residential setback along the west property line would provide a building separation of approximately 65 feet from the adjacent 201 N. Vail Avenue Building. As previously mentioned, other high quality developments in the Downtown, such as the Village Green Development, have less separation than what is currently being provided by the Parkview development. The petitioner must provide a response to the variation criteria in order to justify the variation.

Setback Diagram: Relationship of Proposed Building to 201 N. Vail



### Drive Aisles

The interior drive aisles are less than the required 24 feet, thus the following variation is required:

- **A variation from Chapter 28, Section 11.2-8 Horizontal Width of Drive Aisles, to allow a reduction to the required two way drive aisle from 24 feet to 20' 2".**

The petitioner shall respond to the variation criteria to justify said variation.

### Commercial Tenant Space

The petitioner has provided 1,254-square-foot commercial space at the corner of Dunton and Eastman, which is significantly less than the previous development plan, which was 3,778 square feet. Providing viable commercial/retail space on the north side of the Downtown is necessary in order to maintain retail continuity as well as to expand the economic base of the Downtown. Further, it is important to eliminate a dead zone in the retail street fabric. Staff as well as the Plat and Subdivision Committee recommended to the petitioner that the proposed commercial space should be expanded by reconfiguring the first floor parking. Since the parking provided is exactly at code, additional parking could be provided by moving some of the mechanical space to a basement level.

The petitioner has indicated that in order to maintain appropriate construction costs, which will facilitate reasonable rents and a large affordable component - all construction means and methods must be justified. Because of the previous contamination on this site, the addition of a basement for mechanical equipment would add additional costs and concerns including soil conditions, underpinning for neighborhood building structures, and required additional stairs and elevators. Additionally, the petitioner feels that the proposed retail fulfills the goal of bringing life to this corner, without unduly compromising the financial viability and affordable component of the project.

Staff recommends that the petitioner should continue to explore ways to expand the commercial space. Petitioner should explore the possibility of expanding the commercial space westward and possibly locating portions of the utilities sub-grade in the south-west corner of the building to compensate for the four parking spaces that must be relocated.

### Site Related Issues

The key site related issues identified include storm water detention, the burying of overhead utilities, loading requirements, and construction staging and phasing.

### Storm Water Detention

The Petitioner shall pay a fee in lieu of on-site detention pursuant to the standards established by the Village of Arlington Heights. Paying a fee in lieu of on-site detention is typical of Downtown developments.

### Utilities

There are seven overhead utility poles in the rear (west) yard that are located on and off site between the subject site and adjacent property (201 N. Vail Avenue) to the west. The Petitioner shall bury the overhead utilities, however this may require obtaining approval from the ownership of the 201 N. Vail Avenue Building before any of the off-site utilities can be buried. This must also be coordinated with Com Ed. In addition, all generators, transformers, switch gears, gas and electric meters, etc. be fully screened.

### Loading Requirements

The proposed development is required to provide one, 10 foot by 35 foot loading berth. Since a dedicated loading berth is not proposed, the following variation is required:

- **A variation from Chapter 28, Section 11.7, Schedule of Loading Requirements, to waive the required loading berth for the development.**

The Staff Development Committee supports the aforementioned variation for the following reasons: 1) delivery vehicles and residential move-ins can use Eastman Street; and 2) given the size of the commercial space the number of deliveries will be minimal. However, consistent with the previous approval for this property and as has been done with other developments in the

Downtown, such as Metro Lofts and Metropolis, the Staff Development Committee would recommend that delivery/loading operations shall be restricted as follows: *Retail stores*, 7:00 AM to 3:00 PM, Monday through Saturday with no deliveries on Sunday; and the residential, 7:00 AM to 6:00 PM, Monday through Friday and 9:00 AM to 2:00 PM on Saturday with no deliveries on Sunday.

Construction Staging and Phasing

The Petitioner has provided a preliminary construction staging plan. A final staging plan must be provided with the Final PUD submittal. The petitioner expects construction to commence in early 2015 after permits are issued and expects the construction to last approximately 12 months.

Environmental Remediation

The Village assisted the property owner with certain costs associated with the remediation which took place in 2009/10. A focused 'No Further Remediation' letter was issued by the IEPA; however any future development of the site will require compliance with the terms of the NFR letter. The petitioner shall provide an analysis of any constraints and what will be required to be submitted to the IEPA in order to construct the proposed building.

Traffic and Parking

A traffic and parking evaluation which updated the previous study provided based on the previous plan was completed by KLOA provided as part of this application.

Parking

The proposed development requires a total of 54 spaces. The plan as proposed has a total of 54 parking spaces, thereby meeting code.

Table II: Parking Summary

Parkview Condominiums			
	Square Area / # of Dwelling Units	Parking Required	Parking Proposed
Retail space	1,254 SF	0 Spaces	0 Spaces
1 Bedroom Units	16 units	16 Spaces (1.00/unit)	54 Spaces (1.2 /unit)
2 Bedroom Units	24 units	30 Spaces (1.25/unit)	
3 Bedroom Units	5 units	8 Spaces (1.5/unit)	
<b>TOTAL</b>	<b>45 units</b>	<b>54 Spaces</b>	<b>54 Spaces</b>
<b>Surplus (Deficit)</b>		<i>0 spaces</i>	
<b>Average Spaces/Unit: 1.2</b>			

Parking for the retail customers is available on street or within the Village garage, which is located at the northwest corner of Arlington Heights Road and Miner Street. Future merchants/tenants will need to procure permits, if available, from the Village for employee parking within a public parking garage. Day-time parking for employees should be accommodated within the development. The proposal does not include any guest parking. KLOA has indicated that that though there are no formal guidelines on guest parking, the general rule is 10% of total parking demand, which translates to 5 guest spaces for this development. Since the North Garage is at capacity for overnight residential parking, the petitioner has indicated that they are pursuing partnerships with surrounding property owners for overnight guest parking access. The petitioner shall provide updated information regarding the overnight guest parking access at the meeting.

Market Study

The Petitioner has provided a market study for the proposed development. The report indicates that the proposed development provides a very desirable product and would fill a much needed gap in the provision of affordable housing in Arlington Heights. The petitioner has indicated their intent is to apply for an allocation of Low Income Housing Tax Credits (LIHTC) to provide financing for this project. The parameters of the affordable housing component of the project are based on the requirements of the LIHTC program. Out of the 45 rental units, 19 units (42%) will be available as affordable units, for residents with a maximum income of 60% of Chicago Area Median Income. The LIHTC program also provides minimum income levels for units in order to insure affordability. Financing through the LIHTC program would result in affordability guidelines that are consistent with those

of the Village and the added benefit that the program would be carefully monitored by the Illinois Housing Development Authority and the Internal Revenue Service for the first 15 - 30 years of the building's operation.

### RECOMMENDATION

The Staff Development Committee has reviewed the Petitioner's request and recommends approval subject to resolution of the following:

1. The Petitioner must provide a satisfactory solution addressing the guest parking arrangements for this development.
2. The southernmost window, along Dunton Street, proposed for the retail space should be vision glass and not spandrel glass.
3. The 19 units are to be maintained as affordable in perpetuity under the Village's affordable rental housing guidelines consistent with the Housing Commission recommendation.
4. The petitioner should continue to explore ways to expand the commercial space. The Petitioner should explore the possibility of expanding the commercial space westward and possibly locating portions of the utilities sub-grade in the south-west corner of the building to compensate for the expansion of the retail space.
5. Residential units are approved as rental apartments. Converting residential units to condominiums shall require an amendment to the Planned Unit Development and compliance with the required parking standards.
6. An additional shade tree (Honeylocust) shall be provided on Dunton Avenue near the intersection between the crosswalk and the existing light pole.
7. Prior to the issuance of a building permit, the Petitioner shall provide a copy of the remediation plan approved by the Illinois Environmental Protection Agency (IEPA).
8. The Petitioner must provide an analysis of any constraints and what will be required to be submitted to the IEPA in order to construct the proposed building.
9. Prior to Final Planned Unit Development approval, the Petitioner shall pay a fee in lieu of on-site detention, pursuant to the standards established by the Village of Arlington Heights.
10. Prior to Final Planned Unit Development approval, the Petitioner shall provide a confirmation letter from Commonwealth Edison stating that the overhead utilities can be engineered underground and are feasible to bury.
11. The Petitioner shall coordinate the burying of all the overhead utilities with Commonwealth Edison. In addition, all generators, transformers, switch gears, gas and electric meters, etc., shall be fully screened.
12. The Petitioner shall continue to work with the Village to develop an acceptable final construction schedule including a development-phasing plan that includes the location of staging areas throughout the development. Any work within the right of way shall be scheduled to minimize disruption to other businesses and patrons of the downtown. All construction traffic shall be limited to pre-approved lanes and locations, to be determined by the Village.
13. Delivery/loading operations shall be restricted as follows: *Retail stores*, 7:00 AM to 3:00 PM, Monday through Saturday with no deliveries on Sunday; and the residential, 7:00 AM to 6:00 PM, Monday through Friday and 9:00 AM to 2:00 PM on Saturday with no deliveries on Sunday.
14. Pursuant to Section 29-401 of the Arlington Heights Municipal Code, the developer shall make cash contribution in lieu of land for school, park, and library districts.
15. Future merchants/tenants commercial/retail tenant spaces shall procure permits, if available, from the Village for employee parking in the public parking garage.
16. The Petitioner shall comply with all conditions outlined in the May 27, 2014 Design Commission motion.
17. The Petitioner shall comply with all Federal, State, and Village codes, regulations and policies.

July 3, 2014

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Bill Enright, AICP  
Deputy Director of Planning and Community Development

C: *Diana Mikula, Interim Village Manager*  
*All Department Heads*