

PLAN COMMISSION
May 6, 1998

Members Present: Bryan Winter, Bill Smith, Carl Cepon, Krysti Kovarik, Jim Sula and Chairman Rudny

Members Absent: Lyle Foster

Other Officials Present: Tracy Velkover, Village Planner; Jon Wildenberg, Director of Building and Zoning; Barbara Swanson, Village Attorney

1. Meeting was called to order by Chairman Rudny at 7:30 P.M.
2. a. Mr. Smith moved, seconded by Mr. Cepon, to approve the minutes of April 15, 1998, as presented.

Roll Call Vote:

Ayes: Winter, Smith, Cepon, Kovarik and Rudny
Nays: None
Abstain: Sula
Motion Carried: 5-0-1

3. **Public Hearing: David and Christy Newhouse**

The subject property is located north of Eastwood Avenue and east of O'Plaine Road. The Property is zoned R-2, Single Family Residential, which requires a minimum lot size of 15,000 sq. ft. and a minimum lot width of 100 feet. The petitioner is requesting to rezone the property to R-3 which is a single family zoning district that requires a minimum lot size of 10,000 sq. ft. and a minimum lot width of 80 feet.

Tracy Velkover stated that the following zoning districts surround the property:

NORTH: R-2, Single Family, and 2 lots further north is R-3 PUD, Single Family PUD (Providence Oaks)
SOUTH: R-1 an R-2, Single Family
EAST: R-1, Single Family and several lots further east is R-3 PUD, Single Family PUD
WEST: S, Suburban, in unincorporated Lake County

The Village's Comprehensive Land Use Plan reflects residential at a density of 2-4 units per acre for this property.

Dan Dalziel, principal of 3D Design Studio, stated that he is at this meeting on behalf of David and Christy Newhouse. The request is for one more lot than what is currently allowed on this piece of property. The property, if allowed to be rezoned to R-3, would

exceed the minimum lot size requirement by 800 sq. ft in all cases; the corner lot to the east would even be larger.

Chairman Rudny asked if there was some reason why the lots couldn't be developed under the R-2 zoning.

Mr. Dalziel stated that if the property was vacant, the R-2 zoning would allow a total of five lots. The petitioner's request for R-3 zoning would allow seven lots so in effect they are only asking for one additional lot. This would not alter the character of the surrounding neighborhood.

Larry Clark, attorney for the petitioner, clarified that if the entire parcel was completely vacant, the R-2 zoning classification would allow for a total of five lots. If the property was completely vacant and zoned R-3, it would be possible to subdivide the property into a total of seven lots. However, because of the location of the existing house on the parcel (near O'Plaine Road), there is an effective limitation of a total of six lots even if the zoning is changed to R-3. As a practical matter, they are limited to a total of six lots even with the R-3 zoning.

Chairman Rudny pointed out that an extra lot could be placed between O'Plaine Road and the existing house. He stated that it might require the property owner to make some modification to the house, but he felt there was room for a seventh lot.

Mr. Clark agreed with Chairman Rudny, but he stated if you actually go to the site and look at the orientation of this house, you could not do it. The house is facing primarily west, and a little south. Another home to its west would result in the existing home looking right into the side of a new home.

Chairman Rudny stated that technically someone could squeeze in a seventh lot.

Mr. Clark answered yes and stated that if this is a concern of the Plan Commission, he felt that an acceptable alternative would be to rezone everything east of the existing house to R-3 and leave the remaining property zoned R-2. That would ensure that a maximum of six lots could be achieved from this site.

Chairman Rudny stated that the fact is that the house is there and because it is there, the site could only achieve a total of 4 lots which means that the rezoning as proposed (R-3 on the eastern portion and R-2 on the remaining property) would result in two more lots. He asked if there was any reason why the property could not be developed under the current R-2 zoning classification. He asked if there is anything unreasonable about this?

Mr. Clark answered that the numbers just do not work for R-2. When the number of lots is reduced from five to three, the property owner cannot afford to install the required public improvements (extension of water, sidewalks, curb and gutter, street lights, storm water detention). Development would not be possible under R-2.

Chairman Rudny stated they would get more money for the lots since they would be larger.

Mr. Clark stated if you look at where the property is located, at one of the primary access points to O'Plaine Road and near Rt. 120 which is proposed to be improved with the Rt. 53 extension, it is not very practical to try to market a bigger lot.

Chairman Rudny asked if full public improvements would be put in (i.e., curb and gutter and sidewalks).

Tracy Velkover answered that typically subdivisions of over 3 lots are generally required to install full public improvements.

Mr. Wildenberg stated that consideration for waiver of public improvements is processed at the time that a final plat comes before the Plan Commission. The Commission may make a recommendation to the Village Board to waive certain requirements. However, a subdivision of this size and magnitude (an entire side of a block) would typically be required to install full public improvements. The problem with waiving these improvements is that eventually when the area is re-developed, the Village will be faced with having to incur the cost of providing these improvements. This cost is typically on the shoulders of the developer.

Krysti Kovarik asked what the total acreage of the site was.

Mr. Dalziel answered it was just less than two acres.

Ms. Kovarik asked what size homes would go into the parcel.

Mr. Dalziel answered approximately 2,000 sq. ft. homes would go into the parcel.

Ms. Kovarik asked if Mr. Newhouse planned to develop the homes himself?

Mr. Dalziel answered that this had not been determined at this time.

Chairman Rudny opened the floor to the public.

Ingrid Haugh, 4378 Eastwood, stated that she has a petition signed by neighbors of this property and asked to give it to the Plan Commission. Ms. Haugh read the petition/letter to the Commission requesting that the Planning Commission deny the petition of David and Christy Newhouse to rezone the property on the northeast corner of O'Plaine Road and Eastwood Avenue from R-2 to R-3. Such a rezoning would result in smaller lot sizes and consequently more houses on the property. They felt that such a density of homes would be utterly incongruous with the character of the neighborhood which the longtime residents of the area have sought to establish. They have taken pride in having created

and maintained a neighborhood comprised of relatively large wooded lots. They would be greatly dismayed and saddened by such a rezoning action which they feel would negatively affect the quality of their neighborhood. Ms. Haugh also stated that a new house near this property has been for sale by various real estate agents for the last two years and it still has not sold. Homes in this particulate area are not moving. When Providence Oaks moved into the area, they were required to leave open space and trails and compensate for the smaller size lots that they were putting in. There is a difference between creating a community right from scratch as they did with the PUD in Providence Oaks and coming into an already established neighborhood that has larger lots with fewer homes. The density and the use of space simply clashes with all the rest of the neighbors in that particular area. The residents in this area would like the Commission to deny the rezoning so that they can stay the way they are and stay at the density that they are now. Nobody in the neighborhood is objecting to the fact that Christy and David Newhouse want to build on that property, they are just asking that the zoning stay the same and that they be allowed to put up the number of homes that the current zoning would allow.

Dale Stryker, 4421 West Eastwood Avenue, stated that he also signed the petition that Ms. Haugh handed over to the Plan Commission. He agrees that the aesthetics and character of the area is different than what David and Christy Newhouse are proposing. He does not mind the property being developed, but at the density that is currently allowed.

Doug Search, a resident of Providence Oaks, stated that the reason he bought into Providence Oaks was because the covenants regulate the quality of the houses. He feels that making the lots smaller will not help maintain the value of homes in this area.

Chairman Rudny closed the floor to the public.

Ms. Kovarik said she agrees with the public. This area does have a unique character. There would be no covenants and restrictions with the R-3 zoning and that would upset the character of that area.

Carl Cepon also agreed that the parcel could be appropriately subdivided and developed as currently zoned.

David Newhouse stated that in a meeting with the Village Engineer the public improvements were estimated to cost \$200,000. He was told that one option would be to request a rezoning to R-3 so that there would be enough lots to make the improvements feasible. Mr. Newhouse stated that if another option is to subdivide the property under R-2 and receive approval to get certain public improvements waived, then he may want to explore this.

Chairman Rudny stated he felt that a new subdivision would be out of character if one side of the street were to develop with full public improvements while the rest of the property around it remains in a rural character.

Bryan Winter said that even though there has been opposition to this, his concern was that the Village does have a Comprehensive Land Use Plan that indicates that this property is appropriate for residential between 2-4 unit per acre. The R-3 subdivision falls into this density. There seems to be an indication to the property owner that this would be a reasonable use for this land as is reflect by the Comprehensive Land Use Plan. He understands the personal preference stated at the meeting, but he feels in the long term that the Commissioners have to be fair and have to abide by the Comprehensive Land Use Plan. If someone comes to them with a reasonable use, they have to vote it down because it is unreasonable.

Mr. Winter moved, seconded by Mr. Smith, to forward a favorable recommendation to the Village Board regarding this petition with the modification that the property east of the existing house be rezoned to R-3 and the remaining property be left under the R-2 zoning classification.

Roll Call Vote:

Ayes:	Winter, Smith, Sula
Nays:	Cepon, Kovarik, Rudny
Motion Denied:	3-3

4. **Informal Discussion: Westfield Homes, Inc.**

The subject property is located at the northwest corner of Milwaukee Avenue and Manchester Drive. The property was zoned C/B-1 PUD as part of the Heather Ridge PUD in the mid 1970's. Westfield Homes would like to receive feedback from the Commission on their plans to rezone the property into a classification that would allow a for-sale townhouse community.

Brian Harris, Westfield Development, stated he is the contract purchaser of approximately 8 acres that sits on the northwest corner of Milwaukee Avenue and Manchester Drive. The property is currently zoned in the C/B-1 classification. It is part of the overall Heather Ridge community. It has remained undeveloped in that zoning classification for the last 20 years. The parcel is bounded by Milwaukee Avenue, Manchester Drive and Dunham Road. The property is across the street from the Spinney Run Plaza and a small daycare center that sits on the south side of Manchester Drive. There is various multi-family and small lot cluster single-family developments that is part of the Heather Ridge community to the west and north. The proposal is to downzone the property from its current C/B-1 classification to a zoning classification that would allow an appropriate multi-family designation to allow a for-sale townhome development.

Access is prohibited from Rt. 21. There are two entrances to the site; one primary entrance along Manchester Drive and a secondary access point on Dunham. Storm water management would occur on the northern portion of the property and would serve as a significant buffer between the project and Heather Ridge small lot single-family to the north.

There is an existing drainage that picks up the detention pond that is on the west side of Dunham, picks up the overflow from that pond and carries it through the property to an existing pond that sits along Milwaukee Avenue. Our proposal would be to install a new detention facility in the northwest corner, picking up that flow and then using a wetland mitigation area as a buffer and retaining the existing pond as well. There will also be a 50 foot landscape buffer along Milwaukee Avenue. That buffer would also contain a sidewalk. Proposed is a 30-foot setback along both Manchester and Dunham. The developer anticipates a curb and gutter cross-section for the internal streets. The private streets, as well as the common areas, will be maintained home-owner association. The Heather Ridge Association has not been contacted at this time. We would want to contact them and talk about joining the umbrella association so that our residents could utilize the Heather Ridge amenities. Dues would be paid to the umbrella association.

Proposed are 13 building consisting of 4 and 5 unit configurations. The open space in terms of providing the north buffer and the setbacks and the buffer along Milwaukee represents a little over 4.6 acres which is 60% of the site. The townhomes will all have 2-car garages. The unit size will range from 1400 and 1800 square feet. An average sales price of \$180,000 is anticipated. Westfield Development would be looking for a mature buyer. It is realized that this project is not in compliance with the Comprehensive Plan or the current zoning, but given the fact that the property has been sitting vacant for 20 years, the proposal makes sense in this location.

Chairman Rudny stated that the Village does not want to develop as the market dictates. The Village has a Comp Plan to help ensure that a balanced community is developed. He stated that it is key for the developer to show why commercial zoning is not working for this property. He would also like to see a larger setback from Rt. 21.

Krysti Kovarik also agreed with needing more setback to Rt. 21. She thought that the density was too great. She felt that townhomes, at an appropriate density, would blend well with the surrounding neighborhood.

Bill Smith also felt it was a good use for the land.

Bryan Winter asked if the 60% open space statistic that was quoted referred to genuine open space (green area) or if it included parking area. Brian Harris answered there was 4.6 acres of genuine open space.

The meeting was adjourned at 8:50 P.M.

Submitted by,

Cindy Batz, Secretary
Plan Commission

