



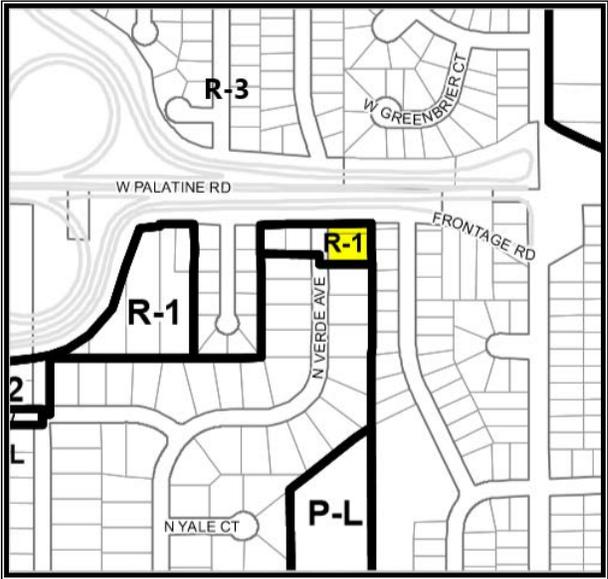
VILLAGE OF ARLINGTON HEIGHTS
STAFF DEVELOPMENT
COMMITTEE REPORT

Project Number: PC 21-007
Project Title: 1821 N. Verde Subdivision
Address: 1821 N. Verde Ave.
PIN: 08-16-202-009, 08-16-202-010

To: Plan Commission
Prepared By: Sam Hubbard, Development Planner
Meeting Date: February 14, 2024
Date Prepared: February 9, 2024

Petitioner: John Van Kooten
Address: 8607 N. Osceola Ave
 Niles, IL. 60714

Existing Zoning: R-1: One-Family Dwelling District
Comprehensive Plan: Single-Family Detached



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	R-3: One-Family Dwelling District	Single-Family Homes	Single-Family Detached
South	R-E: One-Family Dwelling District	Single-Family Home	Single-Family Detached Estate
East	R-3: One-Family Dwelling District	Single-Family Home	Single-Family Detached
West	R-1: One-Family Dwelling District	Single-Family Home	Single-Family Detached

Requested Action:

- Rezoning from the R-1, One-Family Dwelling District to the R-3, One-Family Dwelling District
- Preliminary and Final Plat of Subdivision to subdivide the property into two lots.

Variations Required:

- Chapter 28, Section 5.1-3.2, Minimum Lot Width at Building Line, to allow a 68.5' wide lot where 75' wide lots are required.
- Chapter 29, Section 29-307b.2., to allow a 68.5' wide lot where 75' wide lots are required.

Project Background:

The subject property is located at the southeast corner of the intersection of North Verde Avenue and the Frontage Road along W. Palatine Road. There is currently a single-family home on the southern portion of the site and a detached garage on the northern portion of the site. Access to the property comes from two curb cuts along Verde Avenue, one to the existing home and attached garage, and the second to the detached garage on the northern side of the site. The property is 27,335 square feet (0.62 acres) in size and was platted in 1956 as two lots, both of equal size. However, when the Palatine Road interchange was constructed, a portion of the northern lot was acquired as Right of Way (ROW), and the home there was presumably demolished, leaving the detached garage standing in its current location on the subject property. The remaining portion of that lot was left non-compliant as it lost over 50% of its land area due to the ROW acquisition. At some point the detached garage came under the same ownership as the lot abutting to the south, which contains the existing home at 1821 North Verde Avenue. The property is currently zoned R-1, One-Family Dwelling District.

The petitioner has bought the subject property and is proposing to re-subdivide the site to create one code-compliant lot at the northern side of the site, and another lot on the southern side of the site that is 6.5 feet short of meeting the minimum code required lot width of 75 feet. Two homes would be constructed, one on each lot, which would involve the demolition of all structures currently on the subject property. In addition, the site would be rezoned into the R-3 District; both proposed lots conform to minimum lot size regulations in the R-3 District.

Zoning and Comprehensive Plan

As mentioned above, the subject property is currently zoned R-1, One-Family Dwelling District. The Comprehensive Plan shows this property as suitable for “Single-Family Detached” uses, which classification corresponds to the R-3 Zoning District. The proposed rezoning is compatible with the Comprehensive Plan. The property abutting to the east is also within the R-3 District, and all land north of the subject property (across Palatine Road) is within the R-3 District as well. There are also 12 R-3 lots located along Yale Avenue approximately 265 feet west of the subject property. The properties abutting to the south and along Verde Avenue are within the R-1 District.

The Staff Development Committee (SDC) has analyzed the proposed lot sizes in comparison to 28 existing lots in the vicinity of the subject property that are located on the south side of Palatine Road. Given that Palatine Road exists as a substantial barrier between the subject property and lots to the north, the lots on the north side of Palatine Road were considered to be outside of the established neighborhood fabric and were not included in this analysis. The table below shows the results of this analysis:

Total Number of Lots Surveyed	28
Average Lot Size of Proposed Subdivision	13,669 sq. ft.
Lot Size - Proposed Lot 1	15,465 sq. ft.
Lot Size - Proposed Lot 2	11,872 sq. ft.
Average Lot Size of Surveyed Lots	12,404 sq. ft.
Median Lot Size of Surveyed Lots	9,782 sq. ft.

The average size of the proposed lots is slightly larger than the average and median lots sizes of the 28 surveyed lots. The SDC finds that the proposed lot sizes are compatible with the existing lots in the vicinity and will not be a threat to the established neighborhood character. It should be noted that although the lots along Verde Avenue are typically no less than 20,000 square feet and are larger in size when compared to the proposed lots, the frontage along Palatine Road does not follow this trend and is classified differently on

the Comprehensive Plan (Single Family Detached vs. Single Family Detached Estate). **Exhibit II** at the end of the staff report shows the Comprehensive Plan designations in the vicinity of the subject property. The average lot size of the 6 surveyed lots fronting on Palatine Road is 11,766 square feet, which is in line with the 13,669 square foot average lot size for the proposed subdivision. **Exhibit I** at the end of the staff report shows the 28 lots surveyed and their associated lot sizes.

The proposed lots comply with the minimum lot size requirement of the R-3 District, however, Lot 2 is slightly shorter than the minimum required lot width by 6.5' (8.66% shorter than minimum requirement). A detailed analysis of the proposed lot sizes is shown below.

Zoning Requirements	Minimum Lot Size (square feet)	Minimum Lot Width (feet)
Required		
R-3 Lot	Standard Lot: 8,750 sq. ft. Corner Lot: 9,900 sq. ft.	Standard Lot: 75' (if between 8,750 - 9,999 SF) Corner Lot: 90' (if between 15,000-19,999 SF)
Proposed		
Lot 1 (corner lot)	15,465 sq. ft.	Corner lot: 90'
Lot 2 (standard lot)	11,784 sq. ft.	Standard Lot: 68.5'

As shown, Lot 2 requires the following variations:

- **Chapter 28 of the Municipal Code, Section 5.1-3.1, to allow a 68.5' wide lot where a 75' width is required.**
- **Chapter 29 of the Municipal Code, Section 29-307b.2, to allow a 68.5' wide lot where a 75' width is required.**

In order for any variation to be approved, it must comply with the following criteria for approval:

- **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 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 proposed variation is in harmony with the spirit and intent of this Chapter.**
- **The variance requested is the minimum variance necessary to allow reasonable use of the property.**

The petitioner has provided a written response outlining how the proposed lot width complies with the standards of approval as shown above, which response has been included within the materials provided to the Plan Commission. Staff agrees that the standards of approval have been met and notes the following:

- While the lot width on Lot 2 falls 8.66% short of the minimum width requirement, the proposed lot sizes exceed the minimum allowable lot size regulations of the R-3 District by 56.2% (Lot 1) and 34.7% (Lot 2).
- Given the existing configuration of the subject property, the only way a code compliant lot width could be provided would be if the lots were flipped to where they fronted on Palatine Road to the north. This configuration would be non-traditional and would place the rear of the lots abutting the side of the home to the south and the side of the lots abutting the rear of the home to the east (classified as a "reverse corner lot"). Having the lots fronting on Verde Avenue, as proposed, results in a more traditional configuration that is more compatible in relation to the abutting homes to the south and the east.
- The previous Right-of-Way acquisition on the northern lot, which reduced the overall lot width on the subject property, is a unique circumstance that was outside of the owner's control.

The Staff Development Committee is supportive of the proposed variations.

On May 17, 2021, the petitioner invited surrounding property owners to a neighborhood meeting where they could learn more about the proposed subdivision. According to the petitioner, three surrounding neighbors showed up and their primary concern related to whether the subdivision would result in residential development. Prior to approval of a new home on Lot 1, impact fees in accordance with Chapter 29 of the Municipal Code shall be required. No less than 6 months after approval of this subdivision, the existing structures on the property shall be demolished as the new lot lines would render the existing structures non-conforming. Linkage fees in accordance Chapter 7 of the Municipal Code shall be required prior to issuance of a building permit for each new home.

Building, Site, Landscaping:

Design Commission approval shall be required prior to issuance of a building permit for all new homes on the subject property. A formal landscape and tree preservation plan is not required for subdivisions that have less than four lots. However, staff notes that there is at least one large, mature tree on the site, and several other trees that may be worth preserving. While a tree preservation plan is not a code requirement given the number of lots in this subdivision, the petitioner is encouraged to preserve any high-quality mature trees on the site that are in good condition. Based upon the final design and footprint of the homes on each proposed lot, the petitioner shall be required to work with staff on potential preservation of trees, as feasible.

Engineering and Infrastructure.

As a two-lot subdivision, no onsite detention will be required. However, the petitioner shall be required to provide a fee-in-lieu of onsite detention in the amount of \$8,264, which shall be required prior to issuance of the site development permit for the necessary infrastructure improvements. The lots will be graded to direct stormwater on the western side of the site towards Verde Avenue, where it will then flow to the north through culverts running below each proposed driveway. Stormwater on the eastern side of the site is designed to flow towards a proposed stormsewer inlet at the southeast corner of the Lot 2. From there, an underground pipe will connect to the Village stormsewer system within the Frontage Road to the north. The proposed design complies with Village and MWRD regulations and is designed to mitigate impacts on surrounding properties.

Verde Avenue is substandard relative to current code requirements and does not have curbs, gutters, sidewalks or stormsewers. The subdivider is required to bring abutting streets up to current code standards, however, it is not practical to have only one property along the entire street updated to code requirements. In lieu of updating the street to current standards, the Village has traditionally allowed the subdivider to enter into an Estoppel Agreement. This agreement would permit the petitioner to forgo immediate installation of required public improvements, but provides the Village with the option to establish a Special Assessment to implement the code required improvements when deemed necessary. Such Estoppel Agreement shall state that the property owner will not object to the establishment of a Special Assessment for construction of paving, curb and gutter, storm sewer, and sidewalk improvements within the Verde Avenue Right-of-Way, which shall be in perpetuity and run with the land.

Parking and Traffic:

A traffic and parking study is only required in subdivisions within the R-3 District that include 100 lots or more. Because the proposed subdivision includes only two lots, no traffic or parking study is required. Each home will have, at a minimum, a two-car garage. Staff expects the proposed subdivision to have a negligible impact on traffic within the vicinity.

Recommendation

The Staff Development Committee has reviewed petitioners request for rezoning from the R-1 District to the R-3 District, approval of a Preliminary and Final Plat of Subdivision to resubdivide the site into two lots, and the following variations from the Municipal Code:

- A Variation from Chapter 28, Section 5.1-3.1, to allow a 68.5' wide lot where 75' width is required.
- A Variation from Chapter 29 of the Municipal Code, Section 29-307b.2, to allow a 68.5' wide lot where 75' width is required.

The Staff Development Committee recommends **APPROVAL** of the application, subject to the following conditions:

1. The existing home of the subject property shall be demolished no more than six months after subdivision approval by the Village Board.
2. Prior to issuance of a building permit for a new home on Lot 1, impact fees shall be required in accordance with Chapter 29 of the Municipal Code.
3. A Design Commission application shall be required for each new home on the subject property.
4. Linkage fees, in accordance with Chapter 7 of the Municipal Code, shall be required prior to permit issuance for each new home on the subject property.
5. The petitioner shall continue to work with the Village on the final design and footprint of the homes on each proposed lot and shall preserve as many of the existing mature trees on the subject property that are in good health, as feasible.
6. Prior to issuance of a site development permit for the required improvements, the petitioner shall provide a \$8,264 fee-in-lieu of onsite detention.
7. The petitioner shall enter into an Estoppel Agreement with the Village, which agreement shall state that the property owner will not object to the establishment of a Special Assessment for construction of paving, curb and gutter, storm sewer, and sidewalk improvements within the Verde Avenue Right-of-Way.
8. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.

February 9, 2024

Michael Lysicatos, Assistant Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads

Exhibit I – Neighboring Lot Size Survey:

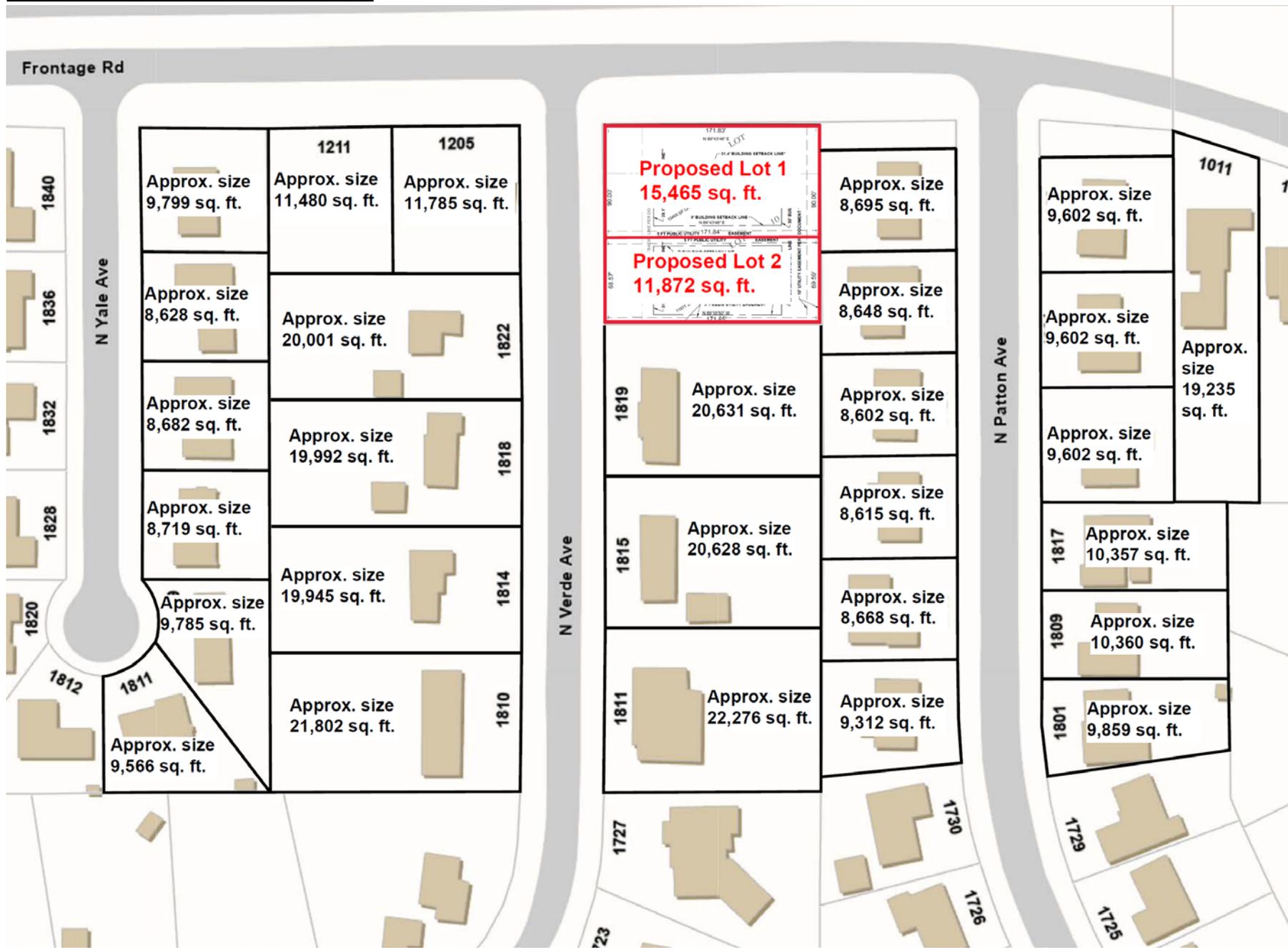


Exhibit II – Comprehensive Plan Land Use Designations

