



Minutes

Zoning, Planning and Appeals Commission
held on Wednesday, April 14, 2021
at 7:00 p.m.

I. CALL TO ORDER:

Chairman Chad Meyers called the meeting to order at 7:00 p.m.

II. ROLL CALL/ATTENDANCE: NOTE: Illinois Governor Pritzker, in response to the COVID-19 pandemic, issued Executive Order 2020-07 on March 16, 2020, which suspended requirement of the Open Meetings Act that members of a public body be physically present at meetings of the public body, and the limitations of the Open Meetings Act as to when members of a public body may participate in meetings of the public body remotely. To minimize the spread of the COVID-19 virus, some Commissioners could attend this meeting by teleconference.

Present in Person: Chairman Chad Meyers, Commissioners: Mary Lauricella, David Powrozek, David Figareli, Joseph Kisiel, Michael Bowcock and Richard Flanagan.

Others Present in Person: Village Planner Scott Bernacki, Secretary Renee Tedesco and Corporate Counsel, Peter Mruphy

Absent: Commissioner Ken McNeill

III. APPROVAL OF MINUTES:

Chairman Chad Meyers called for a Motion. A Motion was made by Commissioner Figareli, seconded by Commissioner Powrozek to approve the minutes from the March 10- 2021 meeting. Motion carried unanimously on a voice vote.

IV. OLD BUSINESS – No old business.

V. NEW BUSINESS

- a. PUBLIC HEARING – Case No. 21-V-09; A Variance from the sign limitations listed in Section 154.041(A)(2) of the New Millennium Code of the Village of Schiller Park pursuant to the authorized exceptions listed in Section 155.098(B)(2)(f) upon the property located at 3945 Wehrman Ave.

Motion to Open Hearing was made by Commissioner Flanagan and seconded by Commissioner Powrozek.

Motion carried unanimously on a voice vote.

Petitioner, Eric Kretschmer of DLA Architects was sworn in by Chairman Meyers.

Petitioner Kretschmer addressed the Board regarding the sign design. The sign will be illuminated with LED Lighting on a concrete box near the main entrance to illuminate the school name but the lighting does not shine out into neighboring property or the street.

There was general discussion and agreeance among the Commissioners.

Chairman Meyers asked if there was a motion to recommend a sign limitation variance to permit an increased size of an illuminated monument sign to identify Kennedy School located at 3945 Wehrman Avenue. Motion was made by Commissioner Flanagan and seconded by Commissioner Figareli.

Motion carried unanimously on a voice vote.

Ayes: Commissioners: Lauricella, Powrozek, Figareli, Kisiel, Bowcock and Flanagan.

Nayse: None.

Abstentions: None.

Motion Carried by a count of 6 “aye” votes to 0 “Nayse” and 0 abstain and 1 absent.

- b. PUBLIC HEARING Case No. 21-V-10; A Variance from the sign limitations listed in Section 154.041(A)(2) of the New Millennium Code of the Village of Schiller Park pursuant to the authorized exceptions listed in Section 155.098(B)(2)(f) upon the property located at 9750 Soreng Ave.

Motion to Open Hearing was made by Commissioner Bowcock and seconded by Commissioner Flanagan.

Motion carried unanimously on a voice vote.

Petitioner, Eric Kretschmer of DLA Architects was sworn in by Chairman Meyers.

Petitioner Kretschmer addressed the Board regarding the sign design. The sign will be illuminated with LED Lighting on a concrete box near the main entrance to illuminate the school name but the lighting does not shine out into neighboring property or the street.

There was general discussion and agreeance among the Commissioners.

Chairman Meyers asked if there was a motion to recommend a sign limitation variance to permit an increased size of an illuminated monument sign to identify Lincoln School located at 9750 Soreng Avenue. Motion was made by Commissioner Flanagan and seconded by Commissioner Lauricella

Motion carried unanimously on a voice vote.

Ayes: Commissioners: Lauricella, Powrozek, Figareli, Kisiel, Bowcock and Flanagan.

Nayse: None.

Abstentions: None.

Motion Carried by a count of 6 “aye” votes to 0 “Nayse” and 0 abstain and 1 absent.

- c. PUBLIC HEARING Case No. 21-V-08; A Variance from the sign limitations listed in Section 154.041(A)(2) of the New Millennium Code of the Village of Schiller Park pursuant to the authorized exceptions listed in Section 155.098(B)(2)(f) upon the property located at 4835 Michigan Ave.

Motion to Open Hearing was made by Commissioner Flanagan and seconded by Commissioner Powrozek.

Motion carried unanimously on a voice vote.

Petitioner, Eric Kretschmer of DLA Architects was sworn in by Chairman Meyers.

Petitioner Kretschmer addressed the Board regarding the sign design and locations of new signage since the property is presently under construction. The sign(s) will be illuminated with LED Lighting to illuminate the school name but the lighting does not shine out into neighboring property or the street. Additional signage for walls was discussed.

There was general discussion among the Commissioners. Staff had concerns about illumination disturbing neighboring residences. Commissioners and Staff agreed that the monument and street signage is adequate and additional illuminated signs on walls was not necessary.

Chairman Meyers asked if there was a motion to recommend a sign limitation variance to permit an increased size of an illuminated monument sign to identify Washington Scholl located at 4835 Michigan Avenue. Motion was made by Commissioner Flanagan and seconded by Commissioner Bowcock

Motion carried unanimously on a voice vote.

Ayes: Commissioners: Lauricella, Powrozek, Figareli, Kisiel, Bowcock and Flanagan.

Nayse: None.

Abstentions: None.

Motion Carried by a count of 6 “aye” votes to 0 “Nayse” and 0 abstain and 1 absent.

- d. PUBLIC HEARING Case No. 21-C-12; A Conditional Use pursuant to Section 155.1904(A)(9) of the New Millennium Code of the Village of Schiller Park to operate a Warehouse & Distribution use within the I-1 Industrial District, upon the property located at 9611 Winona Ave.

Motion to Open Hearing was made by Commissioner Kisiel and seconded by Commissioner Figareli.

Motion carried unanimously on a voice vote.

Petitioner, Joe Castaldo of United Delivery Service was sworn in by Chairman Meyers.

Petitioner Castaldo addressed the Board that his company is a warehouse and distribution center with 15-25 drivers that will deliver same day packages in the area.

There was general discussion among the Commissioners. Staff recommendation stipulated conditions that the parking lot on west end of property not be used for loading.

Chairman Meyers asked if there was a motion to recommend the operation of a warehouse and distribution center within the I-1 Industrial District at the property located at 9611 Winona Avenue. Motion was made by Commissioner Kisiel and seconded by Commissioner Powrozek.

Motion carried unanimously on a voice vote.

Ayes: Commissioners: Lauricella, Powrozek, Figareli, Kisiel, Bowcock and Flanagan.

Nayse: None.

Abstentions: None.

Motion Carried by a count of 6 “aye” votes to 0 “Nayse” and 0 abstain and 1 absent.

- e. PUBLIC HEARING Case No. 21-V-11; A Variance pursuant to Section 155.704(A)(1) of the New Millennium Code of the Village of Schiller Park to reduce the minimum front yard setback listed in Section 155.1606(C) upon the property located at 9718 Irving Park Road.

Motion to Open Hearing was made by Commissioner Flanagan and seconded by Commissioner Figareli.

Motion carried unanimously on a voice vote.

Petitioner, Tom Damian was sworn in by Chairman Meyers.

Petitioner Damian addressed the Board requesting a variance to reduce the front yard setback to zero for his restaurant development.

There was general discussion among the Commissioners. Staff considered comparable surrounding non-conforming neighboring property and agreed that 25-0 is in harmony with the intent of the chapter.

Chairman Meyers asked if there was a motion to recommend the reduction of the front yard setback upon the property located at 9718 Irving Park Road. Motion was made by Commissioner Flanagan and seconded by Commissioner Bowcock.

Motion carried unanimously on a voice vote.

Ayes: Commissioners: Lauricella, Powrozek, Figareli, Kisiel, Bowcock and Flanagan.

Nayse: None.

Abstentions: None.

Motion Carried by a count of 6 “aye” votes to 0 “Nayse” and 0 abstain and 1 absent.

- f. PUBLIC HEARING Case No. 21-PUD-13; A Conditional Use in the Nature of a Planned Development pursuant to Article XXI of Chapter 155 of the New Millennium Village Code of Schiller Park to consolidate and rezone property within the R-2 Single Family Residence District to C-2 Community Shopping District and construct a speculative commercial shopping center upon the property located at the South East corner of Irving Park Road. and Scott Street.

Motion to Open Hearing was made by Commissioner Porowzek and seconded by Commissioner Kisiel.

Motion carried unanimously on a voice vote.

Mark Kupiec, Attorney for Applicant Mario Mikoda was sworn in by Chairman Meyers.

Attorney Kupiec addressed the Board with his clients request to rezone and construct commercial property at the South East corner of Irving Park Road. and Scott Street, in which Mikoda has owned for 15 years.

Mitch Mho, of Neri Architects was sworn in by Chairman Meyers.

Mr. Mho described the property destination site as 2 building sites with parking and courtyards with an out-lot containing a building. Interiors are currently open to accommodate tenant build out from 1500 square feet and up. Property has trash enclosures separate, with electric and gas behind buildings. Landscaping will run along the building perpendicular with Irving Park Road to allow a screen to the elements. There would be fencing along the neighboring cemetery.

Representative from KLOA, Traffic Consultant retained by the Petitioner, was sworn in by Chairman Meyers.

The representative addressed the Board describing exits and entrances into the development. Access off of Irving Park Road into the site would be a right in when traveling East or left in when traveling West from the center turn lane. Traffic plans are in place to allow exit on Irving Park Road to mitigate drivers from exiting on Scott Street.

Traffic studies were conducted in June 2019, February 2021 and that IDOT was scheduled to conduct their own new study of traffic on Irving Park Road. Findings suggested that there would only be an approximate 10% increase in traffic with only about 10 more vehicles per hour.

There is a pedestrian crossing proposal which would allow for a sidewalk to Judd from across Irving Park Road and to provide sidewalk for the Northern subdivision along Irving Park Road.

Public Comments:

Steve Belzek, resident of 9916 W. Irving Park Road since 1961 expressed concern over rain water since the current land absorbs lots of water and the area is a potential flood zone. Belzek also expressed concern over the center turn lane slated for Irving Park Road later this year. Belzek believes that this center turn lane would relieve congestion, but would provide little relief if this project and apartments were to be developed.

Village Planner Barnacki advised that a portion of this site was in a flood zone and plans would only be approved if this was addressed.

Thomas Battista, owner of the Eden Memorial Cemetery, stated his cemetery is the oldest entity in Schiller Park just celebrating its 125th anniversary and has a strong heritage in town. Battista spoke that a measure of the center lane to relieve traffic and how it impacts funeral traffic could not provide accurate figures because due to Covid, traffic on Irving Park Road has been unusually light. There is also a cemetery concern about water run off on the East and South side of the cemetery.

Mark Bidas, 22-year resident of 4158 N. Scott Street expressed concerns of the safety for children with the potential in increased traffic on Scott Street which has a school, playground, pool and waterpark with concern of the dangers for the crossing guard and children attempting to cross Irving Park Road. Concerns regarding the flood zone were also expressed.

Victor Games residing at 9858 Irving Park Road stated that there are already too many accidents on Irving Park Road.

Mark Chraca, owner of 4208-10 Scott Street asked why there was no signage regarding this ZPA meeting and expressed concerns of overflow traffic funneling through the neighborhood.

Village Planner Barnacki advised that Schiller Park has followed the laws with notices and reminded the attendees that this is only a preliminary hearing and the Zoning Board would make the ultimate decisions.

Robert Graeff, 36-year resident of 10008 Irving Park Road stated there is no quality of life on Irving Park Road and there already is too much traffic.

Maryann and Gary Rowan, residents of 9942 Irving Park Road expressed increased traffic concerns.

Mario Jakubczak, resident in town since 1999, who owns property at 9850 Irving Park Road and 9858 Irving Park Road emphasized the concern of additional vacancies in additional commercial property, which the town already has several store fronts vacant. He would prefer to see this land remain residential only.

Staff recommendations consist of:

- All recommendations as documented in the **Attached Memorandum dated April 14, 2021.**

Along with the recommendations formulated based on the feedback provided by present members of the public and the commissioners

- Placing a limitation, the commercial uses allowable upon the PUD site only to those identified by the commission.
- All stormwater management regulations be adhered to and designed in accordance to the Village standards.
- Limiting the access off of Scott St. at the southernmost access which provides ingress and egress to the rear of the commercial units. This condition was modified by the commission to limit access to and from Scott St. entirely.
- The final development land will include all IDOT approvals and written applications to IDOT or letters indicating approval from IDOT.

- That the PUD shall be limited to use by Applicant and shall not be transferable or assignable for use by any other individual or entity except upon reapplication, hearing and approval in the manner provided in the Schiller Park Zoning Ordinance

For the reasons outlined in the memorandum, staff recommends that the Zoning, Planning and Appeals Commission approve the Petitioner's request for Conditional Use in the Nature of a Planned Development in accordance with the proposed preliminary site plan including the requested modifications, recommend restrictions, conditions and additional documentation as deemed necessary for final development plan approval.

Chairman Meyers asked if there was a motion to recommend to consolidate and rezone property within the R-2 Single Family Residence District to C-2 Community Shopping District and construct a speculative commercial shopping center upon the property located at the South East corner of Irving Park Road. and Scott Street. Motion was made by Commissioner Flanagan and seconded by Commissioner Powrozek.

Ayes: Commissioners: Lauricella, Powrozek, Figareli, Kisiel and Flanagan.

Nayse: Commissioners Bowcock

Abstentions: None.

Motion Carried by a count of 5 "aye" votes to 1 "Nayse" and 0 abstain and 1 absent.

10 MINUTE ADJOURNMENT: Attorney Murphy called for a 10-minute recess at 8:56pm. Meeting reconvened at 9:03pm.

- g. PUBLIC HEARING Case No. 21-ZT-07; a text and map amendment to Chapter 155 of Title XV of the New Millennium Village Code of Schiller Park to accommodate the addition of the C-3/O Flex Commercial Overlay District and requesting a change in zoning from I-1 Industrial District to C-3/O Flex Commercial Overlay District upon the properties located at 5100 River Rd.; 5060 River Rd.; 5050 River Rd.; 5035 River Rd.; 5025 River Rd.; 5000 River Rd.; 4926 River Rd.; 4900 River Rd.; 4848 River Rd.; 9440 Ainslie St.; 9420 River St.; 9405 River St.

Motion to Open Hearing was made by Commissioner Porowzek and seconded by Commissioner Kisiel.

Motion carried unanimously on a voice vote.

Petitioner, Scott Bernacki, Schiller Park Village Planner, was sworn in by Chairman Meyers.

Petitioner Bernacki addressed the Board. The addition of the C-3/O Mixed Commercial Overlay District and corresponding rezoning of identified properties is perceived to align with the Villages vision of building and development to the best advantage of the entire community. In 2017, the Village laid the groundwork to proactively address the zoning and land use trends for this vital sub area of the community. These plans have been formulated through a comprehensive planning effort which has incorporated scores of

community stakeholder feedback. www.villageofschillerpark.com 2 / 2 The Village's proposed map amendment seeks to re-zone all frontage properties along the North River Road Corridor. The identified area begins 400' North of Lawrence Ave. and ends at the Village's community border on Foster Ave. A "frontage property" is considered any parcel within 300' of the River Road right of way. This rezoning project excludes the existing Multiple Family Residences located on River Street, on the East side of River Road, and all lots maintained as Controlled Open Space presently owned and maintained by the Cook County Forest Preserve. The proposed text amendment establishes an "overlay" which allows for the continuation of ALL current underlying zoning uses. This means the use of property as allowed under the original zoning classification will be permitted to continue without change on the affected properties. Put simply, 1. The overlay serves to ADD and EXPAND the uses allowable on the specified properties. 2. The overlay DOES NOT take away any uses currently allowable within the district. New uses included in the overlay have been established to meet the changing demands for property in this specific sub-area of town. The proposed uses in the new zoning district cater to the commercial and entertainment businesses viewed as you move into neighboring Villages North of Schiller Park. New overlay uses range from banks and bakeries, hotels and offices, to recreation and entertainment and look to add a healthy mix of productive businesses. This pivot hopes to encourage enhanced economic redevelopment opportunities for these highly visible community properties while still maintaining the existing benefits gained through the present industrial zoning. The Village hopes that the expanded list of uses in the overlay builds a foundation for a stronger and more vibrant corridor.

Attorney Murphy clarified the overlay district would allow industrial use to allow more than one conditional use with some restrictions.

Public Comments were heard from Mike Matuschka, commercial tenant at 9405 River Street who stated this allows for more exposure from street view. George Zarytsky owner of 9440 Ainslie, stated the text and map amendment adds value to the property but does not take any away.

There was general discussion and agreeance among the Commissioners.

Chairman Meyers asked if there was a motion to recommend a text and map amendment to Chapter 155 of Title XV of the Code, to accommodate the addition of the C-3/O Flex Commercial Overlay District and requesting a change from I-1 Industrial District to C-3/O Flex Commercial Overlay District upon the properties located at: 5100 River Rd.; 5060 River Rd.; 5050 River Rd.; 5035 River Rd.; 5025 River Rd.; 5000 River Rd.; 4926 River Rd.; 4900 River Rd.; 4848 River Rd.; 9440 Ainslie St.; 9420 River St.; 9405 River St. Motion was made by Commissioner Bowcock and seconded by Commissioner Kisiel.

Ayes: Commissioners: Lauricella, Powrozek, Figareli, Kisiel and Flanagan.

Nayse: None.

Abstentions: None.

Motion Carried by a count of 6 "aye" votes to 0 "Nayse" and 0 abstain and 2 absent.

- h. The second part of Case No. 21-ZT-07; to consider a map amendment to Chapter 155 of Title XV of the Code to request a change in zoning from C-2 Community Shopping District to R-2 Single Family Residence District upon the properties located at: 9638 Irving Park Rd.; 9630 Irving Park Rd.; 9628 Irving Park Rd.; 9620 Irving Park Rd.

Petitioner Bernacki addressed the Board. The Village's proposed map amendment seeks to re-zone selected frontage properties on the North side of Irving Park Road, beginning at the Village's Skate Park and traveling West through to the Village's Recreation Center. Properties to be rezoned also include other property owned by the Village, including but not limited to the Schiller Park Activity Center and lastly property owned by the International Christian Assembly of God.

The proposed map amendment will allow for the continuation of ALL current land uses. This means the use of property as allowed under the original zoning classification will be permitted to continue without change on the affected properties. In fact, the zoning change to R-2 Single Family Residential is viewed to compliment the uses as existing by providing the necessary development flexibility for future building improvements. The rezoning of identified properties is perceived to align with the Villages vision of building and development to the best advantage of the entire community. The map amendment looks to assist in correcting the nonconformities presented as a result of past policy and has determined that the identified properties are indeed suitable for the uses that presently exist. It has been determined that the map amendment would serve in part as a move to cement or improve upon the Villages civic core as identified in the 2017 draft comprehensive plan for the Village of Schiller Park.

There was general discussion and agreeance among the Commissioners.

Chairman Meyers asked if there was a motion to recommend a map amendment to Chapter 155 of Title XV of the Code to request a change in zoning from C-2 Community Shopping District to R-2 Single Family Residence District upon the properties located at: 9638 Irving Park Rd.; 9630 Irving Park Rd.; 9628 Irving Park Rd.; 9620 Irving Park Rd. Motion was made by Commissioner Flanagan and seconded by Commissioner Bowcock.

VI. PUBLIC COMMENT: No additional public comment.

VII. MOTION TO ADJOURN:

There being no further business, a motion to adjourn was made by Commissioner Flanagan and seconded by Commissioner Lauricella.

Motion carried unanimously on a voice vote.

Meeting adjourned at 9:24pm.



MEMORANDUM

To: Zoning, Planning and Appeals Commission

From: Community and Economic Development Department Staff

Date: April 14, 2021

Subject: **ZPA Case 21-PUD-13.** The Petitioner requests plan approval for Conditional Use in the Nature of a Planned Development pursuant to Article XXI of Chapter 155 of the New Millennium Village Code of Schiller Park to consolidate property and rezone from R-2 Single Family Residence District to C-2 Community Shopping District for the purpose of constructing a speculative commercial shopping center upon the property located at **3850 Scott St.**, Schiller Park, Illinois 60176 [the South East Corner of Irving Park Rd. and Scott St.]

CURRENT CONDITIONS:

The subject property is zoned R-2 Single Family Residence District and is comprised of residential parcels which are platted at the North West Corner of Eden Memorial Cemetery. Also traversing the site is a public way set aside for the construction of the would be Mentzel Ave. The property to the North across Irving Park Rd. is zoned as R-2 Single Family Residence District, to the South and East as R-2 Single Family Residence District and additional cemetery land, and the West across Scott St. as R-2 Single Family Residence District as well as R-4 Multiple Family Residence District.

PETITIONER'S REQUEST:

The Petitioner, MMA Development LLC. is requesting,

1. A Conditional Use in the Nature of a Planned Development pursuant to Article XXI of Chapter 155 of the New Millennium Village Code of Schiller Park upon the property located at 3850 Scott St. [the South East Corner of Irving Park Rd. and Scott St.] which includes.
 - i. The consolidation of existing PINS and subdivision of the newly assembled parcels in accordance with Section. 155.2106. and abiding by the design standards listed in Chapter 153, Article II.
 - ii. The rezoning of property from R-2 Single Family Residence District to C-2 Community Shopping District
 - iii. Preliminary Site plan approval

HEARING DATE:

April 14, 2021 at 7:00 p.m. at the Schiller Park Village Hall.

STAFF REVIEW:

The Zoning Ordinance divides of the community into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land are substantially uniform. In general, a "conditional use" is a type of property use that is expressly permitted within the Zoning Ordinance so long as it meets certain criteria or conditions (please *see* § 155.905). The purpose of such conditional uses is to provide for those uses that are either necessary or generally appropriate for a community but may require special regulation because of unique or unusual impacts associated with them.

In an effort to promote ingenuity, imagination, and design efforts on the part of owners, builders, architects, and developers and to produce developments which are in keeping with overall land use intensity and open

space objectives of the Comprehensive Plan, Article XXI makes available a conditional use procedure which departs from the strict application of the specific zoning requirements of the district where the development is located. The intent of Article XXI is to permit such flexibility and provide performance criteria for planned unit development permits which:

1. Allow a creative approach to the development of land
2. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of zoning and subdivision ordinances
3. Provide for an efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land use and utilities
4. Enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreation and open space
5. Provide an environment of stable character compatible with surrounding areas.

In addition to the standards generally applicable to conditional uses, as provided in this Article XXI herein, no planned unit development shall be approved unless the Zoning, Planning and Appeals Commission shall also find:

(A) That said planned unit development conforms with the intent and specific proposals of the Master Plan.

(B) That the planned unit development will be on a tract of land under common ownership or control. Furthermore, no tract of land located in a residential zoning district shall be considered for a conditional use in the nature of a planned unit development, unless it contains two or more contiguous acres; and no tract of land located in a commercial zoning district shall be considered for a conditional use in the nature of a planned unit development, unless the development shall contain at least 100,000 square feet of gross floor area.

(1) Such common ownership or control shall extend to all common open space, landscaping, exterior maintenance and all other exterior common area aspects of the development for a period of not less than 20 years.

(2) Said common ownership or control shall extend to all portions of the planned unit development for a period of not less than 18 months following the completion of all bonded improvements, common area improvements, and the developer's relinquishing its control of any and all owners associations.

(3) Common ownership or control as required herein shall mean unity of ownership or legal authority to act on behalf of all owners which shall be evidenced by deed, declaration, contract, management agreement or other written guarantee.

(C) That the uses permitted in the planned unit development shall be compatible to each other and with existing land use in the surrounding area. Uses shall be deemed compatible if they are authorized by the underlying zoning district within which the planned unit development will lie and are so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected and such uses will not cause appreciable injury or damage to other property in the area.

(D) That the planned unit development will be responsive to a demonstrated need within the community.

(E) That the maximum height permitted in the planned unit development, exclusive of steeples, belfries, spires, chimneys, smoke stacks, cooling towers, elevator bulkheads, parapet walls, and building equipment penthouses shall not exceed the maximum height permitted for the zoning district in which the development is located.

(1) Provided such buildings do not exceed 35 feet in height, the minimum horizontal distance between buildings (including their appurtenances) of one story, two stories, three stories, or combinations thereof, shall not be less than 15 feet.

(2) In the case of buildings exceeding 35 feet in height, the space between buildings shall be equal to the height of the tallest building from which the measurement is taken.

(F) That the required yards along the periphery of the planned unit development shall be at least equal in width or depth to the greater of the required yard in the underlying zoning district in which the planned unit development is located, the required yard for real property adjacent to the planned unit development, or a distance not less than the height of the closest building located in the planned unit development to such yard — unless such planned unit development is located adjacent to real estate owned by the Illinois Toll Highway Authority, in which event the yard adjacent to such real estate shall be 50 feet.

(G) That residential density of the planned unit development shall not exceed in number of dwelling units the maximum number of lots that could be achieved through a conventional subdivision of the site as demonstrated by the subdivision sketch plan. It is understood that whenever the development is located in more than one zoning district, the number of allowable dwelling units must be separately calculated for each portion of the development that is in a separate zoning district. Thereafter the combined total of all dwelling units so calculated as allowable may be constructed and distributed within the entire planned unit development without concern for the respective zoning districts within which the planned unit development is located, provided there is compliance with building locations shown upon the site plan approved for such planned unit development.

The board is charged with ensuring the uses permitted in the planned unit development shall be compatible to each other and with existing land use in the surrounding area. Uses shall be deemed compatible if they are authorized by the underlying zoning district within which the planned unit development will lie and are so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected and such uses will not cause appreciable injury or damage to other property in the area. Where the purpose and effect of the proposed development is to change the zoning classification of particular property, the Board will consider evidence presented with respect to the following matters.

- (1) Existing use of property within the general area of the property in question;
- (2) The extent to which property values are diminished by the existing zoning classification;
- (3) The extent to which the existing zoning classification and/or proposed zoning promotes the general health, safety, and welfare of the citizenry of the Village;
- (4) The relative gain to the public as compared to the hardship imposed upon the applicant;
- (5) The suitability of the particular property for the purposes for which it is presently zoned;
- (6) The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area in which the property is located; and
- (7) The compatibility of the proposed zoning with the comprehensive plan of the Village.

Lastly, it should be noted that the applicant is choosing to seek approval regarding the preliminary development plan. The plan commission shall make its findings and recommendations to the President and Board of trustees. The approval of the preliminary development plan vests no rights in the applicants of than to submit a final development plans to this commission. The applicant then shall have 6 months following the approval of the preliminary plan to file with the Zoning Commission the final development plan and final subdivision plat. If the final development plan causes change to any of the below listed items, then a second zoning hearing shall be conducted in order to review the final development plans.

- (1) A change in the use or character of the development;
- (2) An increase by more than one percent (1%) in the overall land coverage of structures;
- (3) An increase in floor area or, in the case of residential areas, an increase in density;
- (4) An increase in the problems of traffic circulation and public utilities;
- (5) A reduction of more than one percent (1%) in approved common open space;
- (6) A reduction in off-street parking and loading spaces; or
- (7) A reduction in required pavement widths.

Existing conditions: The long vacant land consists of 20 individual parcels residing within the R-2 Single Family Residence District. There also exists a public right of way including Mentzel Ave. as well as multiple public utility and drainage easements. It is anticipated that this right of way be vacated by the Village in order to accommodate the proposed development. It is also expected that the applicant vacates all obsolete and inactive public utility and drainage easements and authorize those deemed necessary by the Village prior to plan approval.

Tentative plat of subdivision: The Preliminary plat of subdivision appears to show the consolidated property being divided into two parcels for development. The “Northern Parcel” and the “Southern Parcel.” It is the intent of the developer to rezone the Northern Parcel as C-2 Community Shopping District and the Southern Parcel as R-4 Multiple Family Residence District. Based on the lack of detailed information received regarding the Southern Parcel, the Village cannot confidently consider the

applicants request to rezone to R-4 Multiple Family Residence District as this stage of the preliminary plan development. For the purposes of the staff assessment, the consolidated and subdivided Southern Parcel shall remain as R-2 Single Family Residence District until further information can be collected.

The applicant additionally has submitted exhibits which appear to display 3 parcels total. Certain documentation suggests that the “Northern Parcel” be further subdivided into 2 separate commercial lots. The intent of the developer must be verified, and corrections should be addressed in the subdivision document and final development plans.

The Northern Parcel has an area totaling 106,454 SF and demonstrates 608.33 LF of principal frontage along Irving Park Rd. and 203.56 LF of frontage along Scott St. This would appear to offer a compliant C-2 Lot in accordance with the lot size requirements listed in Section 155.1605. If the Northern Parcel were further subdivided into two lots, both would appear to be minimally designed in accordance with the subdivision standards listed in Chapter 153 Article II.

The Southern Parcel has an area totaling 34,904 SF and is sited directly south of the Northern Parcel. This parcel demonstrates 146.78 LF of principal frontage along Scott St. and shares a 292.09 LF boarder with the Northern Parcel. The surrounding property to the south and east of the Southern Parcel is belonging to Eden Cemetery. The consolidated and subdivided parcels appear to offer compliant lots for their proposed zoning districts.

Statement of objectives and proposed use: It has been determined that the proposed use of the property for the construction of a two new multi-tenant commercial buildings and one standalone drive through building would be an appropriate use for the Northern Parcel only after receiving a final plan development approval including rezoning and an approved subdivision.

Quantitative summary: It is requested that the quantitative summary below also be broken down into the phase components for the final development plan.

Lot area in acres and square feet: 141,358 SF / 3.25 Acres

Residential density: 24 units proposed but not considered in this preliminary plan proposal

Total area and footprint area of principal buildings:

Commercial Building 1: 10,526 SF

Commercial Building 2: 10,526 SF

Commercial Building 3: 3,970 SF

Total area and footprint area of accessory buildings: None proposed.

Area of roads: None proposed.

Number of parking spaces: 99 Commercial Parking Spots on Northern Parcel. 137 total displayed.

Area of exterior parking facilities in square feet:

Northern Parcel | 62,807.86 SF (59% of the Northern Parcel will be devoted to parking area)

Southern Parcel | 18,848.16 SF (54% of the Southern Parcel will be devoted to parking area)

Total Site | 81,656.02 SF (57% of the entire site will be devoted to parking area)

Percentage of ground cover:

Northern Parcel

Principal buildings: 23%

Parking areas & access lanes: 59%

Recreational facilities: None, however the proposal features 18% of ground cover devoted to landscaping areas.

Southern Parcel

Principal buildings: 27%

Parking areas & access lanes: 54%

Recreational facilities: None, however the proposal features 19% of ground cover devoted to landscaping areas.

Area of commonly owned and maintained uncovered ground (open space);

Northern Parcel | 19,591.73 SF

Southern Parcel | 6,785.73 SF

Maximum residential density that would be achievable through a conventional subdivision: The site as platted would appear to demonstrate parcels for 19 units. The underlying zoning district of R-2 Single Family Residence District would allow for the construction of single family homes upon conforming sites or sites being made to conform to the lot size regulations for such a development.

Open space statement: The developer's justification for not designing any usable common open space or areas devoted to recreational facilities in this proposal is its proximity to Kennedy Park. That the community park which is 750' to the south of the Southern Parcel offers open space and recreation facilities for its residents and users to enjoy. It should be noted that there is a significant landscaping plan throughout this proposal to beautify both the commercial and residential sites. The commercial parcel was thoughtfully design with an internal courtyard and circulation path to allow for a comfortable shopping experience as well as a safe way for potential residents of the Southern Parcel to access the commercial amenities on the Northern Parcel.

Traffic study:

1. The preliminary site plan demonstrates a full movement access drive at Irving Park Rd. and Hirschberg and an outbound access drive 170' East of Hirschberg Ave. If the subdivision requires IDOT approvals, the written application to IDOT or a letter from IDOT indicating their approval should be included in the final development plans.
2. The traffic study concludes that a right-turn lane from eastbound Irving Park Road into the full movement access drive at Hirschberg is not required, but the improvement is displayed on the proposed site plans. The intent of the applicant must be verified, and corrections should be addressed in the final development plans. If the subdivision requires IDOT approvals, the written application to IDOT or a letter from IDOT indicating their approval should be included in the final development plans.
3. Clarification from the traffic study professional is needed to understand the traffic adjustments anticipated at Irving Park Rd. and Scott St. that have been noted in the study after the completion of the IDOT project and the proposed development. Is the applicant proposing Scott St. be amended from its current Southbound one-way status to accommodate left out onto Irving Park Rd.? Knowing that the Multiple Family building is not being considered at this time, does the applicant seek to make Scott St. a two-way street through to the southernmost left in left out access provided along Scott St. upon the Northern Parcel?

Declaration: It is requested that prior to final development plan approval, the applicant establish an owners' association through a declaration of covenants, conditions and restrictions, and easements which will be recorded and run with the land and be binding upon every purchaser of all or any portion of the planned unit development. All land shown on the final site plan as common open space must be conveyed to and maintained by a private owners' association or similar organization formed by a condominium agreement, declaration, indenture, restrictive covenant or other binding agreement acceptable to the President and Board of Trustees. The legal instrument(s) creating such owners' association must specify that the common open space and related authorized improvements will be maintained according to the enumerated criteria, and shall include a provision granting the Village a right to enforce the same. The declaration shall include requiring:

- (a) Limitations on use and maintenance of land comprising the planned unit development.
- (b) The developer to convey the private streets or roads, detention or retention facilities and common areas to the owners' association.
- (c) The owners' association to maintain and repair any and all private streets or roads, detention or retention ponds and common areas and any and all appurtenances thereto; and
- (d) That, if the owners' association fails to maintain and repair any and all private streets or roads, detention or retention ponds and common areas, the Village may, but is not required to, enter upon the property to maintain and repair such items and that the owners' association will pay the cost thereof.

The declaration shall be submitted to the Zoning, Planning and Appeals Commission subject to review and final approval by the Corporation Counsel prior to final development plan approval.

Maps and graphics:

Existing site conditions / It is requested that prior to final development plan approval, the applicant submit to the Village a map that illustrates existing floodplains. The Village requests copies of any applications or approvals from MWRD or Army Corps of Engineers regarding flood plain or water retention requirements. The final development plan should also include the identification of any unique soil conditions, or environmental data including a tree survey. The Village wishes to preserve as many old growth trees upon this site to compliment the new landscaping.

Grading plan / It is requested that as part of final development plan approval, the applicant submits a plan that illustrates the earth moving and grading, to be performed on the site.

Maximum Height / The maximum height of any building may not exceed 45' in accordance with Section 155.2103(E)& 155.109(H)(1) and shall be noted as part of final development plan approval.

Circulation plan | It is requested that as part of final development plan approval, the applicant submit a circulation plan demonstrating how vehicles will move within the subdivision from all directions upon each building. A fire apparatus movement plan showing truck movement and identification of all fire lanes within the development is requested. Additional attention should be paid to pedestrian access. In accordance with the plan submitted by IDOT, a new pedestrian access way will provide accessible and safe route to the proposed site from North of Irving Park Rd. via the planned crosswalk enhancements at Judd Ave. In accordance with the subdivision standards in Chapter 153 Article II, the developer shall be expected to install a 5' landscaped buffer and 5' ADA pedestrian sidewalk the full length of the property along the East side of Scott St. This will assist all users and residents' safe access to the community park being utilized for this development's open space contribution.

Access / It is requested that as part of final development plan approval, the applicant submit alongside the circulation plan an exhibit which displays ingress and egress access to the parking spaces needed for the Southern Parcel and along the property line through the Northern Parcel in accordance with the listed standards of 155.2104(E)(2). The Village would also like to know who will be responsible for replacing and maintaining the entrance apron and aisle that provides access through the Northern Parcel into the Southern Parcel, and who will own and maintain common entrance areas. The final development plan shall include any anticipated owners' association, including proposed covenants, restrictions, conditions, and easements in accordance with 155.2102(C)(6) & 155.2104(E)(5).

Other information / It is requested that prior to final development plan approval, the applicant submits any written statements of interest from prospective tenants or lot owners.

Preservation of Landscape: The proposed landscaping enhancements compliment the nature of the site and are seen to be of great improvement to the existing site. These plans mirror that of similar business in the area including Walgreens and Starbucks just down the road.

Functional and Mechanical Features: The proposal features two unique buildings with dual frontages leaving explicit and intentional areas for maintenance services, exposed machinery, loading, and building utilities. These installations shall be designed to be made as unobstructive as possible and masked by special plantings or other approved screening methods like full garbage enclosures. All enclosures are subject to setback regulations of the underlying district.

Visual and Acoustical Privacy: It is requested that as part of final development plan approval, the applicant submit a fencing exhibit. The applicant should identify the type of separation that will be offered between the cemetery parcels and the commercial Northern Parcel and residential Southern Parcel? It is anticipated that the existing unsightly chain link fence be uninstalled as part of this development. The applicant should identify what type of barrier or fencing will be utilized to provide an

appropriate protection and aesthetic enhancement for the commercial property or for the privacy the future residential occupants.

Permitted Modifications

In conjunction with a planned unit development permit approval, the Zoning, Planning and Appeals Commission in their sole discretion may recommend or approve modifications from the regulations of the underlying zoning district within which the planned unit development is located. The Applicant has not explicitly requested any modifications to the plan, however the zoning administrator has found the following modifications to be necessary to permit the development as proposed. It is noted that the Southern Parcel and the proposed multiple family residential use was not assessed for modifications from the zoning code at this time. ALL modifications below address only the commercially zoned Northern Parcel.

off-street parking

1. Modifications from 155.2203(A)(2)(c) and the location of parking on the lot. Parking is proposed to be supplied in the front yard of the Northern Parcel and the Southern Parcel.
2. Modifications from 155.2203(B)(7) and the number of spaces provided for a commercial shopping center. This classification was utilized for this parking determination given that the users of the buildings are unknown at this time. The requirement calls for 6 off street parking spaces per 1000 SF of gross floor area. With 2 commercial buildings totaling 10,646.5 SF each, the parking requirement is to supply 128 off street parking spaces. Currently the proposal calls for 61 spots along the Irving Park Rd. frontage and 24 spots in the rear of the same two commercial units. This totals 85 dedicated spots devoted to the shopping center. It is presently unknown how the parking supplied in the Southern Parcel will be allotted to the commercial Northern Parcel through dedications or easements. This condition holds the potential to add up to 21 off street parking spaces for commercial use, which still falls 22 spaces or 17% short of the requirement.

Another standalone commercial building offers 14 parking spaces upon the Northern Parcel and may support a variety of individual uses. For example, a Bank locating in the drive through unit would only require 4 spaces per 1000 SF whereas if a restaurant were to locate in this space, the use would require 10 spaces per 1000 SF. The drive through unit currently only supplies 14 off street parking spots. This would effectively make this unit 35% under parked, a potential marketing challenge for the developer's real estate team when attracting certain desirable end users without further zoning relief.

It is recommended that the ZPA permit the same shared off-street parking facility on the Northern Parcel to qualify as required facilities to two or more uses within the proposed commercial buildings upon Northern Parcel. This would result in a grand total of 99 spaces on the Northern Parcel. The summary of parking requirements issued by the traffic professional suggests that the weekday peak demand would require 79 parking spaces and the weekend peak demand would be 103 parking spaces for the restaurant / retail uses only.

Yard / No modifications requested from 155.1606

Lot Size | No modifications requested from 155.1605.

Lot Shape | No modification requested from 153.201(A)(1).

F.A.R. | No modifications requested from 155.1607

Height / No modifications requested from 155.109(H)(1)

Required separation between buildings / No modifications requested from 155.2103(E)(1)

Maximum lot coverage regulations | No lot coverage restrictions are listed in the C-2 Community Shopping District therefore no modification is required for the Northern Parcel.

Open space

1. Modifications requested from 155.2104(E) requiring at least 20% usable common open space. Applicant requests reduction based upon the existence of Kennedy Park and its vast public recreational amenities that are offered 750' to the south of the Southern Parcel.

The above modifications are viewed as appropriate in accordance with the proposed site plan and recommended conditions to be applied to the final development plan. Provided that the Zoning, Planning and Appeals Commission and/or President and Board of Trustees has determined that the development plan complies with the Comprehensive Plan and the spirit and intent of this Chapter, the above listed modifications shall be recommended for approval and noted in the final development plan.

Additional restrictions or conditions for preliminary site plan approval

The Zoning, Planning and Appeals Commission may recommend, and the President and Board of Trustees may impose such additional restrictions, conditions, or development schedules which are particularly applicable to such planned unit development. Staff recommends imposing the following additional conditions for contingent approval of the preliminary development plan.

1. *Circulation Comments / Section 155.2102(C)(7)(f)*

- a. All aprons in the Village right of way shall be poured concrete in accordance with Village specification. This is to ensure material consistency of pedestrian sidewalks across all vehicle entryways.
- b. It is recommended that ADA pads be installed in each instance a sidewalk traverses a vehicle entryway.
- c. The installation of the 5' ADA sidewalk along the East side of Scott St. shall be as parallel as possible to the street, leaving a 5' landscaped buffer between the new walks and the curb. This would assist in accommodating more consistent pedestrian services by allowing for the new poured sidewalk to accommodate safer passage for residents and users, at least for the length of the development area. This recommendation aligns with the subdivision standards for street relationships and connections listed in Section 153.201(B)(2)(a). The Village's application of this condition to all applicable development projects ensures the operation and maintenance of safe and accessible streets and rights of way for users of all ages and abilities.
- d. It is recommended that the existing and new walkways installed along the periphery also provide a safe passage into the development. The proposal offers access primarily by vehicle users. It is recommended that the final development plan also feature direct paved & striped pedestrian entry from the sidewalks along Irving Park Rd. and Scott St. This creates an added separation of vehicle and pedestrian circulation and makes for a safer and more desirable overall development. It is also recommended that the proposed full movement access drive at Irving Park Rd. and Hirshberg Ave. feature a curbed pedestrian island to allow for safe pedestrian passage across this wide and busy vehicle entryway. (*See Exhibit 2D "Pedestrian Enhancements"*)

2. *Landscaping and Tree Preservation Comments / Section 155.2102(C)(7)(g)*

It is understood that some site improvements come at the expense of the elimination of certain trees, however, it is expected that every effort should be made to work around or relocate existing trees upon the property. Additional planting beds are recommended to be placed along the Northern Parcel's frontage in the area between the property line along Irving Park Rd. and the proposed parking field located in the front yard of the lot. This area is already proposed for tree planting; however, the area should be reinforced with additional low rise planting beds between the trees. This preferred planting condition would assist in masking the obstruction that the parking presents within the 25' open front yard. Similar additional natural screenings are required to prevent the buildings mechanical features or garbage enclosures from being incongruous near the Village walkways.

3. *Lighting Comments / Section 153.201(B)(3)(g)*

Street lighting is existing in the surrounding neighborhood area and is mostly adequate. Any lighting installed on the site should produce no light spillage onto the Village ROW or neighboring residential properties. All lighting installed on the building's exterior wall must be full cut offs so as to not endanger or be injurious to the enjoyment of the neighboring residential properties.

Staff concludes that the proposed use for the subject property with the added conditions and permitted modifications is appropriate for the lot and the neighborhood. The vision for the property generally aligns with the uses set aside by the Village's zoning ordinance and identified Village vision. The project can be viewed as a productive addition to the community.

CONCLUSION:

For the reasons outlined above, staff recommends that the Zoning, Planning, and Appeals Commission approve the Petitioner's request for Conditional Use in the Nature of a Planned Development in accordance with the proposed preliminary site plan including the requested modifications, recommend restrictions, conditions and additional documentation as deemed necessary for final development plan approval.