

LAND USE VARIATION CRITERIA

(ALSO APPLIES TO ZONING CODE VARIATIONS)

Variation Request:

- A variation from Arlington Heights Village Code, Ch. 29 Subdivision Control Regulations - Section 29-307, Residential Lot Standards to allow double frontage lots on a non-arterial street.

1. The Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the underlying R-3 zoning district.

Original development of the neighborhood surrounding the Property dates to the 1940's and early-1950's. That original development was for large rural type lots generally consistent in character along the north and south sides of Olive Street. However, by the 1970's the character of neighborhood had changed as surrounding agricultural uses had largely been replaced with traditional suburban residential development. In fact, the original large rural parcels along the south side of Olive Street between Dryden Avenue and Windsor Drive appear to have been resubdivided in the late-1960's or early-1970's to facilitate additional residential development (Clarandon Street). This 1960's/1970's resubdivision of properties along the south side of Olive Street set the stage for the prevailing trend of redevelopment in the neighborhood.

Through the 1990's and early 2000's, Properties on the south side of Olive Street began to redevelop utilizing existing lot configurations resulting from the 1970's development. While these lots were generally larger than those in other surrounding subdivisions, these lots didn't have sufficient depth to justify further resubdivision. To the contrary, the lots along the north side of Olive Street generally retained original configurations dating back to 1950's development. Due to the depth of these lots and the underlying value of the land, lots along the north side of Olive Street justified resubdivision with smaller lots typical of the broader neighborhood. In fact, the parcels on the north side of Olive Street immediately west of the Subject Property and continuing to Dryden Avenue established this trend of development as early as the 1970's and continued this development pattern through the early 2000's.

Due to the trend of redevelopment throughout the neighborhood the value of the Subject Property is in redevelopment consistent with the character of other lots north of Olive Street. Absent the ability to subdivide, the Subject Property loses significant value as each of the existing two lots are

approximately 3 times the size of the lots on the south side of Olive Street (only other large lots in general vicinity). Moreover, due to the configuration of the Subject Property (long and narrow with limited roadway frontage) the additional acreage attributed to each lot of the Subject Property does not create a proportionate increase in value because of practical factors associated with buildability and desirability in the marketplace.

The proposed Christina Court development is consistent with the established trend of development in the neighborhood. The only departure from standards of the underlying R-3 zoning district is the variation for double frontage lots- a variation driven by redevelopment that has occurred all around the Subject Property. The issue is most pronounced along the western property line where an atypical development of the adjacent parcel was permitted in the City of Prospect Heights. This adjacent development permitted right-of-way located along the common property line without taking account for the manner in which the Subject Property might be most efficiently developed. K. Hovnanian explored an alternative site plan, attached as Exhibit C, that netted a comparable value and complies with R-3 district requirements, but said plan was rejected by Village staff, see attached exhibit D, due to jurisdictional issues associated with Arlington Heights' utilities being located in Prospect Heights' right-of-way.

While Lot 8 of the proposed subdivision also abuts adjacent right-of-way at the rear property line, the street frontage is minimal in this location and Somerset Court wasn't intended or designed to accommodate traffic from the Subject Property. Accordingly, staff has not raised this as a double-frontage situation that the code was intended to prevent or for which a variance was required. To suggest otherwise, would bifurcate the Subject Property in an unnatural fashion and create a connection to Somerset Court that is inconsistent with the nature of that existing subdivision.

2. The plight of the owner of the Subject Property is due to unique circumstances associated with the manner in which adjacent properties have been developed.

All of the property surrounding the Subject Property has been subject of redevelopment in the last two decades. That redevelopment never appeared to contemplate the manner in which the Subject Property would most appropriately and efficiently development. Accordingly, the Subject Property is left with some unique adjacencies that create some practical difficulties associated with the ultimate development. In this instance, the development cannot reasonably avoid a double frontage lot condition that is prohibited by Code, but can rationally address the issue to minimize any perceived impact on the neighborhood as set forth in Section 29-307 of the Code (additional landscape).

Immediately west of the Subject Property is a single family subdivision located in Arlington Heights which is consistent with the character of the proposed development. However, this existing subdivision provides no connectivity to the Subject Property and is isolated from the Subject Property by a stormwater detention facility.

Immediately east of the Subject Property is an atypical single family subdivision located in Prospect Heights. The right-of-way for this subdivision extends along the common boundary line of the Subject Property. However, Petitioner has no present right to connect to the right-of-way located in Prospect Heights. Moreover, Petitioner has no right to connect to any Prospect Heights utilities that may be located in the right-of-way nor does Petitioner have the right to install Arlington Heights utilities in the right-of-way belonging to Prospect Heights. In fact, Arlington Heights has provided written communication stating that its municipal utilities should not be located in the Prospect Heights right-of-way. Accordingly, the location of the roadway along the common boundary of the communities creates a unique jurisdictional situation not applicable to most properties.

In addition to the jurisdictional issues outlined above, the Subject Property does not layout well utilizing the adjacent Prospect Heights right-of-way. The lots located west of the Prospect Heights right-of-way would have two to three times the depth of the lots located east of the Prospect Heights right-of-way. Moreover, the Prospect Heights right-of-way utilizes a substandard design with no sidewalk or curb-and-gutter type improvements which are expected in a new high-end residential subdivision. Utilizing the Prospect Heights right-of-way would devalue the lots located in Arlington Heights to the detriment of the Petitioner, the property owner and the Village.

3. The variation, if granted, will not alter the essential character of the locality.

The proposed variance to permit double frontage lots will not alter the essential character of the locality. The character of this neighborhood has transformed multiple times over the last 60 years. Originally utilized for agricultural purposes, the property along Olive street was originally developed with a large-lot rural character in the 1940's and early-1950's. As early as 1970, the original rural lots began to transform for more traditional suburban single family residential development. Due to the manner in which redevelopment has occurred over the last forty years, lots on the south side of Olive Street have stayed slightly larger and maintained that rural character- defined by under-improved street frontage with front-yard drainage swales and no sidewalk. The north side of the street is similarly defined by the underimproved street frontage, but with much smaller lots that are in keeping the character of the bulk of existing residential properties in the surrounding Arlington Heights subdivisions.

Petitioner's proposed subdivision is consistent with the redevelopment that has occurred along the north side of Olive Street- all consistent with the underlying R-3 zoning district requirements. In contemplation of the existing streetscape, Petitioner proposes to maintain that under-improved rural character along the Olive Street frontage. In lieu of physical improvements, K. Hovnanian will make a contribution to the Village for its portion of future improvements to Olive Street as requested by Village staff and permitted by Code. Only a single buildable lot will be located along Olive Street. A consolidated stormwater facility will be located at the northwest corner of Olive and

Christina and will provide a large open-space along the Olive Street frontage. The stormwater facility will be improved with natural landscape consistent with the rural character of Olive Street. Within the subdivision Petitioner will provide modern amenity consistent with adjacent subdivisions including curbed streets, storm sewers and sidewalks. The approval of a variance to permit double frontage lots will not alter the character of the proposed subdivision or the broader character of the neighborhood. The Prospect Heights right-of-way is under-improved and functions similar to a long rural driveway. The existence of homes backing to the Prospect Heights right-of-way will not seem out of character as said lot can and will be appropriately treated with landscape enhancements to clearly delineate separation.

There are a number of double frontage lots that currently exist in the Village of Arlington Heights. There are numerous examples where double frontage lots exist adjacent to Major Arterials such as Palatine Road or Buffalo Grove Rd. K. Hovnanian has identified a number of double frontage lots that do not front a Major Arterial Road. The attached Exhibit G includes four (4) examples of double frontage lots in the Village of Arlington Heights all within 1.5 miles of the Subject Property. The highlighted double frontage lots do not alter the essential character of the locality.

- A. Windsor Dr.** – Just 1500 feet north of the subject site these townhome units also back to a cul-de-sac as Windsor Dr ends in a cul-de-sac just north of Rand Road
- B. Carlyle Pl** – Approximately .7 miles due north of the subject property are 6 lots that are accessed via Carlyle Pl, but have a rear yards that abut Windsor Drive.
- C. ColdSpring Rd** – Approximately 1.5 miles northeast of the subject property are 8 lots that are accessed via Coldspring Rd, but have a rear yards that abut N. Schoenbeck Rd. This example is of particular significance as it Schoenbeck Road is the border between Arlington Heights and Prospect Heights. It should be noted that similar to Williams Way, Schoenbeck Road serves as access of homes on its East side in Prospect Heights.
- D. N. Oakwood Dr** – Approximately 1 mile northeast of the subject property are 5 lots that are accessed via N. Oakwood Dr., but have rear yards that abut the east side of N. Birchwood Ln. This example is of particular significance because both roads are local residential streets, the same as the newly proposed Christina Ct and the existing Williams way. Further, N. Birchwood Ln does serve as access for homes along the west side of the street.