

STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission
 Prepared By: Bill Enright, Deputy Director Planning and Community Development
 Meeting Date: June 25, 2014
 Date Prepared: June 18, 2014
 Project Title: Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision
 Address: 1534 S. Douglas Avenue

BACKGROUND INFORMATION

Petitioner: Ben Khosravani
 Address: 954 S. Walnut St
 Arlington Heights, Illinois 60005

Existing Zoning: R-3, One Family Dwelling

Requested Action:

1. Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision
2. Amendment to Ordinances 00-071; 04-055; 05-042; Resolution 05-013.

Variations Identified:

- None.



Surrounding Land Uses:

	Existing Zoning	Existing Use	Comprehensive Plan
North	R-3 One Family Dwelling	Single Family House	Single Family Detached
South	R-1 One Family Dwelling	(Prairie Park)	Parks
East	R-3 One Family Dwelling	Single Family House	Single Family Detached
West	R-1 One Family Dwelling	Single Family House	Single Family Detached

Background

The subject site is located at 1534 S. Douglas Avenue adjacent to Prairie Park and was part of a two lot subdivision approved in 2005. Prior to the subdivision, the owner at the time requested that the Village vacate the 33 foot Foster Avenue right of way (unimproved) that ran along and adjacent to the Park. The reason for the request to vacate was to provide additional land for the property owner in order to have a code compliant two lot subdivision. At the time of the vacation, the Board placed a restriction that no building could be built within the vacated Foster right of way (33 feet width), and the Board required a 20 foot utility easement along the southern 20 feet. No compensation was required for the vacated land. The vacation was approved in Ordinance 00-071.

In 2004, the property owner requested rezoning from R-1 to R-3 and a two lot subdivision (Kondilis Subdivision). The rezoning and Preliminary Plat of Subdivision were approved in Ordinance 04-055 (the approval maintained the restrictions from the vacation Ordinance).

In 2005, the property owner requested an amendment to Ordinance 00-071 (the vacation of Foster) and Ordinance 04-055 (the rezoning and Preliminary Plat). The amendment request was to allow the northern 13 feet of the previously vacated 33 feet, to be developed for the principal structure. The Board approved the request (Ordinance 05-042) but with the following conditions: that the garage location for the lot be restricted to the south side of the lot, and also that the driveway for the lot shall be setback a minimum of 8 feet from the south property line. These restrictions were placed on the property to address concerns raised by the Park District as they have a soccer field in close proximity to the lot with the concern being soccer balls breaking windows, etc. Since no compensation was required when Foster Avenue was vacated (due to the previous restrictions), the Board did require \$6,000 for the use of the northern 13 feet for the principal use (a future house).

The Final Plat was then approved on 2005 via Resolution 05-013, with a condition that the property owner comply with the Ordinance (04-055) which rezoned the property and granted the Preliminary Plat. The 20 foot easement was reduced to 15 feet to accommodate an existing 21 inch storm sewer running along the south property line. Thus the existing Plat of Resubdivision includes a 15 foot utility easement and a 20 foot building setback along the south property line.

Plat and Subdivision Committee

The Plat and Subdivision Committee met on March 26, 2014 and had no issues with the proposal and encouraged the petitioner to move forward.

Current Request

The current property owner, who also owned the property in 2005, has had difficulty selling the lot due to the existing restrictions. The petitioner has submitted a letter dated March 14, 2014 (attached) outlining his request and explaining the reason for the request. At this time the petitioner is asking that the 20 foot building setback be reduced to 0 feet, and that the 15 foot utility easement also be reduced to 10 feet. This will require a Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision, and an amendment to Ords. 00-071, 04-055, 05-042, and Resolution 05-013.

The Administration is supportive of the request given that the Park District has written a letter (attached to the Petitioner's letter) not objecting to the proposal to reduce the setbacks to 10 feet. Also the 21 inch storm sewer only needs a 10 foot easement per Village review, however the actual location of the sewer needs to be verified during permit review for a new home on the site. If the existing sewer is close to the north portion of the 10 foot proposed easement, then it will likely be necessary for the sewer to be relocated to the southern part of the easement. Therefore whomever develops the home on this lot may be required during permit review to relocate the sewer within the easement and away from the home foundation.

It should be noted that no portion of a future home structure, including window wells, roof eave overhangs, bay windows, chimneys, etc. will be allowed in the 10 foot easement.

In addition the petitioner is requesting an amendment to Ordinance 05-042 to delete two conditions:

Ordinance 05-042:

Condition #5: To eliminate this condition which requires that the garage is constructed on the south side of the lot;

Condition #6: To eliminate this condition which requires an 8 foot setback from the south property line for the driveway.

Staff supports amending Ord. 05-042 to delete Conditions #5 and #6 as these requirements are not necessary. If a driveway is constructed in the easement, it shall be the property owners responsibility to replace/repair the driveway if the Village needs to access the storm sewer for repairs which impacts the driveway.

Possible Compensation

Possible compensation for use of additional land previously vacated will be determined by the Village Board. In 2005 per Ordinance 05-042 Section Four, the petitioner was required to compensate the Village \$6,000 for the use of 13 feet of the previously vacated right of way. That equates to \$2.20 per square foot of land. If the same ratio is applied to this request, then the reduction in the setback from 20 feet to 10 feet results in an additional 2,200 square feet of useable land. Thus 2,200 multiplied by \$2.20 equals \$4,840 in compensation.

Recommendation

The Staff Development Committee has reviewed the Petitioner's request and recommends approval of the following:

- 1) A Plat of Easement and Vacation Amending Lot 2 of the Kondilis Subdivision;
- 2) An amendment to Ordinances 00-071; 04-055; 05-042 and Resolution 05-013 to reduce the 20 foot south building setback line from 20 feet to 10 feet; to reduce the 15 foot public utility easement to 10 feet; and to delete conditions #4 and #5 from Ordinance 05-042.

This recommendation is subject to the following conditions:

1. The building permit plans for 1534 S. Douglas Avenue shall show the exact location of the existing public storm sewer within the southern public easement. If the Village determines that there is inadequate horizontal clearance between the existing storm sewer and the proposed house foundation, the permittee will be required to relocate the storm sewer within the easement to a location acceptable to the Village, or reduce the width of the proposed home.
2. No portion of the house structure will be allowed within the 10 foot easement including window wells, roof eave overhangs, bay windows, chimneys, etc.
3. Compensation for the use of the additional land will be determined by the Village Board.
4. Prior to Village Board consideration of this petition, a fully executed Plat shall be submitted to the Village with all required signatures.

_____, 2014
Bill Enright, Deputy Director of Planning and Community Development

C: William C. Dixon, Village Manager
All Department Heads