STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission
Prepared By: Katherine E. Lockerby, Development Planner
Meeting Date: February 26, 2014
Date Prepared: February 20, 2014
Project Title: Arlington Market
Address: Northwest corner of Dryden and Kensington Road (Single Family Component)

BACKGROUND INFORMATION

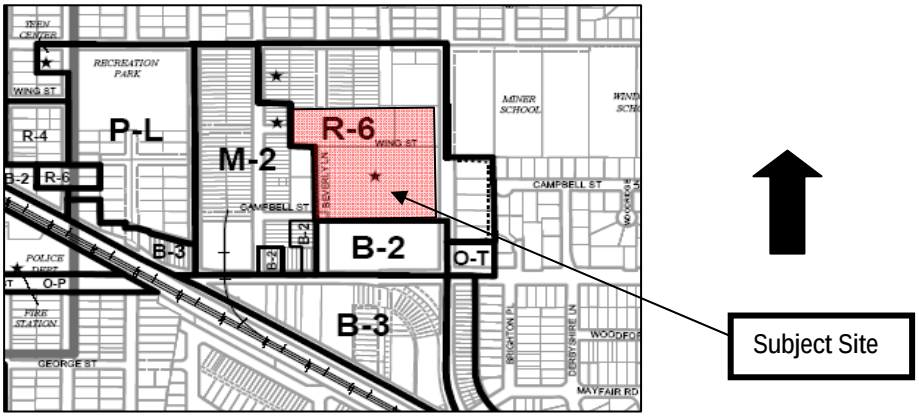
Petitioner: Greg Collins
Address: M/I Homes
400 E. Diehl Road, Suite 230
Naperville, IL 60563
Existing Zoning: R-6, Multi-Family Dwelling District

Requested Action:

1. An amendment to an existing Planned Unit Development (PUD) to allow certain modifications to a previously approved plan including modifications to previously approved variations from Chapter 28 of the Arlington Heights Municipal Code and to allow four single family lots where six townhouse units had previously been approved;
2. A Preliminary/Final Plat of Resubdivision to divide 9-lots (6 lots for the town homes + 3 lots for the roadway network and open space) into 6 lots (4 single family lots and 2 lots for the roadway network and open space).

Variations Required:

1. See Appendix A



Surrounding Land Uses:

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	R-6, Multi-Family Dwelling	Lincoln Lane Apartments, Miner Apartments & Eastwood Condominiums	Moderate Density Multi-Family
South	B-3, General Service, Wholesale, Motor Vehicle	Mariano's	Commercial
East	P-L, Public Lands, R-6, Multi-Family Dwelling, & O-T, Office Transitional	Miner Middle School, Dryden Apartments & Office Building	School, Moderate Density Multi-Family, Offices Only
West	M-2, Limited Heavy Manufacturing	Various industrial buildings	R&D, Mgf, Warehouse

Introduction:

M/I Homes has a contract to purchase the single family component of the Arlington Market development. M/I Homes has developed various developments in the Chicagoland area, in addition to approximately 15 other market areas in Ohio, Florida, Texas, North Carolina and Virginia.

The Village is excited by the continued progress made at the Arlington Market site, which had remained an abandoned construction site and a neighborhood nuisance for a few years. With the multifamily portion of the development approved

in 2011 and constructed shortly thereafter and the current proposal to develop the single family component, the development is coming closer to full realization. The Staff Development Committee is supportive of M/I Homes' proposed construction of the single family component in the Arlington Market development.

Zoning Background:

The Arlington Market mixed use development is situated on 14.62 acres and is located at the northwest corner of Dryden Avenue and Kensington Road. The following zoning approvals have been granted for redevelopment of the property:

- 2006: Village Board approved Ordinance 06-043, which allowed for the construction of two, five-story condominium building with 110 units (16-one bedroom, 88-two bedroom, and 6-three bedroom units), 53 single-family residential dwelling units, and two commercial buildings that have a combined floor area of 42,058 square feet.
- 2007: Village Board approved Ordinance 07-077, which amended the underlying PUD ordinance to allow a reduction to the front yard setback for the single family lots along Dryden Avenue and a reduction to the lot size for single family lots 53 through 56, which resulted in four equal sized and developable lots and increased the total single family count to 54 lots.
- 2010: Village Board approved Ordinance 10-022, which amended the underlying PUD ordinance to allow 66 town homes in lieu of 110 condominium units and four single-family homes, and to eliminate an existing condition of approval requiring a grocery store for future Commercial Building B.
- 2011: The Village Board subsequently approved Ordinance 11-029, amending the underlying PUD ordinance to increase some of the multi-family lot sizes.

Unique Development

As stated, in 2006, the Village Board approved the concept of a unique single family development that incorporates a number of neo-traditional elements that are unlike contemporary neighborhoods and the zoning standards that accompany them. Among these are significantly smaller lot sizes and narrower lot widths than what would be allowed pursuant to the Village's Zoning Regulations and the use of alleys in a residential development. Other departures from the Zoning Regulations already approved for the development by the above ordinances are outlined on Appendix B. The following table outlines the proposed lots:

	Code Requirement	Approved Size (Max.)	Proposed Size
Interior Lot Size	70'	28'	28'
Corner Lot Size	90'	33' – 37'	33' – 37'
Side Yard Setbacks	Interior Side Yard: 7' (interior lot) or 9' (corner lot) Exterior Side Yard: 10'	Interior Lot: One setback of 3' and one setback of 5' Corner Lot: One setback of 3' and one 10' setback	Interior Lot: One setback of 3' and one setback of 5' Corner Lot: One setback of 3' and one 10' setback
Front Yard Setbacks	25'	16.5'	16.5'
Building Lot Coverage	35%	Interior Lot: 45% Corner Lot: 35%	Interior Lot: 50% Corner Lot: 38% - 40%
FAR	45%	Interior Lot: 65% Corner Lot: 49%	Interior Lot: 65% Corner Lot: 49% (1 @ 51%)
Impervious Surface Coverage	55%	55%	42% - 56%

Current Request

The current request involves certain modifications proposed to the PUD and plat of subdivision, more specifically:

- The pad located at the northwest corner of the undeveloped site, which was originally platted as single family, was amended to become multi-family, is proposed to be developed as single family with this proposed plan (as four lots).
- A reference to a 45' setback on the approved plat of subdivision shall be removed at this time (required setback is not 45 feet it is 30 feet).

- A number of variations were originally granted for the single family component of the development. The new developer is proposing a new, yet similar, type of housing product. M/I Homes has developed detailed permit plans that now require additional and increased variations (as described below).

Plat and Subdivision Committee Meeting

The Plat and Subdivision Committee reviewed the project on January 22, 2014. All in attendance were in favor of the proposal; however, some noted concerns with the proposed density of the project, but acknowledged that the development was previously approved by the Village. Please refer the minutes from the Plat and Subdivision Committee meeting for more information.

Zoning and Comprehensive Plan

To proceed forward, the Plan Commission must review and the Village Board must approve a number of zoning actions including an amendment to the existing PUD and a preliminary/final plat of resubdivision to divide the northwest corner of the site into four single family lots.

Several variations have previously been approved for the single family component (Appendix B). The proposed product is not exactly what was originally proposed for the site; thus, certain additional and/or modified variations are necessary (outlined on Appendix A). It is important to note that the proposed development of the single family component by M/I Homes is consistent with the originally approved concept of densely platted single family homes in a neo-traditional manner. The changes requested are a result of preparing detailed plans for the houses proposed for the existing lots, which will have a slightly larger building footprint in the rear.

The Petitioner has provided a response to the hardship criteria for the requested variations (Appendix C). The Staff Development Committee accepts the responses to the hardship criteria as the net impacts the additional variations will have on the scope of the development and only minimally impact the rear yards.

Main Key Issues

The main key issues associated with the new concept plan include zoning code bulk standards, detention and construction phasing.

Garage Size

The development includes garages that have an interior dimension of 21'4" (depth) x 19'5" (width). However, the proposed interior width dimension does not meet the minimum interior dimensions for two car garages as set forth in the Building Code. As such, the Petitioner is proposing to seek a variance from the Building Code through the Building Code Review Board process. The Building Code Review Board will review the request on Monday, February 24, 2014. A summary of the Building Code Review Board meeting will be reported to the Plan Commission at the public hearing. It should be noted that if the Building Code Review Board denies the request, slightly larger variations will be requested for Building Lot Coverage, Impervious Coverage and the Percentage of Required Rear Yard Coverage.

Subdivision for Lots 53-56

As previously mentioned, the proposed development requires re-platting the northwest corner of the single-family component from the townhouse lots to the single family lots, consistent with the lot sizes which were approved in 2007. In 2010, this area was incorporated into the townhouse portion of the PUD; however, the area was never constructed as townhouses. Therefore, the following variations are necessary:

1. *A variation from Chapter 28, Section 5.1-3.4 and Chapter 29, Section 29-307, to allow a reduction to the minimum allowed lot size from 8,750 square feet to 3,080 square feet (Lots 54 and 55), from 9,900 square feet to 3,850 square feet (Lot 53) and from 9,900 square feet to 4,264 square feet (Lot 56);*
2. *A variation from Chapter 28, Section 5.1-3.5 and from Chapter 29, Section 29-307, to allow a reduction to the minimum allowed lot width 70 feet to 28 feet (Lots 54 and 55), from 90 feet to 35 feet (Lot 53) and from 90 feet to 37 feet (Lot 56);*

Also, certain setback variations were granted in 2006 for the interior and corner lots within the single family component. Since new lots are being created, the Petitioner is seeking the same variations for the newly created lots:

3. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the required front yard setback from 25 feet to 16.5 feet for proposed Lots 53 through 56.*
4. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along one side and from seven feet to five feet, along the other interior side for interior lots 54 and 55.*
5. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along the interior side yard of corner lots 53 and 56.*

It should be noted that the Petitioner and Staff are still addressing minor issues on the proposed Plat of Resubdivision. Therefore, a condition of the recommendation is that the Petitioner provide signed mylars of the Plat of Resubdivision prior to Village Board consideration.

Additionally, there was an erroneous reference to a 45' setback on the original Plat of Subdivision for Arlington Market. The Petitioner has indicated that an abrogation of the 45' setback line will be prepared and recorded.

Building Lot Coverage

The development consists of 54 existing and proposed single family lots (50 existing and 4 proposed). The details of the proposed lots have been established, which has resulted in the requested additional varaitions. Based on the actual floor plans proposed for the units available, the existing variation from Building Lot Coverage (Ordinance 06-043) is requested to be increased from the previously approved 45% to 50% for interior lots (35% is the Code maximum) and from 35% to 36% - 40% for corner lots (35% is the Code maximum). Therefore, the new variation is requested:

6. *A variation from Chapter 28, Section 5.1-6.5, Maximum Building Coverage and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase to the maximum building coverage from the already approved 45% to 50% for lots 4-14, 17-26, 29-38, 41-51 and 54-55; from 35% to 38% for lots 15, 16, 27, 28, 39 and 40; from 35% to 40% for lot 53; and from 35% to 36% for lot 56.*

If variations are not granted to the garage size from the Building Code Review Board, the requested increase to the Building Lot Coverage variation would be to 51% for interior lots and 37% - 41% for corner lots (an increase of 34 square feet building coverage) or the developer would need to reduce the proposed building area. The motion sheet to be provided at the Plan Commission public hearing will reflect the requested variations depending on the outcome of the February 24, 2014 Building Code Review Board meeting.

Impervious Coverage

The original development did not include any variations to the maximum Impervious Coverage of 55%. However, the development as proposed will exceed that requirement. Therefore, the new variation is requested:

7. *A Variation from Chapter 28, Section 5.1-6.5 and Section 5.3-2, FAR, Building Coverage, Height to allow an increase to the allowable Impervious Coverage from 55% to 56% for lots 10-14, 17-26, 29-38, 41-51, 54 and 55.*

If variations are not granted to the garage size from the Building Code Review Board, the requested increase to the Impervious Surface Coverage variation would be to 57% for the lots enumerated above and a new variation for lots 4 – 9 (to 56%) (an increase of 34 square feet impervious coverage) or the developer would need to reduce the proposed building size.

Percentage of Rear Yard Coverage

Section 6 of the Zoning Regulations requires no more than 40% of the required rear yard to be covered by accessory structures. The garages, as proposed, cover approximately 53% of the required rear yard. Therefore, the following variation is requested:

8. *A variation from Chapter 28, Section 6.5-5, Percentage of Required Rear Yard Occupied, to allow an increase to the allowable Required Rear Yard Coverage from 40% to 53% for lots 4-14, 17-26, 29-38, 41-51, and 54-55 (all interior lots) and from 40% to 42% for lot 53.*

It should be noted that if the garage variation is not approved by the Building Code Review Board, the requested variation will increase to 57% for interior lots and a new variation will be requested from 40% to 43% for lots 3, 15, 16, 27, 28, 39, 40, 52 and from 40% to 41% for lot 56.

Floor Area Ratio

For single family lots in the R-6, Multiple Family Dwelling District, the maximum FAR reverts to the R-3 maximum FAR standards. As explained above, a variation allowing for an increase in the maximum FAR from 45% to 65% for interior lots and from 45% to 49% for corner lots was granted in 2006. All of the proposed lots are meeting the standards set forth in the previous approvals except the one smaller corner lot 53. Therefore, the following variation is requested:

9. *A variation from Chapter 28, Section 5.1-3.7, Maximum Floor to Area Ratio, Section 5.3-2, Maximum FAR calculation for R-3, and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase in the maximum FAR from the already approved 49% to 52% for lot 53.*

Detention, Public Utilities and Fees

With respect to detention, the Arlington Market development was approved with an underground detention vault located underneath the commercial parking lot near the southeast corner of the site. This vault is intended to accommodate most of the storm water detention for the multi-family, single family and commercial components. The remaining difference has is compensated via a fee in lieu of detention, a portion of which is outstanding and required at this time. As part of the formal Plan Commission review, the Petitioner provided a letter from their engineer that outlined the changes to the site. Based on the proposed engineering plans, it has been determined that the proposed plans are in compliance with the previously approved engineering plans. However, a condition of the recommendation is that the required fees and improvement guarantees/deposits shall be provided to the Village prior to Village Board consideration.

Other Variations

The houses are proposed to be built to the setback lines with an eave of 12" on both sides. The Zoning Regulations allows for an eave overhang of 2.5" per foot of required side yard setback (translates to 12.5" on the side with a 5' setback and 7.5" on the side with a 3' setback). As such, the following variation is requested:

10. *A variation from Chapter 28, Section 6.6-5.1, Table of Permitted Obstructions, to allow a 12" eave overhang into a required side yard where 7.5" is allowed.*

The Petitioner is seeing relief from the Building Code Review Board for the required fire suppression requirements of the eaves. A summary of the meeting will be provided at the Plan Commission public hearing.

Additionally, proposed lot 56 has irregular dimensions which will not allow the garage to be placed 10 feet or greater from the principal structure. Therefore, the following variation is requested:

11. *A variation from Chapter 28, Section 6.5-7, Maximum Size of Accessory Structures, to allow a detached garage closer to the principal structure than the required 10 feet (Lot 56).*

The Petitioner is aware that the construction of a detached garage closer than 10 feet to a principal structure will require drywall in the garage, per the Building Code.

Finally, the Petitioner has indicated that certain floor plans (Chelsea) of the buildings have the potential to provide stairs which lead to the front door at a setback of 3 feet, which is 6" greater than the allowed maximum of 3.5 feet. Therefore, the following variation is requested:

12. *A variation from Chapter 28, Table 6.6-5.1, Table of Permitted Obstructions, to allow uncovered stairs to be located within 3 feet of a side lot line.*

Construction Phasing

As part of the formal Plan Commission process, the Petitioner was required to provide a construction phasing plan that outlines the necessary phases in the construction process for the single family component. The Staff Development Committee was concerned with the potential of developing lots by "jumping" throughout the development. The plan provided indicates that the lots will be built sequentially, block by block, which is needed for the ease of constructing houses on the small-sized lots.

Traffic and Parking Related Issues

A revised traffic and parking study from a Certified Traffic Engineer is required based on the Zoning Regulations. However, the original traffic study accounted for the proposed land use; therefore a revised traffic study is not necessary.

CCRs

The Petitioner has indicated that the existing utility easements are not changing; however, the ingress/egress easements are being modified to reflect new layout for the lots 53-56.

Proposed Buildings

The Design Commission has reviewed and approved the proposed floor plans and elevations for the 12 different model homes.

RECOMMENDATION

On January 14, 2014, the Staff Development Committee reviewed the proposed PUD Amendment, Plat of Resubdivision and variations and recommends **approval** of the proposed changes, subject to resolution of issues outlined in this report and identified during the formal review process as follows:

1. The Petitioner shall provide signed mylars of the Plat of Resubdivision prior to Village Board consideration.

2. The required fees and deposits shall be provided to the Village prior to Village Board consideration.

3. Compliance with the conditions outlined in prior Ordinances (06-043,07-007, 07-077)

4. Development shall be constructed sequentially as outlined on the Arlington Market Home Building Phasing plan dated as received February 20, 2014 and shall not proceed to the next block until all units are built.

5. The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.

February 20, 2014

Bill Enright, Deputy Director of Planning and Community Development

C: Bill Dixon, Village Manager
All Department Heads
Steve Hautzinger, Design Planner

Appendix A: Variations Identified

All necessary Zoning Variations if Variation GRANTED for Garage Size from Building Code Review Board:

1. *A variation from Chapter 28, Section 5.1-3.4 and Chapter 29, Section 29-307, to allow a reduction to the minimum allowed lot size from 8,750 square feet to 3,080 square feet (Lots 54 and 55), from 9,900 square feet to 3,850 square feet (Lot 53) and from 9,900 square feet to 4,264 square feet (Lot 56);*
2. *A variation from Chapter 28, Section 5.1-3.5 and from Chapter 29, Section 29-307, to allow a reduction to the minimum allowed lot width 70 feet to 28 feet (Lots 54 and 55), from 90 feet to 35 feet (Lot 53) and from 90 feet to 37 feet (Lot 56);*
3. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the required front yard setback from 25 feet to 16.5 feet for proposed Lots 53 through 56.*
4. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along one side and from seven feet to five feet, along the other interior side for interior lots 54 and 55.*
5. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along the interior side yard of corner lots 53 and 56.*
6. *A variation from Chapter 28, Section 5.1-6.5, Maximum Building Coverage and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase to the maximum building coverage from the already approved 45% to 50% for lots 4-14, 17-26, 29-38, 41-51 and 54-55; from 35% to 38% for lots 15, 16, 27, 28, 39 and 40; from 35% to 40% for lot 53; and from 35% to 36% for lot 56.*
7. *A Variation from Chapter 28, Section 5.1-6.5 and Section 5.3-2, FAR, Building Coverage, Height to allow an increase to the allowable Impervious Coverage from 55% to 56% for lots 10-14, 17-26, 29-38, 41-51, 54 and 55.*
8. *A variation from Chapter 28, Section 6.5-5, Percentage of Required Rear Yard Occupied, to allow an increase to the allowable Required Rear Yard Coverage from 40% to 53% for lots 4-14, 17-26, 29-38, 41-51, and 54-55 (all interior lots) and from 40% to 42% for lot 53.*
9. *A variation from Chapter 28, Section 5.1-3.7, Maximum Floor to Area Ratio, Section 5.3-2, Maximum FAR calculation for R-3, and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase in the maximum FAR from the already approved 49% to 52% for lot 53.*
10. *A variation from Chapter 28, Section 6.6-5.1, Table of Permitted Obstructions, to allow a 12" eave overhang into a required side yard where 7.5" is allowed.*
11. *A variation from Chapter 28, Section 6.5-7, :Maximum Size of Accessory Structures, to allow a detached garage closer to the principal structure than the required 10 feet (Lot 56).*
12. *A variation from Chapter 28, Table 6.6-5.1, Table of Permitted Obstructions, to allow uncovered stairs to be located within 3 feet of a side lot line.*

All necessary Zoning Variations if Variation NOT GRANTED for Garage Size from Building Code Review Board

1. *A variation from Chapter 28, Section 5.1-3.4 and Chapter 29, Section 29-307, to allow a reduction to the minimum allowed lot size from 8,750 square feet to 3,080 square feet (Lots 54 and 55), from 9,900 square feet to 3,850 square feet (Lot 53) and from 9,900 square feet to 4,264 square feet (Lot 56); (NO CHANGE)*
2. *A variation from Chapter 28, Section 5.1-3.5 and from Chapter 29, Section 29-307, to allow a reduction to the minimum allowed lot width 70 feet to 28 feet (Lots 54 and 55), from 90 feet to 35 feet (Lot 53) and from 90 feet to 37 feet (Lot 56); (NO CHANGE)*
3. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the required front yard setback from 25 feet to 16.5 feet for proposed Lots 53 through 56. (NO CHANGE)*
4. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along one side and from seven feet to five feet, along the other interior side for interior lots 54 and 55. (NO CHANGE)*
5. *A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along the interior side yard of corner lots 53 and 56. (NO CHANGE)*
6. *A variation from Chapter 28, Section 5.1-3.8, Maximum Building Coverage and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase to the maximum building coverage from the already approved 45% to*

51% for lots 4-14, 17-26, 29-38, 41-51 and 54-55; from 35% to 39% for lots 15, 16, 27, 28, 39 and 40; from 35% to 41% for lot 53; and from 35% to 37% for lot 56.

7. *A Variation from Chapter 28, Section 5.1-6.5 and Section 5.3-2, FAR, Building Coverage, Height to allow an increase to the allowable Impervious Coverage from 55% to 57% for lots 10-14, 17-26, 29-38, 41-51, 54 and 55; and from 55% to 56% for lots 4 - 9.*
8. *A variation from Chapter 28, Section 6.5-5, Percentage of Required Rear Yard Occupied, to allow an increase to the allowable Required Rear Yard Coverage from 40% to 53% for lots 4-14, 17-26, 29-38, 41-51, and 54-55 (all interior lots); from 40% to 45% for lot 53; from 40% to 43% for lots 3, 15, 16, 27, 28, 39, 40 and 52; and from 40% to 41% for lot 56.*
9. *A variation from Chapter 28, Section 5.1-3.7, Maximum Floor to Area Ratio, Section 5.3-2, Maximum FAR calculation for R-3, and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase in the maximum FAR from the already approved 49% to 52% for lot 53. (NO CHANGE)*
10. *A variation from Chapter 28, Section 6.6-5.1, Table of Permitted Obstructions, to allow a 12" eave overhang into a required side yard where 7.5" is allowed. (NO CHANGE)*
11. *A variation from Chapter 28, Section 6.5-7, Maximum Size of Accessory Structures, to allow a detached garage closer to the principal structure than the required 10 feet (Lot 56). (NO CHANGE)*
12. *A variation from Chapter 28, Table 6.6-5.1, Table of Permitted Obstructions, to allow uncovered stairs to be located within 3 feet of a side lot line. (NO CHANGE)*

Appendix B: Variations Previously Granted

Ordinance 06-043 (Single Family Component)

1. A variation from Chapter 28, Section 5.1-3.4, Minimum Lot Size, and Chapter 29, Section 29-307, Residential Lot Standards, to allow a reduction to the minimum corner lot size for proposed Lots 15, 16; 27, 28, 39, 40, 53, and 56, from 9,900 square feet to 4,080 square feet.
2. A variation from Chapter 28, Section 5.1-3.4, Minimum Lot Size, and Chapter 29, Section 29-307, Residential Lot Standards, to allow a reduction to the minimum interior lot size for proposed Lots 3 through 14, 17 through 27,29 through 38, 41 through 52, 54 and 55, from 8,750 square feet to 3,080 square feet.
3. A variation from Chapter 28, Section 5.1-3.5, Minimum Lot Width and Chapter 29, Section 29-307, Residential Lot Standards, to allow a reduction to the minimum lot width from 90 feet to 37 feet for a corner lot and from 70 feet to 28 feet for an interior lot.
4. A variation from Chapter 28, Section 5.3-3.6 and Section 5.3-2, FAR, Building Coverage, Heights, to allow a reduction to the required front yard setback from 25 feet to 16.5 feet for proposed Lots 16 through 56.
5. A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along one side and from seven feet to five feet, along the other interior side for an interior lot.
6. A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along the interior side yard of the corner lots.
7. A variation from Chapter 28, Section 5.1-3.7, Maximum Floor to Area Ratio, Section 5.3-2, Maximum FAR calculation for R-3, and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase in the maximum FAR from 45% to 65% for interior lots and from 45% to 49% for corner lots.
8. A variation from Chapter 28, Section 5.1-3.8, Maximum Building Coverage, to allow an increase to the maximum building coverage from 40% to 45% for the interior lots.
9. A variation from Chapter 28, Section 5.1-3.9, Maximum Height, to allow an increase to the maximum building height from 25 feet to 28 feet.
10. A variation from Chapter 28, Section 6.5, Accessory Buildings, to allow a reduction to the minimum rear yard setback for a detached garage from 5 feet to 2 feet.
11. A variation from Chapter 28, Section 6.10, Heights of Structures, to allow an increase to the parapet wall heights from 25 feet to 31 feet for Unit B.
12. A variation from Chapter 28, Section 11.2-8, Additional Regulations - Parking, to allow a reduction for a two-way drive aisle from 24 feet to 20 feet for the private Single-Family Motor Courts.
13. A variation from Chapter 23, Section 23-203, Repetition of Design, to allow the single family homes to have identical interior floor plates and layouts.
14. A variation from Chapter 29, Section 29-305, Alleys, to permit alleys in a residential district.
15. A variation from Chapter 28, Section 6.13-3(a), Location of Fences, to allow a four-foot high decorative fence in the front yard along Dryden Avenue only.

Ordinance 07-077

1. A variation from Chapter 28, Section 5.3-3.6 and Section 5.3-2, to allow a reduction to the minimum required front yard setback for the single family lots (3 through 15) along Dryden Avenue from 25 feet to 16.5 feet.
2. A variation from Chapter 28, Section 5.1-3.4 and Chapter 29, Section 29-307, to allow a reduction to the minimum corner lot size for Lot 53 and proposed Lot 56 from 9,900 square feet to 3,630 square feet.
3. A variation from Chapter 28, Section 5.1-3.5 and from Chapter 29, Section 29-307, to allow a reduction to the minimum corner lot width for Lot 53 and Proposed Lot 56 from 90 feet to 33 feet.
4. A variation from Chapter 28, Section 6.12, Traffic Engineering, waiving the required traffic and parking study from a certified traffic engineer.

ARLINGTON MARKET REVIEW CRITERIA

ZONING VARIATION CRITERIA: RESIDENTIAL BULK STANDARDS FOR A PRINCIPAL STRUCTURE

A variation from Chapter 28, Section 5.1-6.5, Maximum Building Coverage and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase to the maximum building coverage from the already approved 45% to 50% for lots 4-14, 17-26, 29-38, 41-51 and 54-55; from 35% to 38% for lots 15, 16, 27, 28, 39 and 40; from 35% to 40% for lot 53; and from 35% to 36% for lot 56.

A Variation from Chapter 28, Section 5.1-6.5 and Section 5.3-2, FAR, Building Coverage, Height to allow an increase to the allowable Impervious Coverage from 55% to 56% for lots 10-14, 17-26, 29-38, 41-51, 54 and 55.

A variation from Chapter 28, Section 5.1-3.7, Maximum Floor to Area Ratio, Section 5.3-2, Maximum FAR calculation for R-3, and Section 5.3-2, FAR, Building Coverage, Height, to allow an increase in the maximum FAR from the already approved 49% to 52% for lot 53.

1. **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.** Without the requested amendments, we are unable to build homes similar in character, orientation and size as planned, presented and approved by the original developer during the Arlington Market PUD Village Board approval process and memorialized in the recorded ordinance. The current standards are too restrictive to allow MI Homes to design, market and sell a full range of plans and compliant home designs.

2. **The plight of the owner is due to unique circumstances.** The original Arlington Market subdivision design that was approved is unique. The bulk standards and accessory structure regulations are an important part of the equation and an integral part to the successful implementation for this community. Establishing a revised set of standards allows us to build the homes as approved by The Arlington Heights Design Commission.

3. **The variation, if granted, will not alter the essential character of the locality.** The variation will actually allow for the Arlington Market community to be built as planned, presented and approved.

ZONING VARIATION CRITERIA: STANDARDS FOR AN ACCESSORY STRUCTURE

A variation from Chapter 28, Section 6.5-5, Percentage of Required Rear Yard Occupied, to allow an increase to the allowable Required Rear Yard Coverage from 40% to 53% for lots 4-14, 17-26, 29-38, 41-51, and 54-55 (all interior lots) and from 40% to 42% for lot 53.

A variation from Chapter 28, Section 6.5-7, Maximum Size of Accessory Structures, to allow a detached garage closer to the principal structure than the required 10 feet (Lot 56).

1. **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 requested variance for rear yard lot coverage allows us to deliver a two car garage as planned for this community. Given the unique lot size, the current rear yard lot coverage standard will not allow us to build a two car garage.

2. **The plight of the owner is due to unique circumstances.** The original Arlington Market subdivision contemplated a certain garage location and given the unique lot size, detached garage design and alley access, the rear coverage standards for an accessory structure that were will need to be modified. Further, Lot 56 has been modified to accommodate fire access considerations in the alley and as a result, the only way to build on this lot is to move the garage closer to the house.

3. **The variation, if granted, will not alter the essential character of the locality.** The variation will actually allow MI Homes the ability to build an appropriate garage for this community and maintain the original detached alley loaded characteristic for the Arlington Market community.

ZONING VARIATION CRITERIA: SIDE YARD ENCROACHMENT

A variation from Chapter 28, Section 6.6-5.1, Table of Permitted Obstructions, to allow a 12" eave overhang into a required side yard where 7.5" is allowed.

1. **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 requested variance to allow a 4.5 inch encroachment of the soffit and fascia (eave) will ensure the appropriate design, massing and scale of the front elevation which we feel our buyers are anticipating when choosing a home in this community.

2. **The plight of the owner is due to unique circumstances.** Atypical lot sizes and setbacks were approved for this single-family subdivision and to maintain the character of the homes as defined in the PUD ordinance, an accommodation to the eave encroachment will need to be considered as requested.

3. **The variation, if granted, will not alter the essential character of the locality.** The variation, if granted, as stated above, will provide for the appropriate design, massing and scale of the front elevation as approved by the Arlington Heights Design Commission.

ZONING VARIATION CRITERIA: UNCOVERED STAIR ENCROACHMENT

A variation from Chapter 28, Table 6.6-5.1, Table of Permitted Obstructions, to allow uncovered stairs to be located within 3 feet of a side lot line.

1. **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 requested variance to allow an uncovered stair to encroach within 3.5 ft of the interior side lot will ensure our Chelsea design appropriately incorporates a porch that will align with the front door of the home.

2. **The plight of the owner is due to unique circumstances.** Given an interior side yard setback of 3ft has already been granted for this community, the stair location is actually no closer than the principle structure is to this setback line.

3. **The variation, if granted, will not alter the essential character of the locality.** The variation, if granted, as stated above, will allow for an appropriate front porch design as approved by the Arlington Heights Design Commission.

ZONING VARIATION CRITERIA: RESIDENTIAL SETBACK AND LOT SIZE LOT STANDARDS

A variation from Chapter 28, Section 5.1-3.4 and Chapter 29, Section 29-307, to allow a reduction to the minimum allowed lot size from 8,750 square feet to 3,080 square feet (Lots 54 and 55), from 9,900 square feet to 3,850 square feet (Lot 53) and from 9,900 square feet to 4,264 square feet (Lot 56);

A variation from Chapter 28, Section 5.1-3.5 and from Chapter 29, Section 29-307, to allow a reduction to the minimum allowed lot width 70 feet to 28 feet (Lots 54 and 55), from 90 feet to 35 feet (Lot 53) and from 90 feet to 37 feet (Lot 56);

A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the required front yard setback from 25 feet to 16.5 feet for proposed Lots 53 through 56.

A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along one side and from seven feet to five feet, along the other interior side for interior lots 54 and 55.

A variation from Chapter 28, Section 5.1-3.6, Required Minimum Yards, to allow a reduction to the minimum side yard setback from seven feet to three feet along the interior side yard of corner lots 53 and 56.

1. **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.** Without the requested amendments, we are unable to re-subdivide the existing townhome lots back to the smaller single-family lots that were originally platted for lots 53-56. The variation creates a lot standard consistent with the single-family lot standard established for Arlington Market.

2. **The plight of the owner is due to unique circumstances.** The original Arlington Market subdivision had platted single family homes for lots 53-56. The replatted townhome lots that exists today in this location was never built as part of the Arlington Crossing community creating a logical situation to replat these lots back to its intended use.

3. **The variation, if granted, will not alter the essential character of the locality.** The variation will actually allow for the Arlington Market single family community to be built as planned, presented and approved.