MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: November 19, 2019
RE: Z19-053 TQ Homes (Lisle/District 2)

DuPage County Board: November 26, 2019:

Development Committee: November 19, 2019: The DuPage County Development Committee recommended to approve the following zoning relief:

1. Reclassification of the property via map amendment (rezoning) from R-4 to R-5;
2. Conditional Use for planned development in the R-5 district, with exceptions or deviations to allow buildings at a height of 35 feet.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z19-053 TQ Homes dated October 24, 2019.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent
Zoning Board of Appeals Meeting: November 7, 2019: The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Reclassification of the property via map amendment (rezoning) from R-4 to R-5;
2. Conditional Use for planned development in the R-5 district, with exceptions or deviations to allow buildings at a height of 35 feet.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z19-053 TQ Homes dated October 24, 2019.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

FINDINGS OF FACT (REZONING FROM R-4 TO R-5):

1. That petitioner testified that they seek the subject zoning relief to rezone and build three (3) buildings on the subject property.
   • Furthermore, that petitioner testified that each building will contain two (2) homes (duplexes), for a total of six (6) homes.
2. That petitioner testified that the subject property is owned by the Meadows Swim Club, that the subject property will be subdivided, and that petitioner will construct the proposed duplexes on the eastern proposed lot.
3. That petitioner testified that the existing land uses within the general area are: recreational/institutional uses located directly to the west of the subject property (Meadows Swim Club); educational institutional uses located just west of the Swim Club (elementary school); multi-family residential uses located directly east of the subject property (townhomes); and single-family residential uses directly to the south of the subject property.
4. That petitioner testified that the trend of development in the general area is towards townhome housing and educational institutions.

- Furthermore, that petitioner testified that the property directly north of the subject property is zoned R-5 General Residential; that the property east of the subject property is zoned R-5 General Residential; that the property directly south of the subject property is zoned R-4 Single-Family Residential; and that the property Directly West of the subject property is zoned R-4 Single-Family Residential.

5. That petitioner testified that the subject property is currently open space utilized by the Meadows Swim Club.

- That petitioner testified that the proposed rezoning would continue with the trend of development in the surrounding area, which is toward general-residential zoning and institutional uses.

6. That petitioner testified that the subject property is not suitable zoned under R-4 Single Family Residential, as there is a townhome development to the east and Meadows Swim Club to the west of the subject property, and that single-family housing would be an impractical zoning district located between the two uses.

**FINDINGS OF FACT (CONDITIONAL USE):**

1. That petitioner testified that they seek the subject zoning relief to rezone and build three (3) buildings on the subject property.

- Furthermore, that petitioner testified that each building will contain two (2) homes (duplexes), for a total of six (6) homes.

1. That petitioner testified that each unit will be approximately 2,600 sq. ft., including a first-floor two (2) car garage, first-floor common living area, and three (3) bedrooms on the second level.

2. That petitioner testified that they plan to physically alter the terrain/elevations to create a visual buffer between the existing R-5 townhomes to the east and the existing Meadows Swim Club, including screening through the addition of trees and shrubs.

3. That petitioner testified that due to high water tables on the subject property, that they are unable to develop the homes with typical eight (8) foot basements with sump pumps, as the sump pumps would constantly run.
• Furthermore, that petitioner testified that they cannot add a basement for additional storage due to the high-water table and that they require additional space by increasing the height of the homes to thirty-five (35) feet.

4. That petitioner testified that each residential dwelling unit will have a two (2) car garage, as well as space for two (2) additional vehicles on the driveway.

5. That petitioner testified that under the proposed development, each homeowner will be responsible for snow removal and will have typical residential trash collection.

STANDARDS FOR CONDITIONAL USES:
1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed development will create buffers on each side of the subject property through elevation and landscaping, which will not impact the supply of light and air to adjacent properties.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed development, and that it will be built pursuant to the current building codes.

   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the construction of the proposed development will be an added benefit to the neighborhood on a portion of the Meadows Swim Blub property that has remained vacant/open space for many years.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed development will not unduly increase traffic congestion, as petitioner will develop the property similarly to homes in the surrounding area.

   e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that they will receive a building permit from the County for the
proposed development, and that it will be built pursuant to the current building codes.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that they will receive a building permit from the County for the proposed development, and that it will be built pursuant to the current building codes.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the proposed development would be an added benefit to the surrounding area, as the development would act as a buffer between the Meadows Swim Club to the west of the subject property and the townhome development to the west of the subject property.
PETITIONER’S DEVELOPMENT FACT SHEET

<table>
<thead>
<tr>
<th>GENERAL ZONING CASE INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CASE #/PETITIONER</strong>: Z19-053 TQ Homes</td>
</tr>
</tbody>
</table>
| **ZONING REQUEST** | 1. Reclassification of the property via map amendment (rezoning) from R-4 to R-5;  
2. Conditional Use for planned development in the R-5 district, with exceptions or deviations to allow buildings at a height of 35 feet. |
| **OWNER** | THE MEADOWS SWIM CLUB, P.O. BOX 404, Lisle, IL 60532 / AGENT: TOLENTINO QUARCINI HOMES, 1633 WADSWORTH ROAD, WHEATON, IL 60189 AND MARK DANIEL, 17W733 BUTTERFIELD ROAD, UNIT F, OAKBROOK TERRACE, IL 60181 |
| **ADDRESS/LOCATION** | 400 59TH STREET, Lisle, IL 60532 |
| **PIN** | Part of 08-14-213-014 |
| **TWSP./CTY. BD. DIST.** | Lisle | District 2 |
| **ZONING/LUP** | R-4 SF RES | 0-5 DU AC |
| **AREA** | 1.1 acres (48,000 sq. ft) |
| **UTILITIES** | Water and Sewer |
| **PUBLICATION DATE** | Daily Herald: October 9, 2019 |
| **PUBLIC HEARING** | October 24, 2019 |

**ADDITIONAL INFORMATION:**

**Building:** No Objections.

**DUDOT:** Our office has no jurisdiction in this matter.

**Health:** Our office has no jurisdiction in this matter.

**Stormwater:** No comments

**Public Works:** No Objections. “Sanitary sewer permit is required from our Department.”

**EXTERNAL:**

**Village of Downers Grove:** “Downers Grove has no comments.”

**Village of Lisle:** No Objections/ Our office has no jurisdiction in this matter.

**Village of Woodridge:** No comments

**Lisle Township:** No comments
### GENERAL BULK REQUIREMENTS:

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard:</td>
<td>25 FT</td>
<td>N/A</td>
<td>APPROX. 25.1 FT</td>
</tr>
<tr>
<td>Int. Side Yard:</td>
<td>15 FT</td>
<td>N/A</td>
<td>APPROX. 15.5 FT</td>
</tr>
<tr>
<td>Int. Side Yard:</td>
<td>15 FT</td>
<td>N/A</td>
<td>APPROX. 15.89 FT</td>
</tr>
<tr>
<td>Rear Yard:</td>
<td>20 FT</td>
<td>N/A</td>
<td>APPROX. 30 FT</td>
</tr>
<tr>
<td>Height:</td>
<td>30 FT</td>
<td>N/A</td>
<td>APPROX. 35 FT</td>
</tr>
</tbody>
</table>

### LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>R-4 SF RES</td>
<td>Recreational/ Swimming Pool</td>
<td>Institutional</td>
</tr>
<tr>
<td>North</td>
<td>R-5 General Residential</td>
<td>Townhouse</td>
<td>Institutional</td>
</tr>
<tr>
<td>South</td>
<td>59th Street and beyond, R-4 SF RES</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>East</td>
<td>R-5 General Residential</td>
<td>Townhouse</td>
<td>Institutional</td>
</tr>
<tr>
<td>West</td>
<td>R-4 SF RES</td>
<td>Com-Ed</td>
<td>0-5 DU AC</td>
</tr>
</tbody>
</table>
Information Submitted by Petitioner:

Daniel Law Office, P.C.

August 8, 2019

Chairman Robert Kartholl and
Members of the Zoning Board of Appeals

c/o Paul Hess, Zoning Coordinator
Jack T. Knuepfer Administrative Building
421 County Farm Road
Wheaton, Illinois 60187

Re: The Meadows Swim Club/TQ Homes Planned Development Application
400 59th Street, Lisle, DuPage County, Illinois (PIN 08-14-213-014)

Via Hand Delivery & Electronic Mail

Dear Chairman Kartholl and Members of the Zoning Board of Appeals:

I represent Abundantia Investments, LLC dba Tolentino Quarini Homes. TQ Homes is presently under contract to acquire the eastern 224 feet of land within The Meadows Assessment Plat, which land is currently identified as 400 59th Street, Lisle, DuPage County, Illinois. The land TQ Homes intends to acquire is capable of planned development to allow six duplex units in a three-building configuration consistent with the existing north line of 59th Street. For the purposes of this application, the land to be acquired is identified in this narrative as the “Subject Property,” the larger parcel containing The Meadows Swim Club is identified as the “Club Parcel” and the overall territory is referred to as the “Assessment Plat Territory.”

TQ Homes, as “Applicant,” respectfully requests that the Zoning Board of Appeals recommend and the DuPage County Board adopt an ordinance approving (a) a map amendment reclassifying the Subject Property from R-4 Single Family Residential to R-5 General Residential and (b) a planned development with exceptions from limited provisions of the Zoning Ordinance in order to allow for the development of six two-family units in three principal buildings on the Subject Property. Applicant notes that the map amendment is not necessary to accomplish the development inasmuch as the R-4 Single Family Residential zoning district allows for planned development approval with two-family use on not more than 30% of the land area of the Subject Property. As a result, Applicant is seeking the map amendment and planned development approval but providing information relating to the approval of the planned development without a zoning change. This should prove to be more efficient for the County and related agencies and it necessarily allows the County to determine whether it wishes to amend the map to reflect the most proximate relevant zoning district (R-5) or to maintain the current zoning for the Assessment Plat Territory (R-4).

Applicant proposes the use of the Subject Property for two-family units situated along the north line of 59th Street, directly west of a large townhome project known as Meadows Edge.
Chairman Robert Kartholl and
Members of the Zoning Board of Appeals
c/o Paul Hess, Zoning Coordinator

TQ Homes Application for Planned Development

August 8, 2019

Page 2

(zoned R-5). The two-unit buildings are slightly taller than permitted in the R-5 district, but the additional height promotes differentiated rooflines in an effort to add architectural features to the development. The structures will be setback sufficiently from 59th Street, particularly in light of the setbacks for Meadows Edge and the large surface parking lot at The Meadows Swim Club. The development offers double the required amount of open space in an area that is adjacent to other open space areas.

Although the Applicant has highlighted the zoning relief requested in the proposed legal notice submitted with the application, the following table summarizes the relief necessary to approve a planned development with exceptions to allow the six duplexes:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>R-4 EXCEPTIONS</th>
<th>R-5 EXCEPTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot size</td>
<td>Precautionary relief sought since duplex lot sizes are not contemplated in the R-4 bulk regulations.</td>
<td>No exception needed.</td>
</tr>
<tr>
<td>Front yard depths</td>
<td>Exception to allow 25'</td>
<td>No exception needed.</td>
</tr>
<tr>
<td>Height</td>
<td>No exception needed</td>
<td>Exception to allow 35'</td>
</tr>
</tbody>
</table>

Applicant’s professional team includes me and the following persons:

Dave Rienbeau, PE PLS / Project Manager
Civil & Environmental Consultants, Inc.
1230 East Diehl Road, Suite 200
Naperville, IL 60563
Direct: (630) 541-0637
Mobile: (224) 275-0552
driendeau@cecinic.com

Gregg Stahr, Registered Architect leed AP
5012 Fairview Avenue
Downers Grove, IL 60515
630.789.2513
gregg@studio21architects.com

Craig A Heman
Landscape Architect, CPESC
Westwood Landscape Contractors
1N617 Arbor Avenue
West Chicago, IL 60185-2019
Office 630.231.6090
Cell 630.774.2561
cadzign@sbcglobal.net
Chairman Robert Kartholl and  
Members of the Zoning Board of Appeals  
c/o Paul Hoss, Zoning Coordinator  

August 8, 2019  

Page 3  

**The Subject Property**

**CREATION OF THE SUBJECT PROPERTY**

The Subject Property is comprised of 47,194 square feet on an irregular-shaped lot situated in an R-4 Single Family Residential District. The Subject Property gains its definition in an agreement for the transfer of land between Applicant and The Meadows Swim Club. This application proceeds on the basis that, upon approval of the rezoning and planned development, The Meadows Swim Club will convey the Subject Property to Applicant.

The transfer will comply with the Plat Act. 765 ILCS 205/1. The Subject Property comprises the western 224 feet of The Meadows Swim Club Assessment Plat, recorded in the Office of the DuPage County Recorder of Deeds in Book 46, Page 131, on March 4, 1964, as Document No. R1964-6994. Since March 4, 1964, there has been no further division of the Assessment Plat Territory. Following The Meadows Swim Club Assessment Plat, the owners of the land deeded the Assessment Plat Territory to The Meadows Swim Club. There has been no further deed relating to the Assessment Plat Territory.

Since there has been no sale of land from within the Assessment Plat Territory, Applicant and the Owner rely on the Plat Act exception in 765 ILCS 205/1(b) for a sale of a single lot of less than five (5) acres from a larger tract, the dimensions and configurations of said large tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973.” As noted above, there has been no sale of land from the territory the Assessment Plat Territory which was determined as to its dimensions and configuration through The Meadows Swim Club Assessment Plat in 1964. The Meadows Swim Club intends to convey a smaller part of the Assessment Plat Territory, specifically the east 224 feet, which is comprised of 47,197 square feet. The Subject Property is much smaller than the five acres mentioned in 765 ILCS 205/1(b). A plat is not required to create the Subject Property.

The Club Parcel will have an area of 148,713 square feet.

**ZONING STATUS OF THE SUBJECT PROPERTY**

The Subject Property is presently unimproved but since it remains part of the Assessment Plat Territory, the Subject Property cannot be considered vacant (at least until severed from the Club Parcel). The Subject Property is presently in an R-4 Single Family Residence District that lies directly west of and adjacent to an R-5 General Residence District next to Interstate 355 where 59th Street ends. The Subject Property lies south and west of the R-5 General Residence District. The Subject Property lies directly east of the Club Parcel which is presently in the same R-4 Single Family Residential Zoning District. Lots across 59th Street to the south lie in the R-4 Single Family Zoning District. The R-4 zoning district containing the Subject Property is a large district and extends well west of the Subject Property. The rezoning of the Subject Property to R-
5 General Residence District will not cause any interruption in the continuity of the R-4 district inasmuch as the Subject Property lies on the periphery of the R-4 district and the uses to the west include The Meadows Swim Club, a ComEd right of way and a public school.

The homes to the south, across 59th Street, are on lots situated entirely within the Macedonian Heights Subdivision (R1978-030812). At the time of this 1978 subdivision and throughout the 20-year period of construction therein along the south line of 59th Street, there had never been a residential use on the north side of 59th Street. As construction within Macedonian Heights was nearing conclusion, the County approved the Meadows Edge Subdivision (R1998-242851) through a rezoning to R-5 and a planned development. The County rationally viewed 59th Street as a line of demarcation not only between uses (townhome use and single family use), but also between zoning districts (R-5 and R-4).

The homes situated behind those in Macedonian Heights are in an area that is entirely disconnected from 59th Street. Winston Hills Unit 4 (R1968-034259) developed under Woodridge jurisdiction and was fully constructed well before Macedonian Heights came into being and at least 25 years prior to the conclusion of construction in Macedonian Heights. Homes situated further to the east along 59th Street and further west of the school are in various different units of The Meadows Subdivision (primarily Unit 16 and Unit 18) that were developed in the 1960’s.

SURROUNDING LAND USE

Meadows Edge contains nine residential buildings, two in the duplex format and seven in the townhome format, on nearly six (6) acres at the east end of 59th Street where it ends in a cul de sac at Interstate 355. The southernmost townhome units have direct driveway access onto 59th Street. East of these driveways, a private drive serves as the principal ingress and egress. Between the larger part of Meadows Edge and the Subject Property, there is a common area for pedestrian use and for emergency ingress and egress. The nearest Meadows Edge townhome units will be roughly 60 feet east of the nearest two-family building on the Subject Property.

The single-family homes along the south side of 59th Street are tall two-story structures (in front). Nearly all of them have three visible rear (south) stories that present a much taller impact to the views from the homes behind them in Woodridge. Three lots will have their driveways across from the six driveways situated on the Subject Property. This is consistent with the two lots to the east that have driveways across from townhome driveways in Meadows Edge.

The Meadows Swim Club has a clubhouse, a collection of pools inside a fenced area, and a paved area for tennis, basketball and other hard-court activities. The hard-court area benefits from elevated lights, but the pool area does not so heavily rely on lighting. The Club Parcel features a large 65-vehicle parking lot in front of the principal use. The Club Parcel features a
Chairman Robert Kartholl and Members of the Zoning Board of Appeals
c/o Paul Hess, Zoning Coordinator

August 8, 2019

Page 5

TQ Homes Application for Planned Development

roughly half-acre passive recreation and open space area east of the pools and hard-court area and north of the parking lot. This grassy area will be adjacent to the open space on the Subject Property.

Further west of the Club Parcel, beyond a 210-foot ComEd right of way, Lisle Community Unit School District 202 is constructing a new early childhood through fifth grade school on a 7.7 acre parcel that includes outdoor recreational areas. The new school has expanded to include a 0.22 acre residential parcel at the northeast corner of the school site.

There is an area of 32 acres north of 59th Street and east of Dover Drive that has never hosted single family detached residential use. This area includes the school, the Club Parcel, Meadows Edge, the Subject Property and land held by the Illinois State Toll Highway Authority.

TRANSPORTATION NETWORK

59th Street is an 80-foot right of way with a paved area that is roughly 28 feet wide east of the ComEd right of way (slightly wider west of the ComEd right of way). The paved area of the cul de sac has a diameter of 80 feet that broadens near the entrance to the private drive that serves Meadows Edge. There are no streetlights along 59th Street. There is a sidewalk that extends the full length of the south side of 59th Street, but the sidewalk on the north side of 59th Street terminates at the Club Parcel where it is connected to a walkway to the main entrance of The Meadows Swim Club. The sidewalk renews east of the emergency access route for Meadows Edge and continues to the main entrance to Meadows Edge. It does not connect with the sidewalk extending around the cul de sac from the south side of 59th Street. The sidewalk on the north side of 59th Street east of the District 202 property is substandard. 59th Street features curb and gutter as well as storm sewer connectivity for drainage.

59th Street intersects with Main Street/Illinois Route 53 nearly a mile west of the Subject Property. Via Ehn Street, 59th Street also connects to Maple Avenue half a mile north of the Subject Property. The street is in good condition, but it is, at most, an isolated local street.

STANDARDS APPLICABLE TO MAP AMENDMENTS

As noted above, the map amendment to allow for R-5 General Residence zoning on the Subject Property makes sense inasmuch as it is consistent with zoning to the north and to the east as well as the R-4 land use to the west. The map amendment is not required, however, because the two-family principal structures can be developed in an R-4 planned unit development. Nevertheless, Applicant submits that amending the map to R-5 General Residence is the most appropriate step in this instance.
The standards for a map amendment appear in Section 37-1412.3 of the Zoning Ordinance. The Zoning Board of Appeals shall make findings and transmit a recommendation based upon the following matters:

A. Existing uses of property within the general area of the property in question;
B. The zoning classification of property within the general area of the property in question;
C. The suitability of the property in question for the uses permitted under the existing zoning classification;
D. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification;
E. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property; and
F. The extent to which property values are diminished by particular zoning restrictions.

No single factor is controlling and varying weight can be assigned to each factor in each case.

Existing uses of property within the general area of the Subject Property in question are consistent with the proposed R-5 General Residence zoning classification. As noted above, the Meadows Edge use north and east of the Subject Property is for townhomes and two-family homes. Directly west lie uses commonly found in and near R-5 districts: (a) The Meadows Swim Club; (b) the ComEd right of way; and (c) the elementary school. All three of these uses are conditional uses in the R-5 General Residence zoning classification. (Section 37-705.2) Single family homes line the south side of 59th Street, but 59th Street is a reasonable line dividing the R-4 Single Family Residence District from the expanded R-5 General Residence District that would result from the map amendment.

Section 37-705 notes that public water and sanitary connections are required for all uses in the R-5 General Residence Districts. The entire area is within reach of public water and sanitary sewer mains.

The zoning classification of property within the general area of the property in question supports the amendment to the R-5 General Residence classification. As noted in Section 37-705 states that the R-5 General Residence District “is established to provide for a range of low-density residential accommodations and life styles representing a compatible mixture of single-family detached, two-family dwelling units and multiple-family dwellings, including open space.” The County’s R-5 zoning objectives have prevailed in the roughly 30-40 acres north of 59th Street, west of Interstate 355, and east of Westview Lane and Dover Drive. The current boundary between R-4 and R-5, situated at the east end of 59th Street, lies in 59th Street and between the types of uses expected in each such district. Since 1998, the R-5 General Residence District has adjoined the east side of the Meadows Swim Club, and this will remain
consistent following severance of the Subject Property from the Club Parcel. 59th Street remains capable of serving as a district line, particularly for an additional 224 feet west of Meadows Edge where the district line currently exists. The nearest home to the district boundary to the northwest is in excess of 700 feet away while the nearest home to the west is across another street and more than 1,100 feet away.

The Subject Property is suitable for the uses permitted under the existing zoning classification. Keeping in mind the purpose of the R-5 classification, the map amendment will add to the balance of two-family/townhome units available in the vicinity without creating any interruption in the R-4 Single Family Residence or Woodridge planning in the area. The Subject Property lies in an envelope created by conditional uses in the R-4 and R-5 zoning districts (The Meadows Swim Club, the utility right of way and the elementary school) as well as Meadows Edge (townhomes and two-family units). Open space on the Subject Property is capable of planning in a fashion that aligns with open space on the Club Parcel and at the north end of Meadows Edge. The Subject Property is smaller than Meadows Edge, but it is readily capable of hosting three buildings with a total of six two-family units.

The Subject Property features a drop in elevation from east to west and south to north. It is at roughly the same elevation as Meadows Edge. Single family detached homes are highly unlikely at the Subject Property due to the prevailing uses on the north side of 59th Street.

The trend of development supports the reclassification from R-4 to R-5. In the general area of the Subject Property, the last notable change in the area occurred in 1998 with Meadows Edge, a subdivision developed under R-5 zoning regulations. The only other change in the area since Macedonian Heights (1978-1999) and Meadows Edge (1998-current) involved the acquisition of 5737 Dover Drive by Community Unit School District 202. District 202 demolished the home and used the lot as part of its expanded elementary school.

Following the Meadows Assessment Plat in March 1964, single family developments continued to a point in 1978. No single home was constructed in the Macedonian Heights subdivision for a period of sixteen (16) years following platting. The last home constructed on the south side of 59th Street, 471 59th Street, was constructed in 2006. Deviating substantially from the pace of single-family construction over nearly 30 years within Macedonian Heights, Meadows Edge was approved in 1998 and fully constructed by 2002.

These circumstances indicate that the trend of development supports rezing to R-5.

The length of the vacancy as zoned, considered in the context of the land development in the area surrounding the subject property, offers support for the map amendment. The Subject Property has always been open space, but it is underutilized land. The Subject Property is the last parcel available for development in the vicinity. While it is true that the owner
Chairman Robert Kartholl and
Members of the Zoning Board of Appeals
c/o Paul Hoss, Zoning Coordinator

August 8, 2019

Page 8

determined to maintain the status of the Subject Property, the owner is certainly not alone in holding excess land for future sale when necessary.

The extent to which property values are diminished by particular zoning restrictions is a factor that has minimal effect in this analysis. The County previously determined that R-5 zoning was appropriate for Meadows Edge, across the street from and adjacent to lots in the R-4 Single Family Residence District. In relation to this approval, the County determined that the classification for Meadows Edge would not be a detriment to R-4 single family homes in the area. However, one can also conclude that the R-4 zoning classification does not impair the value of the Subject Property because the same planned development is possible under R-4 zoning regulations. This latter conclusion likely does not tilt against the Applicant because the ability to accomplish this development under either R-4 or R-5 zoning arises from Applicant’s minimalist approach. The Subject Property can host more than three buildings with six units, but Applicant has determined not to pursue more than six units. If the Applicant or a successor does so, then it will need to amend the planned development ordinance.

PLANNED DEVELOPMENT ANALYSIS

A planned development is a conditional use in the R-4 Single Family Zoning District (Sec. 37-704.2) and in the R-5 General Residence District. (Section 37-705.2) The factors considered for conditional uses (identified in Section 37-1413.5(A) of the Zoning Ordinance) are relevant. Overall, a conditional use should be in harmony with the general purpose and intent of the Zoning Ordinance, and it should not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s Comprehensive Plan for development. In reaching these determinations, the Zoning Board of Appeals and the County Board need to find that the granting of the conditional use will not:

1. Impair an adequate supply of light and air to adjacent property;
2. Increase the hazard from fire or other dangers to said property;
3. Diminish the value of land and buildings in the vicinity of the proposed conditional use;
4. Unduly increase traffic congestion in the public streets and highways;
5. Increase the potential for flood damages to adjacent property;
6. Incur additional public expense for fire protection, rescue or relief; or
7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.

Section 37-1414.1 calls for an evaluation of the conditional use standards along with the standards made directly applicable to planned developments from Section 37-1414.3.

Section 37-1414.1 of the Zoning Ordinance states: “The planned development provisions allow greater design flexibility than is normally permitted by the zoning district regulations.”
Chairman Robert Kartholl and  
Members of the Zoning Board of Appeals  
c/o Paul Hess, Zoning Coordinator

August 8, 2019

Page 9

thereby encouraging more rational utilization of the topographic and natural characteristics of the property to produce an economical and stable development while conserving natural features.” In this instance, the planned development contemplates construction of two-family structures on the south end of the Subject Property in a fashion similar to Meadows Edge with the resulting available open space on the north side of the Subject Property where it has connections to the open space on the Club Parcel and the open space at the north end of Meadows Edge. Additionally, the exception to the R-5 height regulation to allow an additional five (5) feet (the plans reflect buildings will have a height of 34.5 feet) in overall height allows differentiated rooflines and more creative design that benefit of homes across the street to the south that can be as tall as 36 feet.

The proposed planned development meets the following objectives noted in Section 37-1414.1: (a) it insures that growth at the present time is reasonable and consistent with the goals and policies of the County and that any changes will need to be reviewed as an amendment to the planned development; (b) the proposed planned development provides a desirable living environment by preserving and integrating the natural environmental and landscape features of the property, specifically with respect to the designation of open space and its alignment with open space on adjacent parcels; (c) the planned development avoids excessive impermeable surface areas, designates open space in areas subject to natural storm run-off and avoids inefficiencies in impractically spreading structures throughout the Subject Property when alignment on 59th Street makes perfect sense; (d) the planned development contemplates usable open space accessible to all dwelling units; (e) the location of the buildings within the planned development avoids extensions of water and sewer mains north of 59th Street into a new development; (f) the planned development plans for passive recreation north of the homes, east of the passive recreation area on the Club Parcel and south of the open space area for Meadows Edge; and (g) the planned development offers two-family homes that are complementary to the blend of townhomes and two-family units in Meadows Edge with a transitional density to the homes on the south side of 59th Street. With respect to the latter objective, it should be noted that the planned development also furthers the interests of The Meadows Swim Club by permitting it to sell land it has held for future disposition to obtain funds for capital and operational expenditures.

ASSESSMENT OF THE SECTION 37-1414.3 STANDARDS

The following address the general standards in Section 37-1414.3(A):

1. The proposed site of the planned development is under single ownership (The Meadows Swim Club) and, by reason of the real estate purchase agreement between The Meadows Swim Club and Applicant, it is also under unified control;

2. Public improvements will be constructed in accordance with existing ordinances and regulations of DuPage County as well as those of Lisle Township;
Chairman Robert Kartholl and
Members of the Zoning Board of Appeals
c/o Paul Hoss, Zoning Coordinator

TQ Homes Application for Planned Development

August 8, 2019

Page 10

3. The proposed planned development is safe given the limited vehicular and pedestrian
   movements east of The Meadows Swim Club and along 59th Street;

4. Applicant will comply with application regulations concerning cash contributions in
   lieu of actual land dedication in accordance with the DuPage County Subdivision
   Regulations;

5. The request to adjust bulk regulations in either the R-4 or the R-5 zoning
   classification is minimal, consistent with the general purpose of the Zoning Ordinance
   and will result in a better development and a greater benefit not only to the occupants
   of the development but also to residents in the surrounding neighborhood; and

6. The planned development will not have negative impacts on existing public sewers or
   proposed transportation systems and is consistent with the County's Year 2005 Street
   and Highway Plan and Policies.

Section 37-1414.3(B) provides specific standards addressed in the paragraphs below.

Under Section 1414.3(B)(1)(a), up to thirty percent (30%) of the total land area of the
zoning lot may be devoted to uses not permitted within the zoning district. If the Subject
Property maintains its R-4 zoning classification, as many as 14,158.2 square feet of the Subject
Property could be used for two-family homes. Applicant proposes the use of 12,105 square feet
for two-family homes. If the County approves the map amendment, there is no limit on the area
to be used by two-family homes, but Applicant proposes the use of the same 12,105 square feet
for this purpose. Since there will be no commercial use on the Subject Property, Section 37-
1414.3(B)(1)(b) is not applicable.

Applicant proposes six dwelling units, with two dwelling units in each building. In light
of the size of the Subject Property (47,194 square feet), Applicant could proceed with 4.7
buildings and at least eight units. This conclusion should apply whether or not the County
approves the map amendment. However, Applicant has adopted a conservative approach in
seeking a variation from minimum lot area in the R-4 District (20,000 square feet per principal
residential structure) in order to avoid a technical problem with the authorization of six units on
less than 30% of the land area when the use is not permitted in the R-4 district. Applicant does
not seek a density bonus. The floor area ratio is 0.34. This is less than the 0.35 floor area ratio in
the R-4 district regulations (Section 37-704.4(A)) and the 0.50 floor area ratio in the R-5 district
regulations. (Section 37-705.4(A))

The open space provided is exceeds of thirty percent (30%) of the total residential land
area of the Subject Property. Applicant proposes more than 29,000 square feet of open space
when 14,158 square feet of open space is required. The planned open space is neither isolated
nor of an unusable size and character.

Applicant plans to meet all perimeter setbacks for the R-5 zoning classification.
Applicant does not meet the R-4 front yard setback. Applicant has included building setbacks on
Chairman Robert Kartholl and
Members of the Zoning Board of Appeals
c/o Paul Hoss, Zoning Coordinator

August 8, 2019

Page 11

its plans, but any reference to a building setback intends merely to call out the current regulation. No recitation of a setback in the plans creates a platted setback, view easement or private or public right of enforcement of the noted setback. Setbacks are always subject to change by the County.

Applicant provides for twelve (12) feet between buildings. The buildings do not involve any dwelling defined under the Zoning Ordinance as a multiple-family dwelling. The buildings have parallel overlap of walls. The closest measure through which Applicant could guide itself involves the twelve-foot separation of one single-family detached dwelling from another.

Each unit will have a two-car garage and sufficient driveway area to allow an additional two cars in the event guest visit. This is also consistent with the area.

Conclusion

Applicant appreciates the County’s attention to this matter. It notes the R-5 is a responsible zoning classification. It asks that the Zoning Board of Appeals recommend and the County Board approve the planned development with exceptions.

Respectfully submitted,

[Signature]

Mark W. Daniel
Additional Information Submitted by the Public:

**Concerns About the Development of 400 59th Street Lisle, IL**

From Barb and Boyd Kirby 446 Lawrence Lane, Lisle, IL 60532

We are not opposed to the development of this property by TQ Homes. But we do have some concerns about the proposal.

Six buildings seem too dense for this property, especially with only 12 feet between buildings and the additional congestion nearby on 59th street—the Meadow Swim and Tennis Club, ComEd and the pipeline being constructed using 59th St as the staging, and the new elementary school.

The area on 59th Street by the ComEd power lines and the pipeline under construction floods when we have a lot of rain. Will the new development increase the flooding there since there will be less area to absorb the rain?

59th street narrows by the Meadow Swim and Tennis Club eastward towards Meadow Edge Lane. On-street parking on both the north and south sides of 59th Street from the east end of the elementary school east to Meadow Edge Lane will compromise the ability to safely maneuver through 59th Street to Meadow Edge Lane, especially for larger vehicles like school buses, snow plows, garbage trucks, ambulances, and fire trucks. There is already a congestion of cars waiting on 59th St to get into the school parking lot to pick up and drop off school students. Please be aware that 59th Street is the only egress that the Meadow Edge Townhomes have. We are wedged into our subdivision with I-55 to the east, a reservoir to the north, and homes to the south. We suggest that there be no parking allowed on the north side of 59th St from Westview Lane to Meadow Edge Lane.

The plan to create varying elevations for drainage in the back triangle area (West 224 Feet as labeled on the plat) makes me wonder how the land will be landscaped and maintained. If there are several changes in elevation, it may be too difficult to mow the grass, weeds, or whatever vegetation the developers are planning to include in the back triangle area. We have the same concerns for the “raingarden” that is being proposed to help with drainage. What happens if the new development’s HOA does not maintain these areas?

We are concerned that our subdivision’s landscape next to the new development could be ruined during construction. How will the developer keep this from happening?

Also, we are wondering why the Meadow Swim and Tennis Club doesn’t provide a sidewalk so the children in our subdivision and in the newly proposed development can walk safely to school without having to walk in the street. We propose that the swim club provide a sidewalk along 59th St.