

October 4, 2007

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

**Subject: PC 07-31: Text Amendments to the Lombard Zoning and Sign Ordinances (B4A District) & Comprehensive Plan Amendments; and PC 07-32: Map Amendments to the Lombard Zoning Ordinances (B4A District), Comprehensive Plan Amendment; and a Moratorium Ordinance Extension**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is requesting the following actions be taken:

For PC 07-31:

1. Approve text amendments to Chapter 155 of the Village Code (the Zoning Ordinance) and Chapter 153 of the Village Code (the Lombard Sign Ordinance) to create a B4A zoning district and establish development regulations for the proposed district. This amendment shall also include any necessary companion codification amendments required for clarity or consistency.
2. Approve amendments to the Village Comprehensive Plan as needed.

For PC 07-32:

1. A map amendment to rezone Roosevelt Road Corridor properties currently zoned B3 Community Shopping District, B3PD Community Shopping District Planned Development, B4 Corridor Commercial District or B4PD Corridor Commercial District Planned Development to the B4A Roosevelt Road Commercial District or B4APD Roosevelt Road Commercial District Planned Development.
2. Approve amendments to the Village Comprehensive Plan.

3. If deemed necessary, grant an amendment to Ordinance 5974, adopted January 4, 2007, which established a development moratorium along the Roosevelt Road Corridor. The amendment would extend the time period of the previously approved development moratorium to coincide with the final approval of the aforementioned map amendments by the Village Board.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 17, 2007. William Heniff, Senior Planner, stated that since PC 07-31 and PC 07-32 were inter-related, he would make presentations for both cases together. He then showed a PowerPoint presentation (attached) discussing the petitions. The Village of Lombard is proposing text amendments to the Zoning and Sign Ordinances to establish a new B4A Roosevelt Road Corridor Commercial District. This district would create a zoning category and regulations that pertain specifically to the Roosevelt Road Corridor that specifically addresses the findings and recommendations of the Roosevelt Road Corridor planning effort. The map amendment would rezone the selected properties into the B4A District itself. As a companion to the text amendments, an amendment is proposed to the Village's Comprehensive Plan to adopt the Roosevelt Road Report as a supplement to the Village Comprehensive Plan.

Lastly, the petition also includes a provision to extend the Roosevelt Road development moratorium for a short period of time to allow the Plan Commission and Village Board to complete the public hearing process.

Following the attached presentation he referenced the various slides, which described the history of the Roosevelt Road planning effort. He noted that after the development moratorium was established, an ad-hoc committee was established to review various development issues. He thanked Commissioner Olbrysh for his participation on the ad-hoc committee. He noted that they established eight primary goals and the recommendations within each of the goals.

Discussing the first goal - determining preferred uses, he went through and described the proposed changes. These include removing obsolete uses and hotels from the list of permitted or conditional uses. Banks and multiple tenant centers are proposed as conditional uses. A full discussion of the proposed use changes is included within the final report. He then discussed the other goals and recommendation as noted in the presentation.

He then discussed the various actions for consideration. The first step is to consider the report as a companion to the Comprehensive Plan and determine whether it should be recommended for approval.

Mr. Heniff then discussed the proposed text amendments that were included within the report. He then noted that the bulk regulations proposed for the B4A district would mirror those within the B4 District. For properties with B3 zoning, the new regulation would be more restrictive, but it would help prevent piecemeal development. The intent of the ordinance is not to restrict existing business activity, but rather to encourage it as part of a unified development. He noted

that the sign amendments are only intended to mirror the B3 and B4 provisions at this time – the Ad-hoc Committee decided not to further restrict sign size. However, signage should be integrated with the building architecture.

Mr. Heniff then stated that the Village Board directed the Plan Commission to review whether placing caps on the amount of service uses would be appropriate and whether a limitation on service uses should be included within the proposed text amendment. He noted that the Ad-hoc Committee spent a fair amount of time discussing the retail/service use issue. Staff initially conceived the cap idea as a means to directing development activity toward retail uses. Service uses would be permitted provided that such uses did not occupy more than 25 percent of the ground floor area. Any increase above this threshold would be classified as a conditional use and could be applied for in the event that market conditions were not favorable to retail development. The intent of regulation would be to provide a method for providing stronger focus to retail uses over service uses.

He noted that the final report excluded this concept, stating that such regulations could result in excessive vacancies, greater negative impacts on smaller centers, impacts on property values, run contrary to general market forces, and would be contrary to Committee goals. Ultimately, he stated that the Plan Commission should offer a recommendation as to whether caps should be placed upon service businesses. And if so, then what percentage cap is deemed most appropriate?

Mr. Heniff then discussed the proposed map amendment that would rezone the B3 or B4 properties to the B4A District. Any previously established planned developments would maintain their planned development (PD) designation with the rezoning. He noted that the map amendment would eliminate the existing inconsistent application of the B3 and B4 designations and would provide a uniform set of regulations for the Corridor.

Chairperson Ryan then opened the meeting for public comments. No one spoke in favor or in opposition to the petition. He then asked the Commissioners if they had any comments.

Commissioner Sweetser commended the Ad-hoc Committee on creating a practical approach to the report. She then asked about the cap. She asked if it is possible to determine an appropriate balance as with a target vs. absolute number.

Mr. Heniff stated that the cap was offered as a tool to keep the Corridor retail in nature. The Corridor currently has twenty percent service uses, albeit a number of centers are over the 25 percent level.

Commissioner Sweetser stated that being proactive makes sense, but raised concerns about commercial spaces having tenants versus not having tenants.

Mr. Heniff stated that the Committee raised this concern and as such, staff suggested that it would be a conditional use if the 25% is exceeded. He did note that a conditional use is not an absolute guarantee of approval.

Chairperson Ryan noted an example - if a large retail tenant leaves, it could create cap problems for centers.

Commissioner Olbrysh noted service caps created serious discussion among the Ad-hoc Committee members. The Committee created a great road map. The intent of report is to encourage retail, but that has to be considered in the context of market forces. He did not want to establish an arbitrary cap.

Commissioner Burke noted that retail rent rates drive the development market. The market will take care of use mix.

Commissioner Sweetser noted that times change and the cap should be a goal with the Village. She also clarified staff's discussion regarding the cap concept and its application of the conditional use.

Commissioner Olbrysh suggested to set a corridor cap as whole, but not for individual properties.

Mr. Heniff noted that setting a regulation for an overall Corridor could create equity issues. He noted that if the Plan Commission wants it as a goal, it could be in the Plan, if you want it to have regulatory teeth, the regulation should be put into the Zoning Ordinance.

Commissioner Ryan expressed concerns about creating a hard and fast cap.

Commissioner Sweeter suggested that the cap should be a policy statement and follow up in the future to determine trend analysis.

The Commissioners agreed to place a statement in the Plan but not a cap in the Zoning Ordinance.

Mr. Heniff then discussed the proposed development moratorium extension. The nine-month moratorium was enacted to ensure that new developments proceeding under existing regulations would not be approved or constructed in a manner that may not reflect the recommendation of the Ad-hoc Committee's planning effort. The moratorium will expire on October 5, 2007, unless the Village Board grants a time extension to the moratorium. The extension would allow the Plan Commission and Village Board time to consider all facets of the proposed amendments without the rush to approve them. This will also allow for additional public input to be considered in the final Ordinance. Staff only recommends a time extension for up to 60 days, with automatic termination period upon final consideration of amendments.

Chairperson Ryan then opened the meeting for public comments. No one spoke in favor or in opposition to the petition.

Chairperson Ryan then asked the Commissioners for additional discussion.

Commissioner Olbrysh asked if the cap issue came up at the public meetings/open house held by the Ad-hoc Committee. Mr. Heniff noted that there was no public comment at the open house. Most of the attendees were at the open house for informational purposes. Most of the discussion occurred among the committee meetings.

Based on the submitted petition and the testimony presented, the proposal does comply with the standards for text amendments required by the Lombard Zoning and Sign Ordinances, and therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission and therefore recommend to the Corporate Authorities **approval** of PC 07-31.

In addition, the Plan Commission further recommends that the Village Board **exclude** provisions establishing a cap on service uses within the proposed B4A District.

The Plan Commission also recommends to the Village Board that the Comprehensive Plan be amended to include the Roosevelt Road Corridor Report as part of the Plan, and that the Plan should include a goal that service uses as a whole for the Corridor should not exceed twenty-five percent of the gross floor area, with the Village reviewing the service uses within the Corridor every three years

The Plan Commission also directs staff to prepare final Ordinance(s) codifying the proposed amendments recommended for approval by the Village Board.

This item was approved by a 4-0 roll call vote.

Regarding, PC 07-32 the following statement was offered:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and therefore recommends to the Corporate Authorities **approval** of the map amendments associated with PC 07-32.

Furthermore, the Plan Commission also recommends approval of a time extension associated with the development moratorium approved as part of Ordinance 5974 for a period of no more than sixty days.

The Plan Commission also recommended approval of a Comprehensive Plan amendment.

This item was approved by a 4-0 roll call vote.

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Respectfully,

**VILLAGE OF LOMBARD**

Donald Ryan, Chairperson  
Lombard Plan Commission

att-

c. Petitioner  
Lombard Plan Commission

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