

REPORT OF THE PROCEEDINGS OF
THE CONCEPTUAL PLAN REVIEW COMMITTEE

OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION

HELD AT VILLAGE HALL ON:

December 13, 2017

Project Title: Hearts Place PUD Amendment
Address: 120-122 E. Boeger Dr.
Petitioner: Richard Koenig
Housing Opportunities Dev. Corp.
2001 Waukegan Rd - PO Box 480
Techy, IL 60082

Requested Action:

1. An amendment to preliminary Planned Unit Development (PUD) Ordinance #17-028 to allow the construction of a two story, 18 unit supportive housing development, which amendment will constitute Final PUD approval.
2. Final Plat of Subdivision.

Variations Required:

1. Chapter 28, Section 5.1-8.4, Minimum Lot Size, to allow a reduction to the minimum required lots size from 43,200 square feet to 40,435 square feet.
2. Chapter 28, Section 11.4-1, Residential Uses, to reduce the off street parking requirements from 37 spaces to 33 parking spaces.

Attendees:

Richard Koenig, Housing Opportunities Dev. Corp.
Jay Cherwin, Plan Commissioner
Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
Sam Hubbard, Development Planner

Project Summary:

The subject property consists of two lots of record comprising a total of 40,435 square feet (0.93 acres). In July of 2017, the Village Board approved a Preliminary PUD to allow a 16 unit supportive living facility on the subject property, rezoned the property into the I, Institutional District, approved an amendment to the Comprehensive Plan to change the classification of the subject property from Commercial to Institutional, and granted Preliminary Plat of Subdivision to consolidate the two lots into one lot, and approved the several variations:

The original approval allowed a two-story building with 16 two-bedroom units, however, the petitioner is proposing an amendment to the unit mix to allow 10 one-bedroom units and 8 two-bedroom units, for a total of 18 units (2 unit increase). Programming and use of the site would remain unchanged, and the facility would still provide a home for individuals living with disabilities that are in need of supportive services.

Meeting Discussion:

Mr. Koenig began by refreshing the Commissioners on the details of the previously approved PUD. The initial proposal was for a new construction project consisting of 16 two bedroom affordable housing units. In the time since approval, the project has secured financing from the Illinois Housing Development Authority (IHDA). While the funding is available for the project as approved, a strong recommendation was made during the review process for the project; IHDA recommended that the majority of units available be one bedroom units. The petitioner is seeking to amend the PUD in order to accommodate this recommendation, which would be an increase to 18 units from 16 units. The unit mix would be 8 two-bedroom units, and 10 one-bedroom units. There would be no other modifications to the site or exterior of the building. The total number of bedrooms

would be decreased, from 32 under the initial proposal to 26 under the new proposal. Consequently, this decrease would also reduce the maximum potential number of residents. The petitioner believes that this proposal balances the goals of IHDA with the approved plans from the Village.

Mr. Hubbard explained that the project was approved for Preliminary PUD in July of 2017. The property was rezoned into the Institutional district with a corresponding change to the Comprehensive Plan. A number of variations were also approved at the time. He stated that the petitioner was proposing to increase the number of units from 16 to 18, though the overall number of bedrooms would decrease. By the density requirements governing Institutional districts, however, the maximum number of units allowed for this property would be 16. Therefore, this request for an increase to 18 units would require a density variation in addition to an amendment to the PUD.

Mr. Hubbard stated that the change to the number of units also increases the code-required amount of parking. Under the previous proposal, the site had a 1-space surplus with 33 spaces provided. Under the new proposal, 37 spaces are required, resulting in a 4-space deficit. Therefore, the petition requires a variation for parking with the new proposal. Staff is supportive of the parking variation, as the petitioner has provided data that indicating that supportive living developments have lower a parking demand than a typical apartment building. Staff is generally supportive of the density increase as well, especially considering that the overall number of bedrooms will be reduced. Per the Building Code occupancy standards, the maximum number of residents would also decrease despite the increase in units. To supplement this, Staff has also asked the petitioner to provide data from their comparable supportive developments to illustrate typical number of residents living in one and two bedroom units. The petitioner had provided this data on the day of the meeting, and a preliminary examination of the data corroborated the theory that the increase in units does not correlate with an increase in population.

Mr. Hubbard said that there were still a few unresolved issues as outlined within the Preliminary PUD Conditions of Approval, one of which was resolving the cross access easement to the Popeye's site north of the development. If the petitioner provides all documents needed to address the items as outlined in the Preliminary PUD Conditions of Approval, and all items needed for Final Plat of Subdivision approval, the Preliminary PUD amendment approval would also constitute Final PUD approval. Although changes to code have eliminated the requirement for Final PUD approval, since Final PUD approval was specified as a Condition of Approval in the initial ordinance, in this case it would be required. Staff is generally supportive of the amendment, with comments limited to the concerns already expressed.

Commissioner Cherwin stated that as far as he's concerned, the proposed increase in density translates to a decrease in individuals. Considering the type of use on the property, he has no issue with the variation of parking. He stated that he had no questions regarding the project.

Commissioner Jensen stated that the definition of density per code is odd. He assumes that the density controls are aimed at controlling the number of people, not necessarily the number of rooms. He believes that the code should define density on the basis of what should be controlled, in this instance the number of people. In his opinion, the developer is proposing a decrease in density, whereas the Village code defines the proposed change as an increase in density. In the future, when examining changes to code the density definition should be changed. In regard to parking, the data provided illustrated that the people occupying these units did not create a parking demand close to that of a typical apartment building. He stated that he had no other concerns, as the petitioner is only proposing a change to the unit mix and the Village Board has already approved the project.

Commissioner Green stated that his only comment was that, in the past, when projects similar to the one proposed have been reviewed, the logic has been that if the development as proposed fails, it has sufficient parking. In this instance, if this project fails and is converted into standard apartments, it would be under-parked with no guest parking. That is his primary concern. Also, in regard to density, when Commissioner Green has previously approached the Village Attorney regarding changing the metric to people, the response he received was that it is most likely unconstitutional to limit the number of people you can have in your dwelling unit. By this logic, the maximum density would be the highest number of people that could be fit into the unit. He stated that, for this reason, the issue of density is a non-starter for him, it has no basis in reality and cannot be policed.

Commissioner Jensen asked if, because of that reason, that is why density is defined by number of units rather than number of people.

Commissioner Green stated that it was his understanding that one could have 400 people in a one-bedroom unit if they all fit. While that is an extreme example, that is why he holds the sentiment he does in regard to density.

Mr. Hubbard said he believed the definition of “family”, not density, was what made it difficult to regulate how many people can live in a housing unit or single-family home. Specifically, “family” could not be defined as “anyone related by blood” due to the many variations in what constitutes a modern family. As such, there could be a family of 15 people all occupying a single-family house, provided that the house had the appropriate number of bedrooms. In that regard, classifying a structure or zoning district as “single-family” did not provide a means to limit the density. However, the Building Code limits density based on occupancy standards for bedrooms. As such, 15 people could not live in a single bedroom without violating Building Code. The occupancy regulations outlined in the building code were the best means to regulate density of any unit.

Commissioner Green stated that, going back over it, Fire Code should be a limiting factor on the maximum number of occupants.

Commissioner Jensen asked the petitioner if any of the other facilities surveyed as part of the traffic study had any issues with the number of people in units.

Mr. Koenig stated that, per their policy, anyone occupying a unit needs to be on the lease. As such, if there is anyone extra living there the management usually finds out during a site visit.

Commissioner Jensen asked how many people were usually allowed per unit.

Mr. Koenig answered that the standard number of people allowed is 2 per bedroom. Some communities allow additional family, which pushes the limit, so typically they go with the code limit of maximum occupancy for a bedroom.

Commissioner Jensen asked if having 10 people in a bedroom would violate the policy.

Mr. Koenig said that management would have to find out first.

Commissioner Jensen asked if after finding out, management would be able to take action as they would be exceeding the maximum occupancy allowed by code for the unit.

Mr. Koenig reiterated that they would not allow more than two people per bedroom.

Commissioner Green stated that it would be a policing issue, as management cannot simply barge into a unit.

Mr. Koenig stated that his company requires regular (twice yearly) unit inspections. Residents are given 48 hours notice, and management physically enters the unit to look around.

Commissioner Green stated that he understands. He stated that there are issues in the Village with two separate families occupying one house, and that many inspectors do not want to confront that issue.

Commissioner Cherwin pointed out that the management for this development would not be relying on the Village for enforcement, as they have their own standards and procedures for inspecting units.

Commissioner Green said he agreed, and that the petitioner had a better opportunity to police those kinds of situations.

Commissioner Jensen said he didn't see the petitioner having any issue with the full Plan Commission as long as the petitioner deals with the issues raised by Staff in their report.

Commissioner Green said the petitioner will need to deal with the issues raised in the Staff Report in order to obtain final PUD approval. He also reiterated that his concerns were the same as they were with the prior proposal. Specifically, that the site was too small.

Commissioner Jensen mentioned that the Village Board had ruled in favor of the project. He said that the unit mix in the new proposal is more sensible, though he doesn't know what metric the petitioner used to determine this new mix.

Commissioner Cherwin said he believed it was based on demand experienced with other similar projects.

Commissioner Green said that he had not voted in favor of the proposal last time. He said that if he had voted for denial last time he would vote for denial this time for the same reasons. He said that if the project was a block away, it would be perfect. If the project was located on a site that was two acres in size, the project would conform to the zoning regulations and wouldn't have any zoning issues.

Commissioner Jensen asked when the petitioner would be going before the Plan Commission.

Mr. Hubbard said they first needed to submit their application.

Commissioner Jensen asked the petitioner how close they were to submitting their application.

Mr. Koenig said they were aiming to submit their application the following week.

Mr. Hubbard said it would most likely go before the Plan Commission in early 2018.

RECOMMENDATION

The Conceptual Plan Review Committee was supportive of the proposal and advised that the petitioner should move forward.

Bruce Green, Chair
CONCEPTUAL PLAN REVIEW COMMITTEE
Sam Hubbard, Recorder