



# Village of Lombard

Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org

## Minutes

### Plan Commission

*Donald F. Ryan, Chairperson*

*Commissioners:*

*Ronald Olbrysh, Martin Burke,*

*Ruth Sweetser, Stephen Flint,*

*John Mrofcza and Leigh Giuliano*

*Staff Liaison: Jennifer Ganser*

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Monday, May 21, 2018

7:00 PM

Village Hall - Board Room

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### Call to Order

*Chairperson Ryan called the meeting to order at 7:00 p.m.*

### Pledge of Allegiance

*Chairperson Ryan led the Pledge of Allegiance.*

### Roll Call of Members

**Present** 4 - Donald F. Ryan, Martin Burke, Ruth Sweetser, and John Mrofcza

**Absent** 2 - Ronald Olbrysh, and Stephen Flint

*Also present: William Heniff, AICP, Director of Community Development, Jennifer Ganser, AICP, Assistant Director of Community Development; Jana Bryant, Private Dev Engineer and Jason Guisinger, legal counsel to the Plan Commission.*

*Chairperson Ryan called the order of the agenda.*

*Ms. Ganser read the Rules of Procedures as written in the Plan Commission By-Laws.*

## Public Hearings

[180191](#)

### **PC 18-08: 550 E. 22nd Street (Hilton Tru) (Continuance from the 4-16-18 PC Meeting)**

The petitioner requests that the Village take the following actions on the subject property located within the R4PD Planned Development District:

1. Repeal Ordinance 7243 in its entirety, which established a conditional use for a planned development, a conditional use for more than one building on a lot of record, and a deviation to reduce the rear yard setback;
2. Approve a Map Amendment rezoning the property to the O Office District;
3. Approve a conditional use pursuant to Section 155.412(C)(8) of the Lombard Zoning Ordinance for hotels and motels; and
4. Approve a variance pursuant to Section 155.412(H) of the Lombard Zoning Ordinance for the floor area ratio (FAR) to exceed 0.35 FAR. (DISTRICT #3)

*Ms. Ganser said tonight's Plan Commission public hearing pertains to the property at 550 E. 22nd Street, in which a Hilton Tru Hotel is being considered. The petition was continued from the April 16, 2018 meeting. All testimony offered at the previous meeting, both written and spoken, is already part of the public hearing record. Therefore that information does not need to be repeated at tonight's continued public hearing. Tonight's Plan Commission meeting will follow the same procedures stated at the April 16, 2018 public hearing. As such, tonight's meeting will start at Item G and follow from that point onward. Ms. Ganser continued to read the procedures.*

*Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development; William J. Heniff, Director of Community Development; Jana Bryant, Private Development Engineer; Javier Millan, Senior Consultant with KLOA, Inc., the petitioners, and members of the public.*

*Sue Kramer said she is representing herself and 55 homes in Abbey Woods. They are opposed and believe this is incompatible with development and the Comprehensive Plan. The project is unable to meet the standards; hotels create more crime and people will be observing our neighborhood and property values will decrease.*

*George Bedard said he lives adjacent to the property. He noted the attorney for the townhomes is a commissioner for the Village as well as the hotel architect is a Plan Commissioner. There are no multi-story buildings between Fairfield and Vista. He said there are other properties in the Village better suited for a hotel. He said the FAR is a*

minimum of 0.35 and there is no max listed. He said that many existing Hilton Tru's are near college towns and expressways. He noted there are more hotels being built near O'Hare Airport. James Rader said this will affect those in Lombard and Congress Knolls. He said the property is not large enough. He relayed a story of Abraham Lincoln.

Jean Pagorek said she is concerned if another hotel is needed in Lombard. She heard that an 80% occupancy rate is needed for a hotel to be successful, and this hotel may have a lower occupancy rate per the report.

The Public Participation section concluded.

Mr. Mark Sargis asked to speak to the owner. Mr. Nick Karmin, representative of the owner, was sworn in. Mr. Sargis asked their relationship and Mr. Karmin said he manages the properties such as job sites, apartments, others. Mr. Sargis asked if any are hotels and Mr. Karmin said he did have hotels. Mr. Sargis asked the owners name and Mr. Karmin said Sam Shakir. Mr. Sargis asked how many hotels he has owned and sold, Mr. Karmin said around 6 but kept a hotel in Panama. Mr. Sargis clarified that Mr. Shakir sold the hotels after a few years and Mr. Karmin agreed. Mr. Sargis asked if Mr. Karmin was involved in the townhomes and Mr. Karmin said yes. He said they did not build the townhomes because they would have been high end and more than \$450,000. A FHA loan would not have covered that and conventional loans are hard to obtain. Mr. Sargis asked if the nature of the townhomes were the same from the Plan Commission and Mr. Karmin said yes, but later learned of the financing issue. Mr. Karmin said they are building condos in Glen Ellyn and that's when they realized the financing issue. Mr. Sargis asked what other projects they are developing and Mr. Karmin said Georgetown by the River in Glen Ellyn. Mr. Sargis asked what other uses they considered. Mr. Karmin said apartments were discussed, but then Hilton Tru approached Sam. Mr. Sargis asked who Green Dot Builders is and Mr. Karmin said a construction firm that would construct this project. Mr. Sargis asked if Mr. Karmin was involved in any lawsuits with Sam. Mr. Guisinger asked for the relevance of the litigation. Mr. Sargis said the townhome applicant changed their mind which questioned the feasibility. Mr. Guisinger asked what standard that is applicable for. Mr. Sargis said so that the operation wouldn't be detrimental to the neighborhood. He noted the management contract is cancellable and that we have learned that the owner will flip this property in a few years. Mr. Guisinger said he disagrees and asked Mr. Sargis to move on.

Mr. Brian O'Connor asked if Mr. Karmin is familiar with the Overture

condos at Yorktown. He said the price is approximately \$500,000 and up. He asked to see a copy of the project feasibility report. Mr. Razvi said the feasibility study is a study reviewed by Hilton and Steve Bader, and they are not authorized to give it out. Mr. O'Connor said he would like to review it. Mr. Guisinger asked Mr. O'Connor to move on. Mr. Razvi said Mr. Shakir told him he could not secure a construction loan for the project. Mr. O'Connor asked again if the feasibility report is relevant. Mr. Guisinger asked him to resume questioning the witness. Mr. O'Connor asked if the townhomes had a feasibility report and Mr. Karmin said yes.

Mr. Sargis called Mr. Flint as a witness. Mr. Flint was sworn in. Mr. Sargis asked if he is the applicant and when was first employed. Mr. Flint said he was employed last summer for the project. Mr. Sargis asked if that was before the neighborhood meeting and Mr. Flint said yes. Mr. Sargis said the owner didn't speak at the meeting. Mr. Flint said he was the lead speaker and the rest of the team was present. Mr. Sargis asked how long Mr. Flint was on the Plan Commission and Mr. Flint said almost 30 years. Mr. Sargis asked if Mr. Flint represented other applicants in the Plan Commission. Mr. Flint said in the last 10 years he may have with another firm. Mr. Sargis asked if Mr. Flint worked with Sam Shakir before, and Mr. Flint stated he is working with Sam on Georgetown on the River. Mr. Flint stated that he discussed with Sam that he would recuse himself. Mr. Guisinger said the questions are geared towards a conflict of interest and that matter is no longer before the Board, as he has recused himself. Mr. Sargis said there is an appearance of impropriety. He also noted the townhome project used an ECDC member as the attorney for the project. Mr. Guisinger asked Mr. Sargis to move on. Mr. Sargis asked Mr. Flint if he represented one other matter before the Plan Commission. Mr. Guisinger and Chairman Ryan asked Mr. Sargis to move on. Mr. Sargis presented "Objectors Exhibit #1", the response to a FOIA request on PC 18-08. Chairman Ryan asked Mr. Sargis to move on. Mr. Sargis said he was told his FOIA was too burdensome. Mr. Sargis asked if Mr. Flint has a written contract and compensation. Mr. Flint said yes, it's time and materials. Mr. Sargis asked how much and Mr. Guisinger said this is a Plan Commission and these questions are not relevant. Mr. Sargis said he is trying to determine if the economic disclosure was properly done. Mr. Sargis asked if Mr. Flint has seen the feasibility studies and Mr. Flint said for the hotel. Mr. Sargis asked what the biggest challenges were. Mr. Flint said the parking was, and that was resolved, he noted that other hotels have a larger FAR. Mr. Sargis asked about the parking and Mr. Flint discussed the parking code. Mr. Sargis asked about the property to the east and Mr. Flint

said it has access to the traffic light. They discussed 22nd Street and the number of one and two story buildings. Mr. Sargis asked if Mr. Flint has worked on other hotels. Mr. Flint said no, but the building is mostly a prototype. Mr. Sargis asked about other commercial projects and Mr. Flint went thru some past projects. Mr. Sargis asked if Mr. Flint represented other Lombard properties. Mr. Flint said he was before the ZBA for a porch. He also noted he is on the school district and had to recuse himself for a Plan Commission project.

Mr. Sargis gave a powerpoint presentation that discussed landuse and neighborhood compatibility. He showed a map of Hilton Tru's and a sample of Midwest Hilton Tru's. He said the hotels are near college towns, expressways and shopping. None are near residential areas. He reviewed the Lombard area hotels. Mr. O'Conner presented data on crime, based on a FOIA from the Lombard Police Department. The crimes are over an approximate 2 year period. Mr. O'Connor said he stopped by the Police Department on Friday, called 5 times today, and has not received a phone call back. Mr. Sargis showed pictures of recent rains from the neighbors and discussed stormwater. Mr. Sargis discussed the character of the neighborhood and the north versus south side of 22nd Street. He noted the properties on the north side of 22nd Street are low rise and the most on the south side are multi-story. He noted the site is surrounded by residential, except the office to the west. He reviewed items of relevance from the Comprehensive Plan. He noted there should be additional transitions from commercial to residential.

Mr. O'Connor called Mr. Flint for additional questions. He asked Mr. Flint what he thinks Congress Knolls would be zoned as. Mr. Flint said R1. Mr. Flint agreed with Mr. O'Connor that the unincorporated residents are allowed the same rights as Lombard. Mr. O'Connor reviewed the standards for map amendment, conditional use, and variance with Mr. Flint. They went thru many of Mr. Flint's answers in response to standards. Mr. O'Connor noted this hotel will be the first in Lombard adjacent to residential. Mr. Flint reviewed the transitional yards. Mr. O'Connor stated he believes Mr. Flint has not adequately responded to the standards for the petition.

The petitioner was allowed time for rebuttal. Mr. Razvi noted the hotel is aimed at young urban professionals. It will be fenced in on the sides next to residential with an 8' fence. He noted Mr. Shakir is a developer and a construction loan couldn't be obtained for the townhomes. He said Mr. Flint is here to make sure the local codes are followed. He said a Hilton franchise is one of the most difficult franchises to obtain. He noted apartments are difficult, there could be balconies, more traffic, families with children and school buses. He said the hotel will

*have cameras and be very secure. He thanked the Plan Commission. There was a 10 minute break.*

*Chairman Ryan said the Plan Commission will accept the PowerPoint presentation into the public record.*

*Ms. Ganser presented the staff report and addendum report, which was submitted to the public record in its entirety, as well as additional public comment received after the packet went out. The petitioner proposes a Hilton Tru Hotel. The hotel is proposed at 44,681 gross square feet, four stories tall, 96 rooms, and 96 parking spaces. The petitioner was granted entitlements to build 26 townhomes in 2016, PC 16-10.*

*Should this development be approved, those entitlements will be revoked. The site is surrounded by a mix of land uses. The site would receive sole access from 22nd Street which is predominantly a commercial street within Lombard, with other hotel uses. The petitioner is requesting a rezoning to the Office District. The 2014*

*Comprehensive Plan designated the property Office and the 1998 Comprehensive Plan designated the property as Community Commercial. Both documents were approved by the Village Board and reviewed by the Plan Commission. The 2014 Comprehensive Plan is the current Comprehensive Plan guiding the Village. Given the nature of 22nd Street as a minor arterial roadway and the adjacent non-residential land uses to the west, staff supports the rezoning to Office which is consistent with the Comprehensive Plan. Along with a rezoning, the petitioner is requesting a conditional use for a hotel. A hotel, which will likely serve business travelers, is consistent with the Office zoning. Staff notes the proposed hotel would meet the bulk requirements in the Office District, with the exception of a requested variance for Floor Area Ratio. Staff notes that with the current R4 Zoning designation, an apartment could be built as of right, with no public hearing before the Plan Commission. The Hilton Tru is proposed to be 44,681 gross square feet in area. The petitioner is seeking relief from the 0.35 floor area ratio (FAR) requirements in the O - Office District for a FAR of 0.48. Only the Office and Industrial District have a FAR requirement in the Zoning Code. Residential Districts do not have such a requirement. The petitioner could have purchased the adjacent properties to the north or east, and met the FAR threshold. However, the hotel development will solely be located on the parcel of 550 E. 22nd Street. In order to have the project wholly located on the site, without the need to acquire additional abutting residential land for non-residential purposes, a variance is being requested. Staff notes that purchasing the adjacent properties could create a negative impact as the development would be closer to the residential areas. Most hotels in the Village do not meet the 0.35 FAR threshold as shown in*

*the attached chart. The hotel would follow the Village Photometric Code. Lighting will be provided for the parking lot, but will meet requirements at the property line to ensure the abutting properties will not receive any overflow light. To ensure compatibility with the other abutting properties, and to follow Village Code, the petitioner is proposing a perimeter fence and plantings, to serve as a screening function. There is a thirty foot (30') transitional landscape yard to the north Residential District, per Code. The landscaping is shown to the north and east of the fence, allowing the residential uses to have the benefit of additional landscaping. As the property to the east is unincorporated DuPage County, the transitional landscape yard is not required, however the petition is intending to meet this requirement as the site plan does incorporate landscaping on the east side as well. This is noted as a condition of approval. The trash dumpster will be enclosed and screened per Code. Upon further review, staff noted the trash dumpster could be moved to the northwest portion of the property. This is noted as a condition of approval. The site will be solely accessed by 22nd Street. The east drive is proposed to be a right-in. The western access drive access shall be designed as a full-in, right-out facility, with the left turn lane constructed within the existing 22nd Street parkway. The Village's traffic consultant, KLOA, completed a traffic study. Capacity analysis shows the area will continue to operate at an overall acceptable level of service should the hotel be approved and built. The development will need to provide the required stormwater detention and Best Management Practices (BMP) per the DuPage County Stormwater Ordinance. Final engineering is subject to review during the permit process and that is when the required detention amounts will be determined. The addendum report discusses parking changes as part of PC 18-01 and a trip generation comparison done by KLOA. Staff recommends approval of the petition subject to the conditions in the staff report.*

*Chairman Ryan asked for any questions of the staff report. Mr. O'Connor asked Ms. Bryant if staff did a sub-area study, as required by the Comprehensive Plan. She said those studies would have been done by Public Works. Mr. Heniff said as a point of clarification, the Comprehensive Plan does not say that a sub-area is required, it encourages that. Mr. O'Connor said he would like to talk to Public Works. Ms. Bryant said per the County's Stormwater Ordinance this development will meet existing release rates, or 0.1, whichever is more restrictive. Mr. O'Connor said this hasn't been permitted by the County yet. Ms. Bryant said the Village is allowed to review in-house stormwater issues, as we are a partial waiver community. Mr. O'Connor said Congress Knolls is protected by the York Township Highway*

Department and asked if staff talked with them about stormwater. Ms. Bryant said they would tie into the storm system on 22nd Street which is owned and maintained by the Village of Lombard so the hotel would not be connecting to the township's system. Mr. O'Connor asked about the berm. Ms. Bryant said this development will be designed with underground detention and the water directed toward 22nd Street. She said final engineering will be reviewed at the time of permit. Mr. O'Connor asked Mr. Milan about the traffic counts on 22nd Street. Mr. Milan said that is the average daily traffic counts. Mr. O'Connor referred to a table in the Comprehensive Plan; Mr. Milan said the carrying capacity for four-land arterials is 36,000. Mr. O'Connor asked why the Comprehensive Plan called for less traffic. Mr. Heniff said that calls for average trips, he referenced that KLOA found that 22nd Street would still operate at an A or B level of service. Mr. O'Connor asked about a stoplight at 22nd and Fairfield. Mr. Heniff said that would be part of the Public Works Capital Improvement Program. Mr. O'Connor noted the address for the neighborhood meeting was incorrect and Mr. Heniff said staff found that out after the meeting, and noted for the public record, that the meeting was not a required public hearing. Mr. O'Connor asked if Mr. Milan tested cut through traffic on School Street and Mr. Milan said he did not. Mr. Heniff said the Congress Knolls roads are maintained by York Township. Mr. O'Connor asked about the pork chop on 22nd Street and the capacity. Mr. Milan said the left hand turn lane on 22nd was maximized for storage. Ms. Ganser said the storage is 100' and a taper of 175'. Mr. Milan said that is about four cars storage. Mr. O'Connor said it's a sharp turn to get in and the lobby is in front and could lead to more congestion and asked if there would be more evening congestion. Mr. Milan said he doesn't believe so as the traffic study noted a hotel is random arrival, unlike a school with peaks times. He said the analysis shows it will work properly. Mr. O'Connor asked Ms. Ganser if she was the staff in the nuisance/crime section of the staff report and she replied she is part of that staff. He asked who she talked to and she replied, Roy Newton the Police Chief. He asked if she talked to him recently and if she asked him to return his call. Ms. Ganser said she is sure he will return phone calls when appropriate. Mr. O'Connor noted the Sheriff's report that said they have one of the safest neighborhoods in DuPage County. Mr. Heniff said noted the low crime and said that many of the current hotels are within 1 mile and close proximity to Congress Knolls. It suggests that the hotels aren't having an adverse impact on the neighborhood. Mr. O'Connor said the other hotels are buffered with business parks or shopping centers. This will be right in the neighborhood and strangers could be walking thru the neighborhood. He asked if this precedence would



allow others to assemble 2 acres and build a hotel, even if there was residential adjacent. Mr. Heniff said he would disagree and noted the Lombard Zoning Ordinance allows for hotels in certain zones. He said each case needs to be looked at for their own merit and it would be on a case by case basis. Mr. O'Connor asked if Village Counsel agrees with that statement. Mr. Guisinger said he is not subject to cross examination, but said as a matter of general zoning law, special uses are judged on an individual basis. He said the law is quite clear that you don't set precedence when you grant a special use because each piece of property is unique. Mr. O'Connor said he thinks this is occurring because Congress Knolls is unincorporated. Mr. O'Connor said the petitioner said this would generate money for the Village and the standards speak to that. He noted the Comprehensive Plan speaks to transitions in neighborhoods and a compatible scale. Mr. Sargis asked Mr. Milan if he's a consultant for the Village or the applicant. Mr. Milan said for the Village. Mr. Sargis asked about the payment. Mr. Milan said the petitioner pays a fee that the Village uses to pay his firm. Mr. Sargis asked about going west bound, the right turn, and the neighboring property the petitioner could have purchased. Mr. Milan said it would better to have a signal and to have more movements. He noted the westbound movement would be the same, the left turn movement would have signal. Mr. Sargis said an 8' fence would not screen a third and four story hotel and Mr. Heniff agreed. Mr. Sargis asked if the current topography suggests the north 2/3 drains to the north and Ms. Bryant agreed, he asked if there is drainage to the south and she said there is a drainage divide. Mr. Sargis asked if she has reviewed the submittal from the last meeting. Ms. Bryant said it was a drainage exhibit and she does not have a copy. She said it would be reviewed during final engineering. Chairman Ryan said that concludes the staff report. Mr. Heniff said he wanted to offer some follow up to correct the public record. He said a reference was made to the petition signatures against the development and if staff had them all. He said there were a number received at the last Plan Commission meeting plus more for the May meeting. Everything has been entered into the public record. He noted the townhome approval in 2016 and said the property owner did seek a 1-year time extension until July 2018. If no action is taken, and no extension is requested, the relief would lapse. He said Overture is a rental property with rents between \$2,000 to \$3,500 a month. Mr. O'Connor said the rent range is roughly equivalent to a \$500,000 townhome, Mr. Heniff said all budgets are different. Mr. O'Connor said he believes the townhomes would be the best use and would like to review the feasibility plan and the engineering plans. He noted the

*proposed Hilton Tru in Lombard is near an expressway, Yorktown Mall, and National University of Health Sciences. Mr. Sargis clarified that his chart was showing adjacent uses.*

*Mr. Sargis showed objectors exhibit 3 which was a FOIA for RSS Homes. Mr. Heniff said Village staff received a copy. Mr. Heniff said he hasn't seen the response until now and that the Village has 5 days to respond, which is tomorrow. He said the Village has to go thru each email to see if it's relevant to the FOIA. Mr. Sargis said he found it surprising there could be so many emails on the request. Mr. Heniff read the FOIA request. Chairman Ryan asked to move on.*

*Chairman Ryan asked for other comments, and hearing none, he said the public hearing is now open to the Commissioners for any comments or questions. Chairman Ryan recommended a motion of continuance to June 11, 2018 to make a vote, which gives the Plan Commission three weeks to review the matter.*

**A motion was made by Commissioner Burke and seconded by Commissioner Sweetser to continue the public hearing for PC 18-08 to a Special Meeting on June 11, 2018.**

**Aye:** 4 - Donald F. Ryan, Martin Burke, Ruth Sweetser, and John Mrofca

**Absent:** 2 - Ronald Olbrysh, and Stephen Flint

## **Business Meeting**

*The business meeting convened at 9:59 p.m.*

## **Approval of Minutes**

**On a motion by Commissioner Sweetser, and seconded by Commissioner Burke, the minutes of the April 16, 2018 meeting were approved, with noted corrections. The motion carried by the following vote:**

**Aye:** 4 - Donald F. Ryan, Martin Burke, Ruth Sweetser, and John Mrofca

**Absent:** 2 - Ronald Olbrysh, and Stephen Flint

## **Public Participation**

*There was no public participation.*

## **DuPage County Hearings**

*There were no DuPage County hearings.*

## **Chairperson's Report**

*The Chairperson deferred to the Assistant Director of Community*

*Development.*

## **Planner's Report**

*Mr. Heniff clarified that the June 4th meeting is for other cases and the Hilton Tru petition is continued to June 11th. Ms. Ganser said a new Plan Commission member has been approved by the Village Board and will join the Plan Commission soon. Commissioner Burke asked who the Plan Commissioners can ask questions of at the upcoming meeting. Mr. Guisinger said the Plan Commissioners can ask questions of anyone. Commissioner Burke asked if we are done with public participation and testimony of the petitioner and objectors. Mr. Guisinger said yes.*

## **Unfinished Business**

*There was no unfinished business.*

## **New Business**

*There was no new business.*

## **Subdivision Reports**

There were no subdivision reports.

## **Site Plan Approvals**

*There are no site plan approvals.*

## **Workshops**

There were no workshops.

## **Adjournment**

**A motion was made by Commissioner Burke, seconded by Commissioner Mrofcza, to adjourn the meeting at 10:14 p.m. The motion passed by a unanimous vote**

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*Donald F. Ryan, Chairperson  
Lombard Plan Commission*

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*Jennifer Ganser, Secretary  
Lombard Plan Commission*