

# City Council

## Agenda Cover Memorandum

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Meeting Date: September 21, 2009

Item Title: Stage 2 Development Plan for a residential development at 225 West Touhy Avenue, and 1 and 111 South Washington Avenue, Case Number PUD-06-02

Action Requested:

- Approval
- For discussion
- Feedback requested
- For your information

Staff Contact: Carrie Davis, Director of CP&D  
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Background:

Park Ridge 2004 LLC, applicant, requests a stage 2 planned development, in accordance with Section 5.5.D of the Zoning Ordinance, to construct a 168 unit multi-family residential project at 225 West Touhy Avenue, and 1 and 111 South Washington Avenue. The property is located in the area known as Executive Plaza.

The applicant, through its attorney, Richard Klawiter, with DLA Piper, submitted a letter, dated September 14, 2009, requesting that a review of the case be deferred for 18 months. This timeframe would result in the application being deferred for review by the Council until March 2011.

To give the Council an historical perspective, the Council approved a map amendment and a stage 1 planned development for the project. The map amendment was approved as Ordinance 2007-82 on October 1, 2007, and changed the zoning of the property from the O Office District to the R-5 Multi-Family Residential District. The stage 1 development was approved as Ordinance 2007-84 on November 5, 2007, and outlines the conditions of approval for development of the site. The project was approved under the 2007 Zoning Ordinance. Copies of both ordinances are attached.

The Planning and Zoning Commission reviewed the stage 2 plans at its October 27, 2008, meeting. The Commissioners asked staff to clarify whether the applicant is responsible for constructing the park, as well as designing it. Some did not think the other property owners in Executive Plaza should have to contribute to the park design and construction as part of the special service area if that portion of the project was already to be taken care of by the applicant.

On November 24, 2008, the Planning and Zoning Commission recommended City Council approval of the stage 2 development plans. It was determined that the applicant was responsible for the design and construction of the park, based on previously submitted documents. The applicant would work with the City to finalize the plans for the park to ensure that it is appropriate for the stormwater detention vault. The Commission found the stage 2 plans to be substantially compliant with the stage 1 plans. The recommendation for approval was also subject to the following conditions:

1. The subdivision must comply with the Subdivision Regulations.
2. The stage 2 plans shall comply with all comments of the Forestry Division in its memorandum, dated September 17, 2008.
3. The stage 2 plans shall comply with all Engineering Division comments, dated October 23, 2008. The applicant shall work with the Engineering Division to finalize the engineering plans related to the proposed channelization improvements along Touhy Avenue.
4. The applicant shall work with the City to finalize the design and construction plans for the community park proposed above the stormwater detention area. Staff will work with the applicant to post an appropriate form of security, subject to approval by the City Attorney to ensure completion of the community park improvements by the applicant, which must be submitted prior to the issuance of the first building permit.

According to Section 5.6.D.2.b.ii, the Council is to review the recommendation of the Commission regarding the stage 2 plans within 30 days of that recommendation. The Commission made a recommendation on the plans at its November 24, 2008, meeting. The Council should have reviewed the plans in December 2008, but the applicant was not prepared to move forward. Should the Council decide to defer approval of the application at this time for 18 months or until March 2011, staff recommends that the applicant immediately replace all boarded up windows with regular windows and remove all litter at 225 West Touhy Avenue and the 1 South Washington Avenue. According to Section 22-8-12 of the Municipal Code, no windows shall be boarded up for more than 90 days. The boarded up windows on these buildings have been in this condition for more than 90 days. Litter is also not allowed on private property, in accordance with Section 5-12-2 of the Municipal Code.

Recommendation:

Advise if the City Council chooses to defer approval of the stage 2 development plan for 225 West Touhy Avenue, and 1 and 111 South Washington Avenue, Zoning Case Number PUD-06-02, for a period not to exceed 18 months or until March 2011, subject to immediately replacing all boarded up windows with regular windows and removing all litter at 225 West Touhy Avenue and 1 South Washington Avenue.

Budget Implications:

Does Action Require an Expenditure of Funds:  Yes  No  
 If Yes, Total Cost:  
 If Yes, is this a Budgeted Item:  Yes  No

Attachments:

- Letter from DLA Piper, dated September 14, 2009
- Ordinances 2007-82 and 2007-84
- Staff memorandums, dated October 27 and November 24, 2008
- Planning and Zoning Commission minutes of October 27 and November 24, 2008
- Site Plan exhibits from OKW Architects, various dates