

**PLANNED UNIT DEVELOPMENT,  
REZONING,  
& SUBDIVISION STAFF REPORT**

**Date: December 1, 2005**

<b><u>DEVELOPMENT NAME</u></b>	Nasser Old Shell & Sage Subdivision
<b><u>SUBDIVISION NAME</u></b>	Nasser Old Shell & Sage Subdivision
<b><u>LOCATION</u></b>	3000 and 3006 Old Shell Road (Area bounded by Old Shell Road, Sage Avenue, Columbia Street, and the Illinois Central Gulf Railroad right-of-way)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential, B-2, Neighborhood Business, and B-3, Community Business
<b><u>PROPOSED ZONING</u></b>	B-3, Community Business
<b><u>AREA OF PROPERTY</u></b>	2.6± acres
<b><u>CONTEMPLATED USE</u></b>	Two buildings on a single building site, one an aquatic center with indoor and outdoor swimming pools and gymnasium, and one with fitness and dance studios rented by instructors. <b>It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.</b>
<b><u>REASON FOR REZONING</u></b>	Changing conditions in the surrounding area
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Immediate
<b><u>ENGINEERING COMMENTS</u></b>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Sign and mark the one-way drive to MUTCD standards.

**URBAN FORESTRY****COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

**REMARKS**

The applicant is requesting Rezoning, Planned Unit Development, and Subdivision approval, to allow an aquatic center/gymnasium building, and a building for fitness and dance studios. The applicant proposes to resubdivide the existing 21 lots of record into a single lot of record. This would require rezoning the site, which currently consists of three zoning classifications, to a single zoning classification. As the applicant is proposing two buildings on a single site, Planned Unit Development approval is also required.

The plat illustrates the proposed 2.6±-acre, 1-lot subdivision, which is located in the area bounded by Columbia Street, Old Shell Road, Sage Avenue, and the Illinois Central Railroad right-of-way, and is in Council District 1. Columbia Street, Old Shell Road, and Sage Avenue have rights-of-way of 40 feet, 50 feet, and 50 feet, respectively; the Columbia Street right-of-way is substandard, and would thus require dedication sufficient to provide 25 feet from the centerline. The 25-foot building setbacks would need to be adjusted to reflect this dedication; it does not appear that this would impact the siting of the building. With rezoning to a single classification, the plat would meet the minimum requirements of the Subdivision Regulations.

Regarding the rezoning application, the applicant is requesting rezoning from R-1, Single-Family Residential, B-2, Neighborhood Business, and B-3, Community Business. The site currently consists of multiple lots with various zoning classifications: lots facing residential lots on Columbia Street and Sage Avenue are zoned R-1, while the lots facing Old Shell Road are B-2 and B-3.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant states that conditions have changed in the surrounding area, and demonstrates the predominance of B-2 and B-3 zoning along this portion of Old Shell Road, and of B-3 zoning at the intersection of Old Shell Road and Sage Avenue. They point out that trees act as a buffer to the residential properties across Columbia Street, which could remain, and that the railroad track significantly separates the site from residential properties to the North.

The residential portion of the site appears to contain two vacant houses, and there are two vacant commercial buildings facing Old Shell Road; the applicant plans to demolish all

existing structures. There is a line of apparently mature trees along much of the Columbia Street boundary, facing the residential properties across the street; and another line of trees to the rear, along the railroad right-of-way. If rezoning were approved, it is recommended that these trees be retained, and that a vegetative buffer compliant with Section IV.D.1.b be built and maintained where the site faces residential property; this possibility has been suggested by the applicant. The buffer, along with the Columbia Street dedication, may require some reconfiguration of the parking and circulation areas.

The residential quality of the facing houses along Columbia Street appears intact, and should be respected by denying direct access to Columbia Street on the final plat, as well as by preservation of trees and vegetation as suggested above. The residential property across Sage Avenue consists of an undeveloped parcel and a parcel with a house, adjacent to the railroad tracks. While it is unfortunate to isolate these two residential parcels, this reflects the commercialization of this portion of Old Shell Road and Sage Avenue, as well as the proximity to the railroad tracks; it is difficult to see this property remaining viable as residential property.

It should be noted that “Dance School” and “Sports and Recreation Club, Membership...including swimming pool” are allowed by right in the B-2, Community Business, district, and as such, B-2 would be an appropriate classification for the proposed uses. Given that the site protrudes very deeply into a residential area, and that once rezoned, could be used for any purpose allowed in that zone, it is recommended that the least-intensive classification possible be considered. In this case, concern for the neighboring residential area outweighs the interest in imitating the B-3 zoning at nearby intersections. Therefore, rezoning to B-3 is not recommended; but rezoning to B-2, and allowing access to Sage Avenue, seem appropriate. The residential nature of properties across Sage Avenue should nevertheless be respected by requiring a buffer on the Sage Avenue frontage as well, and by limiting the site to a single curb cut to Sage Avenue, as well as to Old Shell Road.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

The site plan illustrates adequate circulation, and parking in excess of the minimum requirements. It should be noted, however, that dedication of right-of-way and provision of the vegetative buffer would likely impact 17 parking spaces on the western side of the property. However, this would not appear to harm the circulation pattern, nor would it reduce the number of parking spaces below the required amount. As previously noted, preservation of the mature trees along Columbia Street and the railroad tracks is recommended as part of the buffering and landscaping provisions.

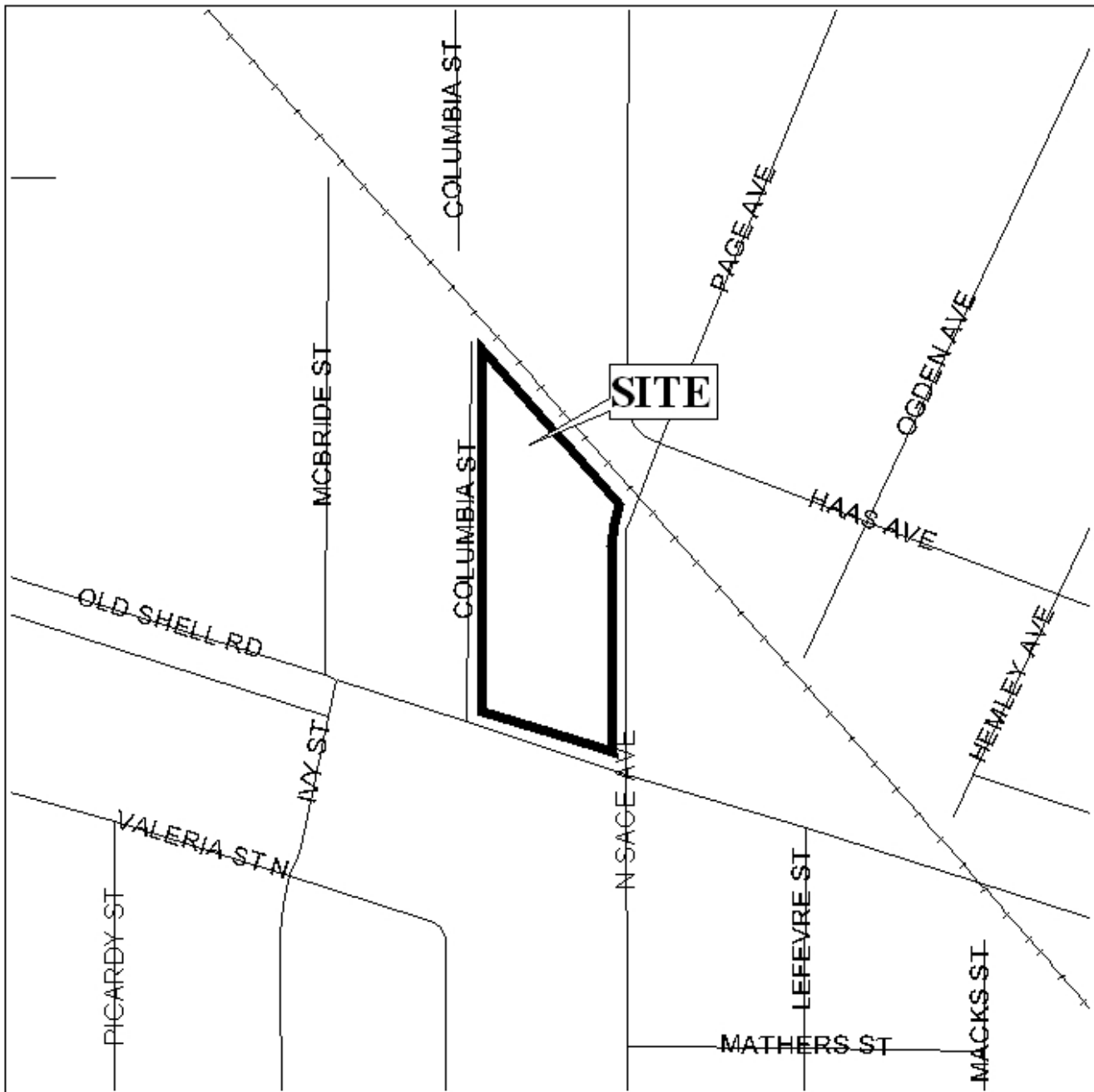
**RECOMMENDATION**

*Subdivision* Based on the preceding, the plat meets the minimum requirements of the Subdivision Regulations, and is recommended for Tentative Approval, subject to the following conditions: 1) the completion of the rezoning process prior to the issuance of any permits; 2) the dedication of sufficient right-of-way to provide 25 feet from the centerline of Columbia Street; 3) the depiction of the 25-foot building setback, measured from property lines after dedication; 4) the placement of a note on the final plat stating that the site is denied direct access to Columbia Street, and is limited to one curb cut each to Sage Avenue and Old Shell Road; and 5) the placement of a note on the final plat stating that, where the site faces residentially developed property, a buffer must be provided, per Section V.A.7 of the Subdivision Regulations.

*Rezoning* Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) the dedication of sufficient right-of-way to provide 25 feet from the centerline of Columbia Street; 2) the retention of the mature trees lining the Columbia Street and railroad frontages, to the extent possible, to be coordinated with Urban Forestry; 3) the provision and maintenance of a vegetative buffer where the site faces residentially zoned property; 4) the denial of direct access to Columbia Street, and limitation of the site to one curb cut each to Sage Avenue and Old Shell Road; 5) compliance with Traffic Engineering comments (*Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Sign and mark the one-way drive to MUTCD standards*); and 6) full compliance with all municipal codes and ordinances.

*Planned Unit Development* Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) the dedication of sufficient right-of-way to provide 25 feet from the centerline of Columbia Street; 2) the retention of the mature trees lining the Columbia Street and railroad frontages, to the extent possible, to be coordinated with Urban Forestry; 3) the provision and maintenance of a vegetative buffer where the site faces residentially zoned property; 4) the denial of direct access to Columbia Street, and limitation of the site to one curb cut each to Sage Avenue and Old Shell Road; and 5) compliance with Traffic Engineering comments (*Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Sign and mark the one-way drive to MUTCD standards*); and 6) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 5 & 6 & 7 DATE December 1, 2005

APPLICANT Nasser Parvinrouh

REQUEST Rezoning from R-1, B-2 and B-3 to B-2, Planned Unit Development, Subdivision



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north, east, and west of the site. Commercial sites are located to the west, south, and east of the site.

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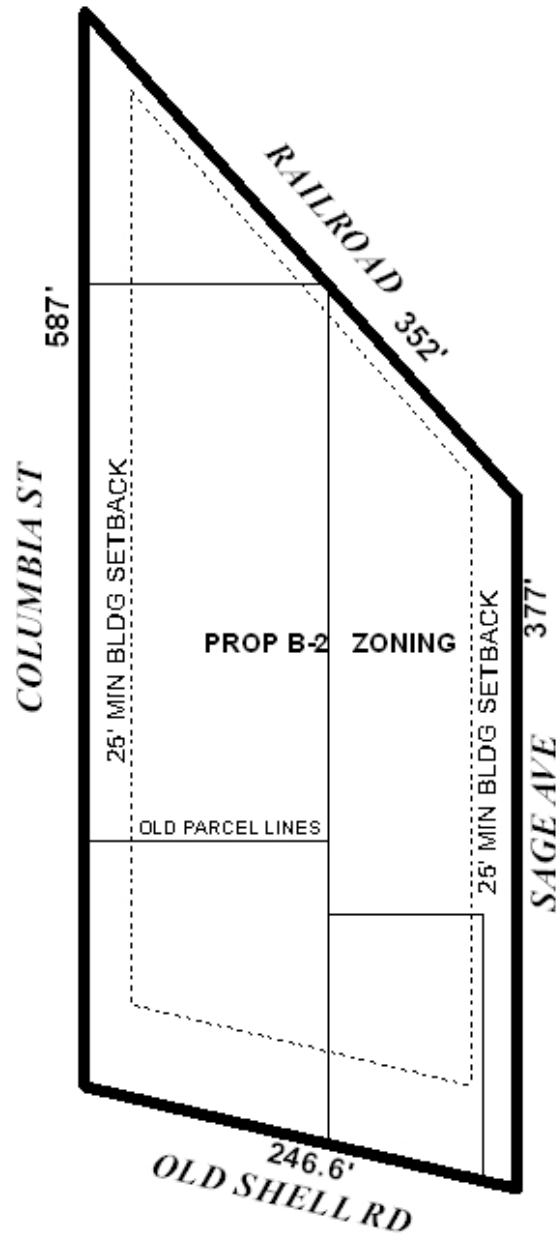
APPLICANT Nasser Parvinrouh

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LEGEND 

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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# SUBDIVISION PLAT

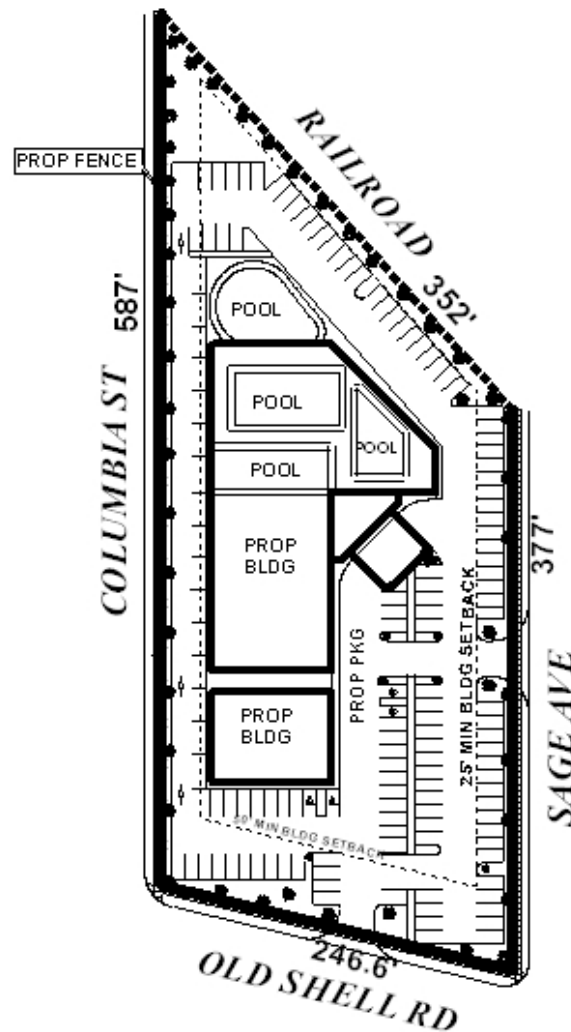


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# SITE PLAN



The site plan illustrates the proposed development

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