

**STAFF DEVELOPMENT COMMITTEE REPORT**

**To:** Plan Commission  
**Prepared By:** Bill Enright, Deputy Director Planning and Community Development  
**Meeting Date:** November 5, 2015  
**Date Prepared:** October 29, 2015  
**Project Title:** 13 E. Miner Street Development  
**Address:** 13 E. Miner Street (vacant lot)

**BACKGROUND INFORMATION**

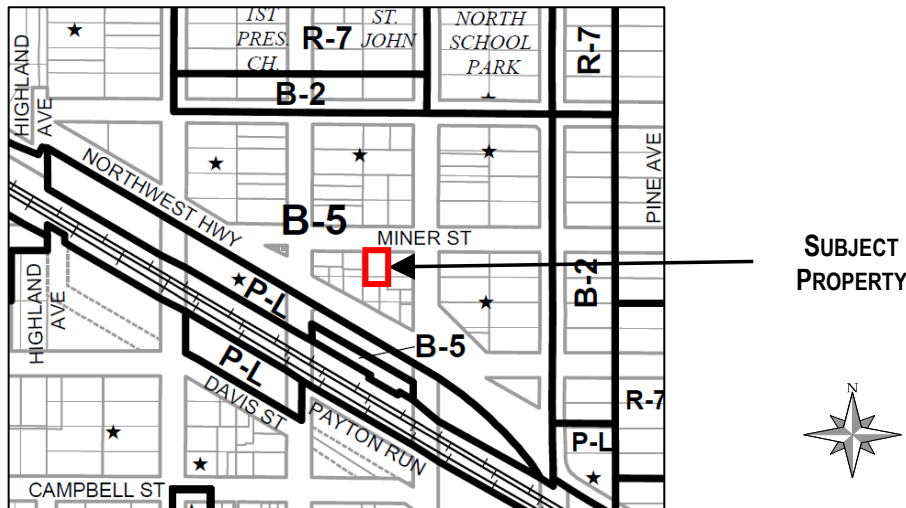
**Petitioner:** Frank Panzarino  
**Address:** 7 E. Miner Street  
 Arlington Heights, IL 60005  
**Existing Zoning:** B-5, Downtown District

**Requested Action:**

- Preliminary Planned Unit Development for a 4-story residential building consisting of 12 residential dwelling units.

**Variations Required:**

- Land Use Variation from Section 28-5.5-3, Permitted Uses Table, Residential, to allow an Apartment Building or Multiple Family Dwellings;
- Variation from Section 28-5.1-14.6 from the required combined side yard setback of 30 feet to allow 5.81 feet;
- Variation from Section 28-5.1-14.6 from the required rear yard setback of 30-feet for residential uses located above the first floor to allow 5 feet;
- Variation from Section 28-11.2-8 from the required two-way drive aisle width of 24 feet to allow 23.3 feet;
- Variation from Section 28-11.2-8 from the required 9.0 foot parking stall width to allow one 8.0 foot wide parking stall;
- Variation from Section 28-11.7, Schedule of Loading Requirements, to waive the required loading berth for the development.
- Variation from Chapter 28, Section 6.12-1(3) *Traffic Engineering Approval*, to waive the requirement for a traffic study and parking analysis from a Certified Traffic Engineer.



Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	B-5, Downtown District	Bistro Chen	Mixed Use
South	B-5, Downtown District	Mixed use building	Mixed Use
East	B-5, Downtown District	Mixed use building	Mixed Use
West	B-5, Downtown District	Adam and Eve Salon	Mixed Use

### **Background**

The subject site is approximately 0.14 acres (5,968 square feet) and zoned B-5, Downtown District. The proposed action, if approved, would allow the property owner to redevelop the vacant site with a residential development that includes 12 rental apartment units (6-one bedroom and 6-two bedroom) on floors two through four and parking with 7 spaces on the first floor. The petitioner has indicated that they may look to converting the rental units condominiums as a later date.

### **Plat and Subdivision Committee**

The Plat and Subdivision Committee of the Plan Commission met on August 13, 2014 to discuss the project. The Committee was generally supportive of development. The Committee also requested that the petitioner submit a market study for the project, however to date the petitioner has not submitted a study but has been asked to address this issue at the public hearing as there will likely be questions on this topic. Staff does not believe a market study is necessary for 12 dwelling units, but has advised the petitioner that they need to address this topic at the public hearing. Currently the rental market in downtown is strong with the two major apartment complexes at 96% leased.

### **Housing Commission**

The Housing Commission will meet on November 17, 2015 to discuss the proposed response to the Village's affordable housing guidelines. The petitioner has agreed to provide the required one affordable unit consistent with the Village's affordable housing guidelines. The one unit to be designated as affordable is a one bedroom unit.

### **Zoning & Comprehensive Plan**

To proceed forward the Plan Commission must review and the Village Board must approve first a Preliminary Planned Unit Development (PUD), which is required for all new buildings that are 500 square feet or greater within the Downtown. In conjunction with the PUD request, several variations to the Village's Zoning Ordinance have been identified and will be discussed throughout this report. A written justification for each variation is required and shall be based upon the following criteria:

- **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 petitioner has submitted a response to the variation criteria which is attached. Staff agrees with the setback variations as these are common in the downtown especially for infill developments.

The property is designated as 'Mixed Use' on the Village's Comprehensive Plan. A residential development with no commercial component would not be consistent with the Comprehensive Plan. The property lies within Block 334 as indicated in the Downtown Master Plan. The Plan recommends that the entire block be redeveloped in a unified and cohesive manner. As an infill development, the project must fit in with the surrounding properties in terms of scale and uses. The lack of commercial on the first level is a significant issue as the B-5 Downtown district permits mixed use development but does not permit residential only. Thus the following variation is needed for the proposed development:

- **A Land Use Variation from Section 28-5.5-3, Permitted Uses Table, Residential, to allow Apartment Building or Multiple Family Dwellings**

Staff cannot support this variation for the following reasons:

- Inconsistent with the 2007 Downtown Master Plan as described below;
- Residential only development is not permitted in the B-5 Downtown Zoning district;
- The proposed parking garage layout can only accommodate 7 of the required 14 parking spaces, resulting in minimal benefit to the development, coupled with the loss of 2 to 3 on street parking spaces due to the access drive;
- The Village recently added additional parking to the North municipal garage with restriping, therefore the required 14 parking spaces can be accommodated by the Village for the monthly fee assessed all residential permittees.
- First floor commercial space is an integral component of downtown development and the lack of commercial will create a gap in the continuity of commercial along Miner Street as depicted on the attached map.

### *2007 Downtown Master Plan*

The Village updated its 1986 downtown master plan in 2007, which included a 19 member adhoc committee which included several Board and Commission members and citizens of the community. Several objectives were approved as part of the master plan which support the mixed use development concept:

Objective 1- Promote Diversity and Concentration of Use in the Downtown Core includes the following: **“...The Village must continue the mixed use development approach in order to further build the downtown economy, while carefully managing traffic circulation and parking to ensure that these elements support downtown functions without dominating the urban setting or detracting from its pedestrian orientation.”**

Objective 2- Create a Quality Pedestrian Environment includes the following: **“...Streetscape improvements, continuous ground level storefronts, parks, plazas, landscaping and focal points are all critical components to creating an image of an attractive, interesting and safe place.”**

Objective 8 – Facilitate Growth and Development of Selected Areas Including Establishing Guidelines for Redevelopment: **“...It is important to look at each redevelopment opportunity individually and within the context of the downtown as a whole.”**

Providing 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 is not in agreement that this property is on the periphery, in fact it is in the middle of the north portion of downtown.

### *Existing Commercial Space*

The north side of downtown, specifically the first floor commercial spaces, includes approximately 77,757, square feet and 42 storefront spaces. 37 of the 42 are occupied with tenant sizes ranging from as small as 450 sf to 6,600 sf. The 5 vacant spaces constitute 10,087 sf or 13%. The attached map indicates where the current vacancies are located and also where the existing first level commercial spaces exist (also included is the proposed Parkview space). Also attached is a chart of the tenant spaces on the north side of downtown.

If commercial is incorporated into the 13 E Miner development, the frontage that the garage utilizes is 40 feet wide along Miner St. The depth of the garage is approximately 75 feet. Staff would recommend that the full 40 foot frontage is commercial but then allow for flexibility for the depth so that the owner can adjust the depth to the needs of a prospective tenant. For example if the depth were 30 feet that would result in a 40 by 30 space totaling 1,200 sf. If the depth were increased to 35 feet, that would equate to 1,400 sf and so on. The remaining portion of the first level could then be allocated to storage for the building, which may allow for eliminating the partial basement for the project (which is allocated to storage and mechanicals). Having this flexibility in the space size would enhance leasing capabilities.

### **Building, Site Plan, and Landscaping**

The following main key issues have been identified:

#### ***Building Design***

The Design Commission met on October 27, 2015 and recommended approval of the architectural design. One of the conditions is if the Village Board requires first floor commercial, then the modified design for the first floor shall be submitted for re-review by the Design Commission.

The B-5 district permits a height of 90 feet with a maximum height limit of 140 feet if a development complies with the Downtown height bonus standards. The maximum building height is exclusive of elevator penthouses, stair heads and other mechanical equipment facilities. Based on the plans submitted, the proposed four-story building is 48 feet tall to the roof deck line and the parapet extends approximately another 6.5 feet to 54.5 feet. The building footprint/layout along the east side has been adjusted to allow for the building code required 5 foot setback for window openings. Overall this is a nice design and was received positively by the Design Commission.

**Density**

As shown in the table below, the proposed development has a total of 12 dwelling units (4 units per floor) with a bedroom mix of 6, one bedroom units and 6, two bedroom units. Based upon the bedroom mix the aforementioned proposal complies with the Village’s density requirements, which allows up to 16 dwelling units (based on a 50% mix of 1 and 2 bedrooms) on 5,940 square feet of land area.

	Number of Units	Multiplier	Required Land Area
One Bedroom	6	300 SF/d.u.	1800 SF
Two Bedroom	6	400 SF/d.u.	2400 SF
Total Site Area Required	12		4200 SF
Total Site Area Provided			5,968 SF

**Building Setbacks**

Two variations for setbacks are requested, both of which staff supports. The petitioner has provided a response to the following variation criteria:

- **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.**

According to code there is no required front (north) yard setback as the code encourages buildings built to the sidewalk. With respect to the side (east and west) yard setback, Village Code requires all Downtown developments to provide either a single or 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. Since the site’s linear frontage along Miner Street is 66.31 feet, a 30 foot side yard(s) setback is required. The following variation has been identified:

- **A Variation from Section 28-5.1-14.6, Required minimum Yards, to allow a reduction from the required combined side yard setback of 30 feet to allow 5.81 feet;**

The plans include a 5.81 foot west yard setback and 0 feet east yard setback. Staff supports this variation as the building meets the required building code requirements and as an infill development, meeting the required setback would be excessively restrictive. It should be noted that ComEd is currently formally reviewing the 5 foot easement around the building. ComEd has verbally stated that they think this will be sufficient for providing their services. Staff is requiring that as part of Final PUD review, that the petitioner submit a Plat of Easement signed by ComEd and any other necessary utility companies. This will ensure what is required as it will take about 12 to 16 weeks for ComEd to review the plans for this development (petitioner submitted to ComEd the building plans September 24th).

Regarding the rear (south) yard setback, all Downtown developments are required to provide for residential uses located above the first floor, a yard not less than 30 feet. Pursuant to the concept site plan, said development has a 5 foot setback from the south property line, thereby resulting in the following variation:

- **A Variation from Section 28-5.1-14.6, Required Minimum Yards, from the required rear yard of 30-feet for residential uses located above the first floor to allow 5 feet;**

As an infill development, as long as building code requirements and utility easement requirements are met, staff does not object to this variation. As mentioned the building code requirements have been met. The required easement has been conceptually approved but still subject to ComEd review and approval.

The following other variations have also been identified:

- **Variation from Section 28-11.2-8 from the required two-way drive aisle width of 24 feet to allow 23.3 feet for the interior of the parking garage;**

Instead of the required 24 feet, an 23.3 feet drive aisle is proposed for portion of the interior parking garage. Staff is not in support of the garage as a use on the first floor, however this request is a minor variation.

In addition one parking space is 8 feet wide and does not meet the requirement. This too is a minor variation.

- **Variation from Section 28-11.2-8 from the required 9.0 foot parking stall width to allow one 8.0 foot wide parking stall;**

The following variation is requested for loading zones:

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

The Staff Development Committee supports the aforementioned variation given the small number of dwelling units and the restrictive site size, which is not large enough to support an off site loading area. Even with commercial space on the first floor, if required, the number of deliveries will be minimal therefor the street will have to suffice for deliveries. However, consistent with what 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

#### ***Floor Area Ratio (FAR) and Building Lot Coverage***

According to code, there is no FAR or Building Lot Coverage standard in the B-5 district. However, there are several issues with the site development that will need to be resolved prior to Final PUD approvals as described below.

#### ***Utilities***

There are several Commonwealth Edison power poles along the west property line of the subject site. These existing overhead power lines provide service to the subject site as well as the surrounding properties. In conjunction with the proposed development, the Petitioner is planning to move the services to an area at the northwest corner of the property and provide an easement along the west, south and a portion of the east property. Also, the water and sanitary sewer services servicing 12 and 18 - 24 E. Northwest Highway traverse through this site (13 E. Miner) to Miner Street and would need to be relocated, as will utility connects for 15-19 E. Miner to the east.. A viable solution for all parties must be developed.

#### ***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.

#### ***Ingress/Egress Easement***

The Petitioner also owns the adjacent property to the west at 7 E. Miner Street (Adam and Eve Salon). This property has an ingress/egress easement along its east property line, which provides access to its rear service area, the upper level apartments, and Eddie's restaurant to the south. An additional easement must be established on the 7 E Miner Street property to the benefit of the 13 E Miner development to allow for the code required egress from the stairwells at the rear and on the west side of the proposed development. This easement must be unobstructed to allow for egress, especially emergency egress. Thus any trash totes must not interfere. It is advised that the Eddies trash containers are moved to the existing easement area in between Eddies and Adam and Eve Salon so that they are sufficiently out of the egress path.

#### ***Traffic and Parking Issues***

With respect to parking, a total of 14 parking spaces are required by code (see table below). 7 parking spaces are provided. The remainder of the parking spaces would have to be provided for within the Village's parking garage. Since staff recommends commercial on the first floor, then all the required parking must be provided in the Village's North garage. The Village restriped the North garage roof and gained several spaces. In addition the Village has hired a consulting firm to evaluate expansion of the

garage. Employee parking for the commercial space will also need to be accommodated in the garage. Parking for patrons of the commercial space can be provided on-street and on the first level of the garage.

Proposed Miner Development			
	# of Dwelling Units	Parking Required	Parking Proposed
1 Bedroom Units	6 units	6 Spaces (1.00/unit)	
2 Bedroom Units	6 units	7.5 Spaces (1.25/unit)	
<b>TOTAL</b>		<b>13.5 Spaces</b>	<b>7 Spaces</b>

According to Chapter 28, Section 11.3-3, off site parking is permitted as long as the available parking for the commercial and residential uses are within 300 to 1,000 feet, respectively, of the use served. In addition, per Chapter 28, Section 11.5-8, the off-street parking requirements in the B-5 Downtown District may be met by the leasing of such spaces from the Village. Guest overnight parking permits would be accommodated within the Village's parking system downtown.

With respect to on street parking this block currently includes 6 spaces along the south side of Miner Street. If the garage is included 2 spaces would be removed for the access drive. If commercial is required, then one space can be added as the existing driveway to the former house on this property could be removed and one space added.

The petitioner is seeking a variation to waive the following requirement:

- **Variation from Chapter 28, Section 6.12-1(3) Traffic Engineering Approval, to waive the requirement for a traffic study and parking analysis from a Certified Traffic Engineer.**

Staff supports this variation given the small scale of this development relating to traffic and parking.

**RECOMMENDATION**

The Staff Development Committee recommends approval of PC#15-013, a Preliminary Planned Unit Development for 13 E. Miner Street, and the following variations to Chapter 28:

- Variation from Section 28-5.1-14.6 from the required combined side yard setback of 30 feet to allow 5.81 feet;
- Variation from Section 28-5.1-14.6 from the required rear yard setback of 30-feet for residential uses located above the first floor to allow 5 feet;
- Variation from Section 28-11.7, Schedule of Loading Requirements, to waive the required loading berth for the development;

Said recommendation is subject to the following conditions:

1. Final Planned Unit Development approval shall be required pursuant to Chapter 28, Section 28-9. All required documents, such as but not limited to Final Engineering plans and construction staging plans and timelines, shall be submitted for review and any additional items pursuant to conditions of the Preliminary Planned Unit Development .
2. The first floor garage shall be eliminated and replaced with commercial space approximately 40 feet in width along the Miner Street frontage and allow for at least 30 feet of depth.
3. The Village shall make available, and the building owner shall purchase, 14 residential permits in the North municipal garage on a monthly basis at the applicable monthly permit fee.
4. 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.
5. One affordable housing unit shall be required as follows:
  - a. One affordable unit shall be maintained as affordable in perpetuity under the Village's affordable rental housing guidelines.
  - b. With the approval of the Village, the affordability requirements of another local, State or Federal affordable housing program which are consistent with the requirements of the Village's affordable rental housing guidelines, may be temporarily followed with respect to the unit but at all other times the requirements of the Village's affordable rental housing guidelines shall apply in perpetuity.
  - c. The owner or the owner's designee shall be responsible for reporting to the Village on a quarterly basis in compliance with the affordable housing requirements utilizing a form prescribed by the Village of Arlington Heights.

6. Compliance with the conditions of the Design Commission motion dated October 27, 2015.
7. Prior to Final Planned Unit Development, the petitioner shall have signed agreements for relocation of all existing utilities that serve other adjacent buildings that traverse through the 13 E. Miner Street site.
8. Prior to Final Planned Unit Development, the petitioner shall submit a signed Plat of Easement for Com Ed and any other utility companies requiring said easement.
9. Prior to Final Planned Unit Development, the petitioner must obtain an executed access easement for ingress and egress to the benefit of the 13 E. Miner Street development along the east side of the property located adjacent to the west. This easement shall be in perpetuity and shall be a minimum of 5 feet wide. In addition there shall be no obstructions within this easement, including such item as gates, fences, and refuse containers.
10. Prior to Final Planned Unit Development, the Petitioner shall pay a fee in lieu of on-site detention, pursuant to the standards established by the Village of Arlington Heights.
11. The petitioner shall provide a decorative swing gate to screen the Miner Street side of the Com Ed equipment located along the west side of the building.
12. The Petitioner shall work with the Village to develop an acceptable 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 tenants of the commercial space shall procure permits from the Village for employee parking in the public parking garage.
16. Compliance with all Federal, State and Village regulations and policies.

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October 29, 2015

Bill Enright, AICP  
Deputy Director of Planning and Community Development

C: *Randy Recklaus, Village Manager*  
*All Department Heads*