

January 5, 2006

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 05-42: 218 &226 West St. Charles Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner is requesting that the Village take the following action on the subject properties:

- A. For the property at 218 West St. Charles Road:
 1. Approve an amendment to the Comprehensive Plan Map to designate the property for Community Commercial uses within the Central Business District area; and
 2. Approve a map amendment rezoning the property from the R6 Central Residence District to the B5 Central Business District.
- B. For the properties at 218 and 226 West St. Charles Road (i.e., the Subject Property):
 1. Approve a conditional use for a planned development with the following variations and deviations:
 - a) A deviation from Section 155.416 (G) to the Zoning Ordinance to allow for a maximum building height of fifty-two feet (to provide for an architectural tower element), where a maximum of forty-five feet (45') is permitted;
 - b) A deviation from Section 155.416 (J) and variations from Sections 155.508 (C)(6)(a) and (b) of the Zoning Ordinance to allow for a reduction in the thirty foot (30') planned development perimeter and twenty foot (20') transitional building setbacks to six feet (6') along the rear (east) property line;

- c) A deviation from Section 155.416 (K) and a variation from Sections 155.508 (C)(6)(b) and 155.707 (A)(3) of the Zoning Ordinance to allow for a reduction in the transitional landscape setback from ten feet (10') to one foot (1');
 - d) A variation from Section 155.508(C)(6)(a) of the Lombard Zoning Ordinance to allow for a 1-foot front and corner side yard setback on the perimeter of a planned development where a 30-foot front and/or corner side yard is required in the abutting R2 Single Family Residence and R6 General Residence Districts respectively;
 - e) A variation from Section 155.602, Table 6.3 of the Zoning Ordinance to allow for a reduction of the requisite parking spaces from 46 to 42 spaces during Phase I of the development;
 - f) A deviation from Section 153.506(B)(18)(c) of the Lombard Sign Ordinance to allow for an increase in the total number of permitted wall signs, where one wall sign per street front exposure is permitted;
 - g) A variation from Sections 155.707(B)(3)(a) through (d) of the Zoning Ordinance pertaining to transitional landscape and fence requirements;
 - h) A variation from Section 155.602(A)(10)(d)(2) of the Zoning Ordinance to allow for a reduction in the minimum and average foot-candle intensity requirements for parking lots; and
 - i) A use exception to allow less than fifty percent (50%) of the area of the ground floor to be devoted to uses permitted in the B5 Central Business District.
2. Approve a conditional use from Section 155.416(C)(13) to allow for an outdoor service (dining) area.
 3. Grant Site Plan Approval authority to the Lombard Plan Commission.

C. Approve a development agreement for the subject property.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 21, 2005. Dave Sanders of HPD Cambridge, Inc., 41 South Old Orchard, Suite A, Webster Groves, Missouri, presented the petition. He indicated he has worked with various staff, the business district and immediate neighbors resulting in a two to three year process to get the site they have today. He gave the background of the proposal, stated that their company has a joint venture partnership with Mid-America Development Partners and mentioned the projects they have previously worked on.

Mr. Sanders stated that they bring expertise in mixed-use housing involving senior apartments.

They have worked in ten different states and every site has been in a downtown. Their philosophy is called urbanSenior development. This philosophy preserves the relationship between the individual and the community by managing environments that are homelike and personal rather than institutional. The individual wants and can live independently by seeking to

be engaged with other age groups and not to be solely around people their own age. Each and every one of their buildings contains a sit-down restaurant, which is also open to the public, in which they can have their meals at a reduced rate or they have the choice of visiting any number of restaurants in the business district. Their buildings are unique in that they are small-containing 40-50 units in scope instead of the 300+ units offered by their competition. The reduction in building size is a result of having amenities available in the community within a 2-3 block walking distance instead of on site. Their hope is that this concept will benefit all the merchants in town while still trying to be sensitive to their neighbors.

He continued with a PowerPoint presentation. He gave the partner background of Mid America and projects they are currently involved in, and the partner background of HPD Cambridge.

He described the existing conditions. They are dealing with the possibility of two different parcels. He indicated the Phase I parcel in yellow, which includes the gas station, and the Phase II parcel in red, which is located further east. They do not currently have a contract on this property but a letter of intent. Phase I will include infrastructure improvements. Phase II would consist of additional parking and retail fronting on St. Charles Road. He mentioned the square footage of each phase, the B5 zoning at the corner, as well as nearby development which includes residential condominiums and homes, Walgreens, and retail business uses in the immediate area.

The benefits to the Village include intersection improvements, stormwater management, high-quality materials, expanded pedestrian retail options, additional Village revenue, and streetscape and utility improvements. Mr. Sanders then mentioned the stormwater issues that are present. Water is collecting in a retention area behind the Lincoln Terrace Condos. It is their desire as well as the Village's to contain the water and create easements or a detention design to take the outflow to the Elizabeth Street storm sewer. They have a detention system and know how it will work, but engineering review will still need to be done by staff.

By doing a market study, they found a need for 600 apartment units of this type. They believe residents will be coming from within a 2-4 mile radius of the site, have annual incomes greater than \$25,000, and will be looking for quality housing. There will be no subsidies or government funding utilized for the project. They also hope to create expanded retail options and will market those businesses as their lifestyle. They will be active in promoting the downtown.

Mr. Sanders outlined the project summary, which included the square footage of the street level, second through fourth floors as well as the square footage of Phase I and Phase II.

The primary objectives for design responses include:

1. Continue to develop the streetscape. There will be amenities such as sidewalk planters, unique lighting, glass storefronts, street trees and other plantings. They want to attract retailers to come into their spaces.
2. Establish new storefronts with quality shopping and visual attractions. These will complement the existing businesses and he mentioned Praga Restaurant across the street.

3. Provide space and maintain the character of the intersection. They have requested a height variation in order to create a good visual image at the corner and are pulling the building back to create more space to allow outdoor dining. The residential sections are recessed so as to not give a massive feel to the building. There is greenspace for the residents in which they can grow vegetables. The edges of the property are being looked for screening and visual separation purposes due to residential neighbors input. They looked at trees and the east property line will be a solid line of trees, evergreen or deciduous. Their neighbor has a walnut tree and a maple tree that are mature. Whatever they do with the fence/wall, they want to be careful not to slice through the roots. They are completing an earth berm between the curb line and the property line and want to work with the neighbor to create a 2-3 foot earth berm, which will provide a buffer for stormwater, noise, and headlights.

On the north side there is another 8 feet and it narrows toward St. Charles. An earth berm will not provide appropriate buffering in of itself, but maybe a good row of trees or a high-quality fence around the whole area to give security.

4. Parking - there will be on site parking as well as loading areas accessed from Elizabeth. The residential parking area will have covered drop off areas with access to the front door.

5. The proposed residential use will support the local merchants. The age group they are marketing to are healthy and active. It will be common to see them working part time, volunteering in the neighborhood and supporting other local efforts in the downtown as well as having family and friends visiting. This will enhance revenues to the Village. It will be their job as building owner to keep everyone entertained and set up accounts with the business district.

Mr. Sanders then displayed the various elevations. He first showed the tower at the corner and the outdoor dining space. He described the building facade as being a two-toned brick, having large awnings, and signage on the building on the corner. Next was the upper floor plan that indicated Phase I and Phase II. He then showed the St. Charles Road elevation and the Elizabeth Street elevation that includes the portals.

Their development schedule tends to be of the type that moves slower than some. They spend time to continue to design and dialogue with the Village and neighbors. In the interim, they do pre-leasing and go out into community and take deposits. It will be approximately six to eight months before construction and approximately twelve months to build the building.

Concluding, he thanked Village staff, the business district people, and the neighbors for their input and then summarized the variations being requested.

Chairperson Ryan asked the Commissioners if they had any questions of the petitioner.

Commissioner Burke referred to the site and the landscape plans along the east line and questioned the setbacks. Mr. Sanders showed a slide showing a raised berm and fencing. He explained that the objective is to create site line screening from various vantage points.

Commissioner Burke asked how tall the tree is. Mr. Sanders responded 25 feet and indicated that the trees that currently exist are about that size. They would look to install evergreens and larger trees like pines.

Commissioner Sweetser referred to the plans for the 2-4 floors and questioned the orientation of the footprint. Mr. Sanders explained it would be a horseshoe shape.

Chairperson Ryan then opened the meeting for public comment. There was no one to speak in favor of the petition. There were four people to speak against the petition.

Robert Sippel, 26 N. Lincoln, Lombard, indicated that his property lies on the far north end. His first concern is the water run off problem. He indicated this has always been a problem and questioned how they would be able to direct the run off to Elizabeth Street due to the grade change. He also asked how far back the parking area extends as he believes it is about 1 foot off of his property. He had concerns about the lighting and hoped that they would incorporate low-level lighting that does not flood the neighboring yards. He asked for clarification as to how many levels of living space would be above the parking area and be visible. He stated he was unclear as to the available parking and hoped that there was enough so that it would not overspill onto the streets. Lastly, Mr. Sippel stated that he is not against the project as it looks good for Lombard but hopes it ends up being better and not worse.

Daniel Dwyer, 19 N. Elizabeth, Lombard, indicated he is the first house north of this project and the most impacted by it. He stated he is for the development and liked the project but it seems to be too much in too small of a space. He was concerned by the lack of a buffer and how the site is being pushed to the lot lines. Some of his other concerns are about the dumpsters and dumpster enclosures which are proposed to be located adjacent to his front yard. He also has concerns about truck deliveries and where they would have to unload. He was confused about the cross section that showed the wall on the lot line but then the petitioner said it was 8 feet back. Other concerns include drainage and lighting. Concluding Mr. Dwyer indicated that it is a beautiful building and a nice project but too much in a little space. He urged the members to uphold the zoning codes for the reasons they are written.

Tyler Williams, 30 N. Lincoln, Lombard, stated he was looking through the presentation specifically, pages 13 and 14 of Appendix C, Circulation and Parking, and comparing it to the parking in code requirements. They have 51 units in Phase I and 24 in Phase II. According to code, there should be 14 spaces for Phase I and 6 for Phase II. Then he referred to the conditions noted in the staff report, specifically, page 17, condition 13, which stated that no more than 10 parking spaces shall be dedicated for resident parking purposes during Phase I of the project. He was very concerned about the lack of parking. If what the petitioner says is true that seniors are more active and live longer than they used to, then there are impacts to the area with the other buildings and was concerned that residential parking and visitors parking is sufficient. Mr. Williams also had concerns about the stormwater retention and requested that once the designs are completed, the Plan Commission could make a presentation of the plan for the area. He was also wondering if they could have some foliage at end of this parking lot for Phase II. Lastly, Mr. Williams was concerned about the additional noise that would be generated from the building

that would include exhaust fans from the restaurant and wanted to know how that would be handled.

James Protine 829 Crescent Blvd., Glen Ellyn, stated he owned the property at 218 St. Charles Road. It seems that this project is so huge. They have contacted him but he has not agreed on selling because there are many things to pay for like paperwork and surveys and he did not think that was right. He felt that the sale of his property is essential for the project to work.

Chairperson Ryan then stated that the petitioner had time to rebut to the questions and comments previously stated.

Mr. Sanders first addressed the drainage issue. They have taken a look at the existing situation behind the condominium building. The objective is to create a detention area within this combined site to handle the run off or a run a pipe through the two properties to Elizabeth. The easement would run out to Elizabeth so water on their parcel will be contained. Stormwater will be required to flow into their own vault system and it will not run off into anyone's yard.

William Bohne of Jacob & Hefner Associates, 1901 S. Meyers Road, Oakbrook Terrace, indicated he was the Civil Engineer for the project. He indicated that half of the Phase I site drains north. The current run off of Phase I runs overland to the residential properties north of the site. He explained that they will be installing underground pipes from the parking lot and channeling the water into an underground detention system, storing it, and then putting it onto Elizabeth. This way it will never inundate the storm sewer. For Phase II they will make a connection into that and will follow through their system onto Elizabeth. He addressed the comment about the curb elevation and indicated that it is about 1-1/2 feet higher than the existing property line. Mr. Sanders stated that there is more engineering to do and once the solution is found they will be happy to represent it.

Mr. Sanders then addressed the buffering issue. They redesigned it and there is no reason why the pavement has to be as close. They will create more landscaping and the fence/wall allows an attractive termination.

As far as the lighting, they will keep levels lower to ground. The lighting will be in the ceiling of the building covering the lot but they will need lighting around the perimeter. They will mount as a bollard on the fence post shining down at grade level and will not have lighting up on a pole.

Height - from the backside you have one level of parking with three floors of housing.

Dumpster - We have to continue to work on this with the neighbor. The back of the dumpster enclosure is anticipated as being a masonry unit with a roof on it. As the dumpster would be located at a main entrance they care about the appearance and the smell. But they can reconsider the final placement of the dumpster area.

Truck Deliveries - The assumption is that the two portals will have a clearance of 12 feet. The trucks seem to arrive with two men to a truck. They will be able to bring enough furniture

to fill a small apartment. Most of the deliveries will come in there as well. When doing Phase II they will have a third point of access. Emergency vehicles will also fit under the 12'-12'6" clearance.

Timeliness of Deliveries - This will be addressed by having language in the lease.

Exhaust Fans - All that equipment will be located on the roof of the building. There is a parapet to screen the equipment and so it should not be visible. Isolators will be used to cut down on the vibration.

Parking - He acknowledged the paragraph that Mr. Williams quoted from but that is not the way the formula for parking in the code was laid out. If they followed that interpretation of the code, they are 2-3 spaces shy in Phase I and 11 spaces over in Phase II. He will have to discuss that with staff.

Commissioner Sweetser commented that there is a perceived difference between the picture and the buffer. Mr. Sanders indicated they have a survey 20' from the edge of building to property line, 8' from edge of curb to property line and then 23' from the property line to your edge of the house immediately north of their site. Commissioner Burke clarified his question about the cross section of the wall. Mr. Sanders stated that it can be a fence, a wall or both. Due to the noise concern it might be feasible to have a masonry wall down to a certain point but then when they get to the mature trees they might get to something else.

Chairperson Ryan asked if the 8' is from the start of the slope and the 20' is from the property line to the adjacent house. Mr. Sanders indicated that the end will be pulled back and then picked up another 9 feet.

Commissioner Sweetser asked about the parking lot lighting and if they were planning pole lighting. Mr. Sanders stated that if there are posts around the perimeter they will either put sconce lighting on the pole that will shine down or bollard lighting to keep light levels down.

Commissioner Sweetser had concerns about the ability of doing Phase II without the parking.

Commissioner Burke asked for confirmation that there is no variance request regarding the earth berm wall. Mr. Heniff stated that was correct.

Mr. Dwyer referenced Section 155.707 of the Zoning Ordinance, 3Ba., which states that a fence shall be 6' in height and shall be located not less than 8' from the lot line. He stated that what was presented and shown contradicts the Zoning Ordinance. Chairperson Ryan stated that issue will be addressed during the staff report.

Tyler Williams asked if the decorative elements that are in the front of the building will be in the back also. Mr. Sanders stated that the elements turn the corner on the east end and on the north end but did not continue along the rest of the building. He noted the parapet and cornice.

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Mr. Williams asked if a masonry wall was planned for the north end. Mr. Sanders answered that the masonry wall is planned for sound where a garden wall is not. They have not the details but does not see a purpose for it there.

Mr. Williams asked if there would be a masonry wall on the east side by Lincoln Terrace. Mr. Sanders answered that part of it would be at his suggestion. They have to work with staff.

Referring to a slide, the line next to the cars should be a wall and once you get to the plantings he does not see a purpose for it.

Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, presented a PowerPoint presentation, and gave a brief summary of the highlights of the staff report which included the public hearing request and the specifics relative to the petition.

Commissioner Sweetser referenced the supplemental booklet. She asked if the parking requirements described for elderly housing were based on that. If so, she questioned whether these active individuals actually fit the description especially when this definition was made. Also, that might not take into consideration the visitors.

Commissioner Sweetser then referenced the KLOA study and asked if the three southbound lanes on Elizabeth at St. Charles would be provided. Mr. Heniff answered no.

Chairperson Ryan opened the meeting up to the Commissioners for any questions and comments.

Chairperson Ryan asked if Phase II was dependent on the owner selling and how that might affect their decision tonight should an agreement not be reached for Phase II. Mr. Heniff answered that Phase I can stand on its own merit and it is not imperative that Phase II is completed. Right now the property owner raised concerns about negotiations that his allowing this to go forward as far as the zoning actions. This can be addressed through the development agreement. Staff would like to see both phases done as that is where you get the greatest benefit. This petition is moving forward today because we have a petition by relevant property owners.

Chairperson Ryan asked if you approve a rezoning from an R6 to the B5 and the project does not go through, does it revert back to the original zoning. Mr. Heniff answered that should Phase II not go through, the Board of Trustees can revert the rezoning back to the Plan Commission or leave it as a B5 until such time another redevelopment comes forward.

Commissioner Flint indicated that is a high quality development and a lot of time and effort has been put forth. He felt it would be a good development for Lombard.

Commissioner Burke echoed the same sentiments and commended the petitioner on his positive attitude toward the neighbor. He felt that there are still a lot of things up in the air about landscaping, transitional yard setbacks, and parking. He is worried about approving the petition with all the loose ends. Mr. Heniff indicated that the staff report ties it down a little bit and

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mentioned that comments could be incorporated but subject to the Director of Community Development with the neighbor comments.

Commissioner Sweetser was still concerned about the parking requirements based on the elderly designation as well as the availability of parking if the parking was removed on St. Charles Road and what agreements are being made.

Commissioner Olbrysh also thought that the project was very attractive. He liked the streetscape approach and thought it would help small businesses in the downtown but shared Commissioner Sweetser's concerns about parking. Parking is becoming a major issue for downtown Lombard and he does not think that the parking is sufficient for this project and needs to be addressed.

Commissioner Burke asked for reassurance from staff that they were confident that the conditions noted in the staff report took into account all the issues and comments that were discussed. He referenced the lower level lighting and how the bollard lighting will not meet the Village ordinance and asked if that had to be approved. Mr. Heniff answered that would be done in Phase II and when such time comes if we do find that in the interest of being neighborhood friendly it can be brought back at that time.

Commissioner Sweetser stated she would like staff to comment on the configuration of retail spaces in this development compared to other developments and if we need to have maximum configurability. Mr. Heniff answered that this project has a nexus between the commercial elements and what is living there. Mr. Sanders assured her that they have the maximum potential for getting users.

Commissioner Flint asked the other Commissioners if they wanted to continue the petition.

Commissioner Olbrysh stated that if the petition is continued there is no need to go through the whole process but just address those outstanding issues such as parking, landscaping and lighting.

Commissioner Sweetser indicated she would like to hear the status of the second lot.

Chairperson Ryan announced to the audience that staff does not have to republish the request and will just continue the petition and deal with those items at that time.

December 19, 2005

Chairperson Ryan re-opened the petition. Prior to the start of the testimony period, Commissioner Zorn noted that as she was not at the last Plan Commission meeting, she would abstain from voting on the petition.

Mr. Sanders stated that the day after the November Plan Commission meeting, they met with staff to identify where and how they could address the points that were raised. They concentrated on the topic of parking and made some decisions to try and bring the Phase I portion into compliance with code by removing ground floor retail space. They talked about the landscape buffers around the property. Staff met with some of the adjacent property owners to discuss options and alternatives. The presentation is the feedback of preferences, thoughts from the property owners. They have not had the opportunity to speak directly to them but they would like to look with them on site as to how the property lines work out.

They showed another PowerPoint presentation. They showed a revised site plan depicting where modifications were made. They are pulling the parking area back to the required 10' buffer distance along 26 N. Lincoln. They are proposing a fence line and landscaping treatment. Just below that, there is a tree on the property line. A suggestion was made to run fence around the tree and create some sort of agreement on how to maintain the tree and if they use a system of brick pier and wood fencing between, there is no reason the tree should not survive. But if it doesn't they will take down.

Along Mr. Dwyer's property line, the fence is moved back toward their parking area to create a landscape area. There is discussion about the wall being some form of masonry with Mr. Dwyer having a vote on aesthetics so it is compatible with the deck he is planning to build. There are concerns about the tree roots but if something happens to them they will be responsible for taking them down.

He identified on the plan the relocation of the proposed dumpster. They will build an enclosure to minimize the smell and to make the area more attractive.

He then showed a revised plan showing the removal of some of their common area to pick up 2-3 more parking spaces, so that the project will meet code requirements. Some of the retail will also taken out to add another 5-7 parking spaces. When they get to Phase II they will be in excess and will be able to meet all parking requirements for all uses.

He then summarized the changes –

1. Site lighting – underneath the building, the lighting can be handled as recessed lighting up in the soffit so that the light source will not be visible and light the parking surface only. All lighting will be low level or pointed down.
2. Parking lot location at Phase II – to address stormwater issues, they are capturing and removing stormwater from the adjacent property. Their engineer assures them they will contain and remove all of their own water as well as the condo water into their system.
3. Parking ratios – they plan to meet code.
4. Parking lot site lighting will be recessed or applied to fences/walls. The masonry posts might accommodate lighting to shine down. All fencing a minimum of 6 feet in height and designed to eliminate headlights shining onto adjacent properties.
5. Location of paving and parking – they will provide for the required landscaping buffer between the project and the adjacent parcel at the north edge.

6. Dumpster – showed illustration of a previous enclosure, but they are proposing brick masonry with solid doors and roof to fully enclose.
7. Parking – he described where the two changes are taking place to add spaces.
8. Landscape buffer at adjacent properties – he wants them to work well from the neighbors view as well as their view. The illustration of examples of brick piers with solid wood fencing between them with landscaping.

He then reviewed the landscape buffer diagrams. They moved the wall back over towards their parking lot creating a landscape area on his side. They are accommodating the tree on his property and an additional tree is being planted. The middle diagram shows an area on site up and down a large lot line between the condominium building and their property. The final plan shows how the fencing might work its way around the tree.

Proposed elevations – they have not changed anything other than the dumpster. In that elevation the dumpster was on left end and now moved to the other side resulting in a taller wall and fully enclosed dumpster.

Concluding, he thanked the residents and staff for their feedback and hoped these revisions are an improvement from the last meeting. He showed some additional photographs of a wall with a door or gate. For maintenance of the landscaping on opposite side of the wall, they will need to get to the area, hence the wall and door.

Chairperson Ryan opened the meeting for public comment. No one to speak in favor of the petition. Commenting against the petition were:

David Dwyer, 19 N. Elizabeth, Lombard. He presented a PowerPoint presentation. He stated that some of the things he included have been addressed. In the last meeting it was unclear where the building sat - this slide gives a good view. He showed an aerial view of his house.

He then voiced his concerns. He supports the redevelopment of the downtown but should stay in the confines of the Zoning Ordinance. He mentioned the contradiction as to what he was told or in the provided in their booklet. The dumpster, the volume of waste produced, how big the enclosure should be and the frequency of how much the trash will be picked up. The booklet described active senior residents. He feels the parking is inadequate. Visitor parking is limited. Employee parking has not been addressed. There has been no mention of handicap parking.

Regarding parking space calculations, he showed an aerial depiction of how the parking will look on his street due to the lack of parking. Cruise Nights is one event in the summer which can be tolerated but this would be different. He referenced the transition requirements between the R2 and B5 Districts. He asked why the full transitional yard could not be provided for his property.

In summary, he said the project is attractive replacement of the service station. The development is too large for the lot in question. Not a good use of land and not good for the residents. He is worried about the tree and doesn't want to lose any of his trees and a 10' setback would significantly reduce the impact on the trees.

Tyler Williams, 30 N. Lincoln, stressed his thanks to the Plan Commission, staff and developer to address some of the parking issues and explanation from the engineer regarding water detention plans. He still has some concerns about parking on Lincoln and Elizabeth. He questioned the need to change the ordinance - what about employees? He asked if the mailing regarding the development sent to neighbors is a common practice for them to do if the review has not been completed.

Mr. Sanders rebutted. He stated that the rebutter's site plan appeared as though the building was going right through the lot line, but the building is set back from the lot line. The dumpster question hopefully has been addressed. They are sympathetic to this issue. Their experience is that the residents are not big trash generators but the restaurant will be. The retail will not be huge generators of trash. The plan is to do a high quality enclosure away from the house with the masonry wall and enclose with the solid metal doors.

Regarding parking for relatives as well as parking for the businesses keep in mind that users of the businesses already live there and they may eat once or twice at the restaurant and therefore will not generate additional needs for parking. Referencing active seniors, the proposal is to provide the development in areas where they will not need to drive to the bank, beauty salons, restaurants, shops and train. They will be offering a transportation vehicle for grocery shopping or to the theater. Lastly, unlike condominium buildings, their residents will not be parking down the street and walking to their apartment, as they won't live there, so they have a large amount of control for their residency. They are parking the lot with what code requires in both phases and over in Phase II.

Regarding the tree in the back, there is no reason that nothing has to happen to the tree. There is 8 feet of green space, for that 2 feet of encroachment, there is an expensive brick wall for noise, and landscaping. Regarding drainage, there are two options to put in a detention system or the other is to run a pipe from the condominiums to the street. In both cases they will be adequate distance away. The plan will provide for requisite handicapped parking.

Regarding the mailers – it is common for them. They are dealing with an age group that makes decisions slowly. They make it clear that is preliminary.

Regarding employee parking – there are not here to determine Village code within senior housing their ratios include that. They are not like the type of housing like assisted living. They would have more visitors if people were confined to housing such as, doctors, health professions. They can operate with a small staff.

Mr. Dwyer thanked him for answering the questions. He then asked for a clarification as to the proposed wall locations. Mr. Sanders said the parking lot is eight feet off of the property line. The fence is five feet seven inches away. Regarding the one-foot transitional yard space behind your garage, this second piece of property is only 52 feet wide. It is not even good for parking. By adding Phase II they bring parking up to exceed code. The best they can do is to be sensitive

to the neighbors and that big tree and to be flexible with you as far as landscaping. Mr. Dwyer asked why the parking lot could not be shifted to the east.

William Heniff, Senior Planner, presented the addendum report. He noted that many issues have been addressed by neighboring residents or the petitioner. Staff originally suggested as a number of conditions of approval associated with transitional landscaping and screening provisions within the conditions of approval. The Plan Commissioners expressed concerns that the actual nature of the screening and landscaping were not satisfactorily addressed by the petitioner by their submitted plans and testimony. He referred to Attachment A which shows detailed plans - staff is recommending that these details be incorporated into the overall development plan.

The petitioner's refined plans propose a wall to be located approximately 5'7" south of the north property line abutting 19 N. Elizabeth Avenue. The wall would tie back into the building along the west elevation of the building. To promote compatibility with the adjacent property owner of 19 N. Elizabeth Street, the petitioner is willing to let the adjacent property owner determine the final design of external cladding (i.e., the external application of one material over another to provide a weather-proof layer or a decorative element) to be placed on the wall. If the adjacent property owner does not select the cladding appearance, the Director of Community Development shall make the selection based upon a review of the proposed exterior building elements.

He noted that the transitional landscape requirements provide a fair amount of discretion as to the final design of placement of plant materials. However, with the proposed development encroaching into the requisite transitional yards, the petitioner is proposing to address the encroachment by placing shade trees every 25 feet along the in the following manner:

1. Along the north property line abutting 19 N. Elizabeth Street, the petitioner will provide one shade tree every 25 feet evenly spaced along the entire length of the landscape yard.
2. A continuous evergreen or dense deciduous shrub hedge (or an approved equivalent) shall be extended the entire length of the landscape yard shall be planted at least 2-1/2 feet north of the requisite wall. The shrub hedge shall be installed at a height of 3 feet and shall be planted on the outside of the fence. The spacing of shrubs shall be 5 feet on center, or as approved by the Director of Community Development.
3. If in the event that the plant materials cannot be completely planted on the subject property, a cash allowance (prorated based on differential between amount of side yard buffer required by code and provided for in the planned development) would be paid to adjacent property owners for landscape use.

Using this approach, the final design of the development would give the appearance of meeting the transitional planting requirements (either on-site or on the adjacent property).

Along the west property line in Phase II (also the rear of the Elizabeth Street lots), the petitioner is proposing to provide a brick pier/cedar fence. As this property line is located behind existing

detached garages, the benefit of providing transitional landscaping is minimal. Therefore, staff would support relief from the transitional planting requirements at this location.

Along the north property line, the petitioner's revised plan reduces the parking lot area so that the full transitional landscape yard area shall be provided. The petitioner will provide transitional landscaping in this expanded area.

The Zoning Ordinance encourages the preservation of existing vegetation within planned developments. The petitioner intends to take steps to help ensure that existing mature trees on adjacent properties but in close proximity to the property line are not adversely impacted by the proposed development. As such, in addition to keeping the planter wall removed from the property line, the petitioner is proposing the following provisions:

1. A condition should be added to the planned development stating that if any trees on the property line directly to the north should die within three years, the Pointe at Lombard property owner shall be responsible for removing and grinding any remaining stumps.
2. A landscape easement should be created on the adjacent property for the large tree on the east property line of the Phase Two property. The proposed fencing noted above should go around the tree, with the ground to be maintained by the Pointe at Lombard property owner. If the impacted tree dies, The Pointe at Lombard should be responsible for removing and grinding any remaining stumps.

The petitioner has revised the location and design of the proposed trash enclosure area for the school. The new location of the enclosure will be farther from adjacent residences (relocated toward the south entrance) and will be made of similar materials as the main building.

Concerns were raised about the operations of the parking proposed for the site. The petitioner initially requested parking relief for Phase I. To address the concerns raised at the meeting, the petitioner reduced the overall size of the retail portion of the building so that the project would meet the minimum parking requirements in the Zoning Ordinance. However, the petitioner wanted to ensure that the parking conditions for the project would not adversely affect their ability to park the residential component of the project. To this end, the petitioner is proposing to park the site at a level of 0.5 spaces per unit. Using this higher formula and in consideration of the reduced parking demand through the loss of the first level space, the project will meet both the petitioner's parking needs as well as the Village's parking requirements.

As a related issue, staff has included as part of this petition a companion deviation to allow for a reduction in the requisite fifty percent of the requisite area of the ground floor to be devoted to uses permitted in the B5 Central Business District. This relief will allow the parking area to be further expanded to accommodate additional parking.

Concerns were raised at the public hearing regarding parking lot lighting issues. To address this issue, staff has added a lighting variation to this petition. Staff also recommends that as a condition of approval that any light fixtures within the parking garage area shall be recessed and

shall not be directly visible from adjacent properties. Within the Phase II parking lot area, bollard lighting shall be provided in the open parking lot areas.

He then noted a correction to the condition 5 in the staff report.

Chairperson Ryan then opened the meeting for discussion for the Plan Commissioners.

Commissioner Sweetser said that while the various options seemed to have been discussed, it is unclear to her what the possibilities are for the northern property lines. The petitioner is flexible even to the extent of the parking bumpers, so she is not sure what is allowable from staff's point of view. The placement of the driveway on Phase II - can that be centered? She also noted the parking requirements - .25 spaces per unit. How does this compare to Lexington or Beacon Hill. She said that they have no idea of what the actual employee parking shall be.

Mr. Heniff said that along the north property line, a solid hedge row would meet code. The property owner might want alternate plantings, but the intent is to provide additional flexibility for the adjacent property owner. They are raising the bar and requiring an expensive and solid wall. It will be based on the final landscape plan. He said that there is no need for bumpers as a solid barrier curb would suffice. Regarding the Phase II parking lot, the plat of survey shows that this area is back of the garage. Since it is not highly visible or usable area, you are limited to how much you can shift. He then gave the definitions of the parking codes for different senior housing uses. The parking does meet code provisions.

Commissioner Olbrysh appreciated the petitioner's attempt to be a good neighbor and address the concerns of all with the revisions they made. While they are willing to be flexible as far as the neighbor's concerns, he is still concerned about the parking. Even if parking meets/exceeds code, the residents are active seniors, there will be 75 units, a restaurant which will feed the residents, and retail spaces and the parking exceeds parking code by having 69 spaces and maybe every one of the resident won't have cars, but they will have family and he mentioned the shared parking. He exemplified the Fountain Square development, which provided enough parking that met code and still wasn't sufficient. He still thinks parking will be a problem on Elizabeth and St. Charles but the code does not allow us much.

Chairperson Ryan suggested that the downtown parking codes might need to be reviewed. If the development is exceeding parking, we cannot stop it but we should be concerned about the future of parking. Commissioner Olbrysh stated that the most successful downtowns do the parking garages.

Commissioner Flint said that is the result of being a vibrant downtown. You want to have the vibrancy that creates the problem so that down the line the parking won't be an issue.

Commissioner Burke said that while they have addressed parking, elsewhere in the downtown there are areas where parking was not required. It would be unfair to make this development provide additional parking when no one else did. The 69 spaces for that amount of units and employees is sufficient.

Commissioner Sweetser would like an assurance that the phasing will not cause a parking issue and asked if they needed to condition Phase I? Mr. Heniff said it can stand on its own as well as Phase II.

After due consideration of the petition and the testimony presented, the Plan Commission accepted the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and find that establishing a planned development is in the public interest; Commissioner Olbrysh made a motion to recommend to the Corporate Authorities **approval** of PC 05-42 as amended for approval of the petition, which was seconded by Commissioner Flint, subject to the following conditions:

1. The petitioner shall enter into a development agreement with the Village setting forth the terms and conditions for development on the subject property.
2. The petitioner shall develop the site in accordance with the Phases I and II preliminary engineering plans prepared by Jacob & Hefner & Associates, Inc., dated October 20, and 26, 2005 respectively and made a part of this petition and in accordance with the revised submittals included as an exhibit to the approval ordinance; except as varied by the conditions of approval.
3. The proposed buildings and structures shall be constructed in accordance with the submitted Phases I and II plans, prepared by MidAmerica HPD Lombard LLC, dated October, 2005 and November 10, 2005 and made a part of this petition and in accordance with the revised submittals included as an exhibit to the approval ordinance; except as varied by the conditions of approval.
4. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.
5. The increase in height shall only be for the proposed tower element located on the southwest corner of the building as depicted on the submitted plans. Any height increase above the forty-five feet above grade shall only be for architectural elements and shall not be used as living space.
6. The proposed east building elevation shall be amended to include additional window elements in a manner consistent with the other elevations. If full windows cannot be installed due to internal layout conflicts, the petition can substitute spandrel glass windows. The final design shall be subject to review and approval of the Director of Community Development based upon the Plan Commission recommendation. Moreover, in the event that Phase I and II are not constructed simultaneously that the petitioner shall provide a finished east exterior wall for Phase I, with the design of the exterior wall being subject to the Director of Community Development.

7. The petitioner shall provide the additional landscaping and screening improvements, as depicted on the petitioner's submitted plans, and as follows:
 - a. Along the north property line abutting the residential property at 19 N. Elizabeth Street, as part of Phase I of the development:
 - i. The petitioner shall provide a solid wall per the submitted plans. The adjacent property owner shall determine the final design of external cladding to be placed on the wall. If the adjacent property owner does not select the cladding appearance, the Director of Community Development shall make the selection based upon a review of the proposed exterior building elements. The wall shall also be designed to minimize its impact on existing mature vegetation located in close proximity to the property line.
 - ii. Along the north property line abutting 19 N. Elizabeth Street, the petitioner will provide one shade tree every 25 feet evenly spaced along the entire length of the landscape yard.
 - iii. A continuous evergreen or dense deciduous shrub hedge (or an approved equivalent) shall be extended the entire length of the landscape yard shall be planted at least 2-1/2 feet north of the requisite wall. The shrub hedge shall be installed at a height of 3 feet and shall be planted on the outside of the fence. The spacing of shrubs shall be 5 feet on center, or as approved by the Director of Community Development.
 - iv. If in the event that the plant materials cannot be completely planted on the subject property, a cash allowance (prorated based on differential between amount of side yard buffer required by code and provided for in the planned development) would be paid to adjacent property owners for landscape use.
 - v. In the event any trees on the property line directly to the north should die within three years, the Pointe at Lombard property owner shall be responsible for removing and grinding any remaining stumps.
 - b. Along the west property line (abutting the rear yards of the R2 Properties along Elizabeth Street), as part of Phase II of the development:
 - i. The petitioner shall also pay for and install a brick pier/cedar fence per the submitted plans.
 - ii. A landscape easement shall be created on the adjacent property for the large tree on the east property line of the Phase Two property. The proposed fencing noted above should go around the tree per the submitted plans, with the ground to be maintained by the Pointe at Lombard property

owner. If the impacted tree dies, The Pointe at Lombard shall be responsible for removing and grinding any remaining stumps.

- c. Along the north property line abutting 26 N. Lincoln Avenue, as part of Phase II of the development, the petitioner shall provide full transitional landscaping.
 - d. Along the east property line, as part of Phase II of the development:
 - i. The petitioner shall pay for and install landscape plantings on the subject property and/or the adjacent Lincoln Terrace Condominium property to meet the transitional landscape planting requirements of the B5 District. If the adjacent property owner does not consent to this provision, this petitioner shall not be obligated to install additional plantings on the adjacent property.
 - ii. The petitioner shall also pay for and install fencing along the eastern property line, no greater than eight (8) feet and no less than six (6) feet in height. Design of the fencing is subject to the approvals of the Director of Community Development with input from the Lincoln Terrace Condominium Association. The fencing shall meet all Village setback and clear line of sight requirements.
 - e. Any retaining walls for the proposed parking lot within Phase II of the development shall be designed to be architecturally compatible with the approved building elevations, as determined by the Director of Community Development.
8. Any light fixtures within the parking garage area shall be recessed and shall not be directly visible from adjacent properties. Within the Phase II parking lot area, bollard lighting shall be provided in the open parking lot areas.
 9. The petitioner shall incorporate the recommendations of the Village's traffic consultant and Village staff into the final development plans for the site.
 10. The right-of-way improvements shall be designed and installed to address the comments raised by engineering staff. The petitioner shall provide a public access easement on the subject property for any areas in which the constructed sidewalk is less than four feet in width.
 11. The petitioner shall submit a Plat of Consolidation to the Village for review and approval. Said plat shall consolidate the subject properties into a single lot of record and shall be required concurrent with the building permit submittal for Phase II.
 12. The proposed wall signs shall be of a uniform design, shall not include "box signs", and the wall signs shall be located on the building consistent with the submitted plans. The east elevation shall not include any building identification signage.

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13. The petitioner shall redirect the released stormwater from the existing Lincoln Terrace detention facility into either the proposed detention vaults to be constructed on the subject property or into a separate storm drain to be located on the subject property that will connect to the storm drain within the Elizabeth Street right-of-way. The final design of this improvement shall be subject to review and approval by the Village. The petitioner shall also grant any necessary easements to provide for this conveyance.
14. The outdoor dining area shall be designed and operated in a manner that provides for at least four feet of width for pedestrians at all times.
15. The property shall be developed consistent with Village Code, except as varied by this petition.

The recommendation of approval was passed by a roll call vote of 4-0, with 1 abstention,

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission