

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

AMENDMENT TO ORD. NO. 3009 – 707 E. BUTTERFIELD ROAD

MAY 18, 2015

Title

PC 15-12

Petitioner

FelCor Lombard Hotel, LLC
c/o Jan Kuehnemann
545 E. John Carpenter Freeway,
Ste. 1300
Irving, TX 75062

Property Owner

Same as petitioner.

Property Location

707 E. Butterfield Road
(06-29-402-023)
Trustee District #3

Zoning

OPD – Office Planned
Development

Existing Land Use

Hotel

Comprehensive Plan

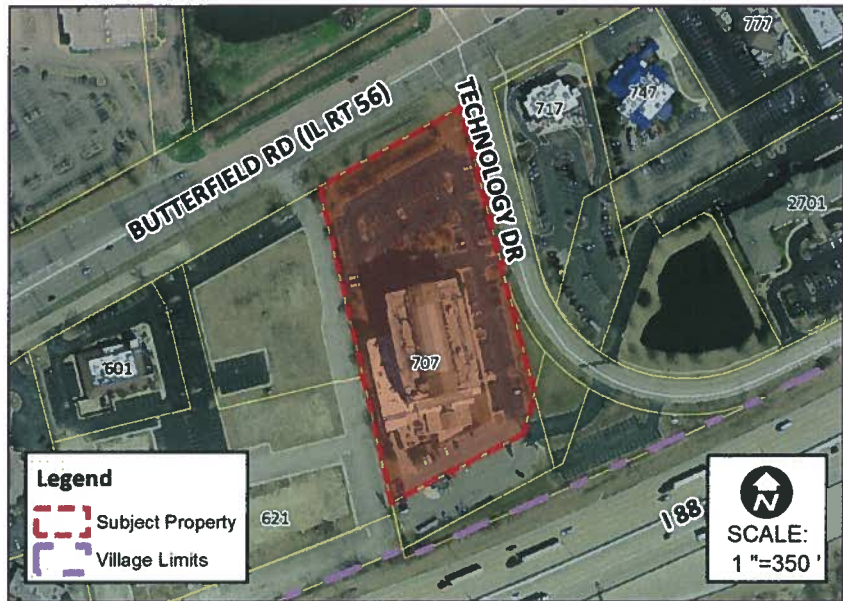
Mixed-Use Commercial & Office

Approval Sought

Amendment to Ord. No. 3009 to further reduce the required parking from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262.

Prepared By

Matt Panfil, AICP
Senior Planner



DESCRIPTION

In 1988, a conditional use for a planned development was granted for 707 E. Butterfield Road to allow for a ten (10) story 230,000 square foot hotel. Section One of Ordinance No. 3009 specifically allowed for an increase in the floor area ratio to 1.20, a reduction in the amount of required parking spaces from 297 to 288 spaces, and the construction of 260 suites.

During a due diligence review, the petitioner identified two nonconforming conditions regarding the amount of on-site parking spaces and the number of suites allowed within the hotel.

When the hotel was completed in 1989, it had its own access point on Butterfield Road and provided 289 parking spaces. However, with the development of Technology Drive, two (2) new access points to the hotel were created off of Technology Drive and the access point on Butterfield Road was closed. The changes to the site reduced the total number of parking spaces to 268.

Also, upon acquisition of the property, the petitioner identified that 262 suites were constructed, not the 260 suites stipulated as the maximum by Ordinance No. 3009.

Unfortunately, neither the petitioner nor the Village have any records of building permits or site plan approvals associated with either of these changes.

LOCATION MAP

PROJECT STATS

Lot & Bulk

Parcel Size: 3.85 acres
 Building Area: 230,000 sq. ft.
 Bldg. Height: 118.2'
 Lot Coverage: Approx. 74%

Reqd Setbacks & Lot Dimensions – (Existing)

Front: 40' (241.6')
 Side: (East) 10' (86.1')
 Side: (West) 10' (11.5')
 Rear: 25' (55.3')
 Lot Width: 200' (295.3')

Parking Spaces

Demand: 288 (per Ord. No. 3009)
 Supply: 268 (8 accessible)

Submittals

1. Petition for a public hearing, submitted April 14, 2015;
2. Response to Standards for Planned Developments with Other Exceptions, submitted April 14, 2015;
3. Plat of Survey, prepared by American Surveying & Mapping, Inc., dated April 13, 2015 and submitted April 14, 2015; and
4. Site Plan, prepared by American Surveying & Mapping, Inc., dated April 8, 2015 and submitted April 14, 2015.

The petitioner is now seeking to make the site compliant by requesting approval of the existing conditions. There are no proposed physical changes to the site.

APPROVAL(S) REQUIRED

Per Section 155.504 (A) changes in an approved plan development that change the final governing agreements of the planned development shall require the Plan Commission to hold a public hearing and make a recommendation vote to the Village Board.

The petitioner is specifically requesting an amendment to Section One of Ordinance No. 3009 to further reduce the required parking from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the proposed amendment to the planned development.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed amendment to the planned development.

Private Engineering Services (PES):

PES has no issues or concerns regarding the proposed amendment to the planned development.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed amendment to the planned development.

Planning Services Division (PSD):

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	OPD	Office & Seminary
South	Interstate 88 & DuPage County R-3	Interstate and Single-Family Residences
East	OPD	Fast-Food Restaurant & Hotel
West	OPD	Office, Restaurant, and Vacant Land

In consideration that the hotel was consistent with the surrounding zoning and land uses at the time of its approval, and no other major physical changes to the site have occurred outside of the parking lot configuration and the minor increase in the total room count, planning staff finds that the proposed amendment is consistent with the surrounding zoning and land uses of the surrounding properties.

2. *Comprehensive Plan Compatibility*

Staff finds that because the proposed use has not changed, and said use has been in operation for over twenty (20) years without known incident, the hotel is still consistent with the Comprehensive Plan's recommendation of mixed-use commercial and office.

3. *Zoning Ordinance & Planned Development Compatibility*

Aside from the previously identified non-conformities, the site complies with all other lot, bulk, and setback standards established by either the Zoning Ordinance Office District or by Ordinance No. 3009.

Reduction in Parking

Staff can support the requested reduction in parking because the site has demonstrated the existing 268 parking spaces are sufficient for the operation of the hotel. While the relocation of the site's ingress and egress points reduced the overall amount of parking provided, the new locations provided for increased traffic safety and reduced congestion on Butterfield Road.

Increase in the Total Number of Units

While all documents associated with the original approval reference a 260 unit maximum, staff can support the requested increase in the number of units to 262 because over the course of more than twenty-five (25) years the hotel has demonstrated that the additional two units did not require a larger building footprint or increased square footage and have not produced a noticeable negative impact on traffic, noise, parking demand, etc.

SITE HISTORY

PC 87-08

Annexation, map amendment (rezoning), and approval of a conditional use for a planned development to allow for a ten (10) story, 260 unit, 230,000 square foot hotel with an associated increase in the maximum floor area ratio from 0.5 to 1.2, a reduction in the number of required parking spaces from 297 to 288 spaces.

FINDINGS & RECOMMENDATIONS


Staff finds the proposed amendment to the planned development to be consistent with the objectives of the Zoning Ordinance, Embassy Suites Planned Development, and the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental

Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested conditional use amendment **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 15-12.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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EXHIBIT A – PROJECT NARRATIVE

(FelCor Lombard Hotel, L.L.C./Embassy Suites Chicago Lombard Hotel)

FelCor Lombard Hotel, L.L.C., a Delaware limited liability company (“FelCor”) is the owner of the property located at 707 E. Butterfield, Lombard, Illinois, which is operated as the Embassy Suites Chicago Lombard (the “Hotel Property”). In November of 1987, the Village of Lombard annexed the Hotel Property by virtue of Ordinance No. 3006 recorded in DuPage County, Illinois as document number R88-019572. As a planned development, the Village had placed certain site requirements on the Hotel Property through the filing of Ordinance No. 3009. During a recent due diligence review, non-confirming conditions regarding parking spaces and room/suite count were identified. The sole purpose of this application is to revise, address and correct the following two pre-existing non-conforming conditions. Our Petition for Public Hearing contains requests for two amendments as described below.

1. Ordinance No. 3009 (see Exhibit B) states that there are to be a minimum of 288 parking spaces. At the time of construction of the Hotel Property in the late 1980s, a site plan was approved which contained 289 parking spaces, and the project was constructed with 289 parking spaces with a single entrance at the north end of the Hotel Property providing ingress and egress to Butterfield Road. In the early 1990s, Waste Management, Inc. (“WMI”) acquired certain land located adjacent to and east of the Hotel Property with the intention of developing such land. In connection with the development of the WMI land and the related access issues caused by such development and as contemplated in Section 10(k) of Ordinance No. 3006, WMI and Embassy/GACL Lombard Venture (predecessor to FelCor and the then current owner of the Hotel Property) entered into an Access Easement Agreement dated April 28, 1993 and recorded in DuPage County Recorder’s Office as Document No. 93-103156, wherein, among other things, WMI granted to the owner of the Hotel Property an easement for access over, upon and across the portion of the land owned by WMI that would become what is now known as Technology Drive. In late 1993/early 1994, WMI proceeded with the development of the land and Technology Drive was constructed just to the east of the Hotel Property providing the Hotel Property with two new entrances, while the original entrance at the north end of the Hotel Property was closed off. Technology Drive was subsequently dedicated to the public in 1998 as part of the plat of the Homestead Village Subdivision. These changes to the ingress and egress of the Hotel Property caused a reduction in the number of available parking spaces contained within the Hotel Property creating the non-conforming condition. These changes to access which resulted in the loss of parking spaces created a safer traffic circulation pattern for the Hotel and the adjoining development to the east. The Hotel’s access on Butterfield Road was eliminated and all traffic now goes to Technology Drive. Access onto Butterfield Road is by a traffic light at the intersection of Butterfield Road and technology Drive. FelCor asks the Village to grant the amendment to reduce the requirement for parking spaces set forth in Ordinance No. 3009 from 288 to 268 parking spaces.

2. Ordinance No. 3009 [see Section 1 (Zoning) on page 1] set a not to exceed limit of 260 suites for the planned development of the Hotel Property. It is our understanding that the

Hotel Property was ultimately and finally constructed with 262 suites rather than the 260 suites contemplated in Ordinance No. 3009. There has not been any change to the number of suites since the original construction of the hotel. FelCor asks the Village to grant the amendment to increase the not to exceed limit of suites set forth in Ordinance No. 3009 from 260 to 262 suites.

It is our understanding that both conditions (i.e. the shortage of parking spaces and the surplus of guest suites) have existed for at least 20 years and FelCor is not intending to make any changes to the Hotel Property, its street access or the current parking configuration in connection with this application and the requested variances. This application is solely for the purpose of revising, addressing and correcting these two pre-existing non-conforming conditions.

EXHIBIT B – STANDARDS FOR PLANNED DEVELOPMENT WITH OTHER EXCEPTIONS

Response to applicable standards:

In Ordinance No. 3009, dated November 19, 1987 certain restriction were placed on the development of a hotel on our subject property.

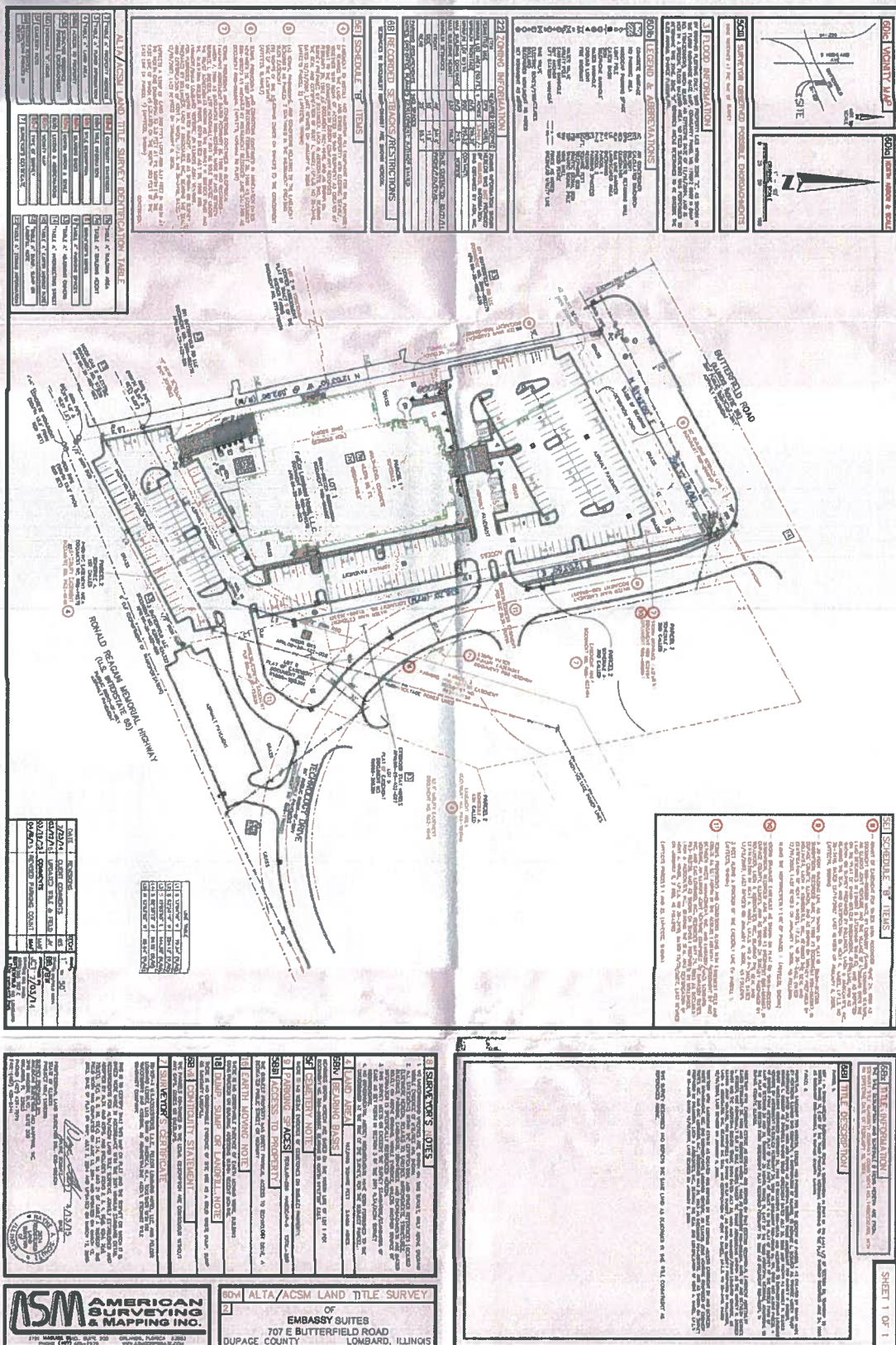
- a. The required number of parking spaces approved were 288. As a result of the reconfiguring of the access to the Hotel, 20 parking spaces were lost. This happened in or around late 1993 or early 1994. For over 20 years the property has operated as is and with no negative impact on the neighbors or the community. The current parking configuration has also been adequate to support the operation during that time.
- b. The maximum allowed number of units were approved at 260 however this hotel has been operating with 262 units since its inception. The addition of these two units has not had any impact on the community nor caused the structure to be in violation of any other items contained within the Planned Development.

Please find below our response to the Standards for Planned Developments with Other Exceptions.

1. Any reduction in the requirements of this Ordinance is in the public interest. *The reduction in the total parking count and the addition of the two suites has been in existence for over 20 years. To date we are not aware of any issues or complaints that have been lodged or filed by the public. The relocation of the Hotel access to Technology Drive created better traffic circulation and safety for the Hotel and the development to the east. Now all Hotel traffic goes to a traffic light on Butterfield Road. We would conclude that there is nothing within this application that affects the welfare or well-being of the public.*
2. The proposed exceptions would not adversely impact the value or use of any other property. *The two items that we are requesting have no impact on public interest so we would conclude that there would be no impact on value. The existing conditions have existed for 20 years with no impact on surrounding properties.*
3. That such exceptions are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties. *By granting this amendment it will allow the development to continue to operate in its current manner; one that for years has been cohesive with the neighborhood. As stated in # 1 above the new access onto Technology Drive which caused the elimination of parking spaces enhanced the public safety and welfare for the Hotel and the surrounding properties.*
4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district. *The addition of the two suites had no change on the building coverage. Therefore by allowing the two additional suites it has not changed the maximum coverage allowed in Ordinance No. 3009.*

5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district. *The subject property is commercial so this is not applicable.*
6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:
 - a. The front, side and rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater. *The location of the Hotel building is located in compliance with the original approved development plans and is currently in compliance with Ordinance No. 3009.*
 - b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with. *The existing Hotel landscaping is consistent with the approved landscape plan submitted at the time of construction with the exception of the two new entrance areas that have been landscaped in accordance with the requirements established for the previous entrance at the time of the original approval.*
 - c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:
 - i. All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses; *the subject development is in compliance with the original setback requirements established at the time of construction.*
 - ii. All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. *There are no known screening requirements made as part of the Ordinance No. 3009 that established the planned development restrictions for this site. We believe that all of the requirements have been met.*
7. That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district. *There have been no changes to the development that would affect the open space requirements since the original site plan was approved.*

EXHIBIT D – PC 15-12 SITE PLAN



ALTA/ACSM LAND TITLE SURVEY IDENTIFICATION TABLE

1	TRAIL OF RECORD	1	TRAIL OF RECORD
2	TRAIL OF RECORD	2	TRAIL OF RECORD
3	TRAIL OF RECORD	3	TRAIL OF RECORD
4	TRAIL OF RECORD	4	TRAIL OF RECORD
5	TRAIL OF RECORD	5	TRAIL OF RECORD
6	TRAIL OF RECORD	6	TRAIL OF RECORD
7	TRAIL OF RECORD	7	TRAIL OF RECORD
8	TRAIL OF RECORD	8	TRAIL OF RECORD
9	TRAIL OF RECORD	9	TRAIL OF RECORD
10	TRAIL OF RECORD	10	TRAIL OF RECORD

22 ZONING INFORMATION

23 RECORD SETBACKS/RESTRICTIONS

24 SCHEDULE OF ITEMS

25 LEGEND & ABBREVIATIONS

26 FLOOD INFORMATION

27 SURVEYING INSTRUMENTS & EQUIPMENT

28 LEGEND & ABBREVIATIONS

29 FLOOD INFORMATION

30 SURVEYING INSTRUMENTS & EQUIPMENT

22 ZONING INFORMATION

Code	Description
...	...

23 RECORD SETBACKS/RESTRICTIONS

Item	Setback/Restriction
...	...

24 SCHEDULE OF ITEMS

Item	Description
...	...

25 LEGEND & ABBREVIATIONS

Symbol	Description
...	...

26 FLOOD INFORMATION

Area	Flood Zone
...	...

27 SURVEYING INSTRUMENTS & EQUIPMENT

Instrument	Model	Serial
...

31 SURVEYOR'S NOTES

32 RECORDING AGENCIES

33 EASEMENTS TO PROPERTY

34 EASEMENTS FROM PROPERTY

35 EASEMENTS TO ADJACENT PROPERTY

36 EASEMENTS FROM ADJACENT PROPERTY

37 EASEMENTS TO OTHER PROPERTY

38 EASEMENTS FROM OTHER PROPERTY

39 EASEMENTS TO PUBLIC PROPERTY

40 EASEMENTS FROM PUBLIC PROPERTY

31 SURVEYOR'S NOTES

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33 EASEMENTS TO PROPERTY

34 EASEMENTS FROM PROPERTY

35 EASEMENTS TO ADJACENT PROPERTY

36 EASEMENTS FROM ADJACENT PROPERTY

37 EASEMENTS TO OTHER PROPERTY

38 EASEMENTS FROM OTHER PROPERTY

39 EASEMENTS TO PUBLIC PROPERTY

40 EASEMENTS FROM PUBLIC PROPERTY

31 SURVEYOR'S NOTES

Agency	Address
...	...

32 RECORDING AGENCIES

Agency	Address
...	...

33 EASEMENTS TO PROPERTY

From	To
...	...

34 EASEMENTS FROM PROPERTY

To	From
...	...

35 EASEMENTS TO ADJACENT PROPERTY

To	From
...	...

36 EASEMENTS FROM ADJACENT PROPERTY

To	From
...	...

37 EASEMENTS TO OTHER PROPERTY

To	From
...	...

38 EASEMENTS FROM OTHER PROPERTY

To	From
...	...

39 EASEMENTS TO PUBLIC PROPERTY

To	From
...	...

40 EASEMENTS FROM PUBLIC PROPERTY

To	From
...	...

41 TITLE DESCRIPTION

42 INTERPOLATION

41 TITLE DESCRIPTION

42 INTERPOLATION

41 TITLE DESCRIPTION

Title	Description
...	...

AS M AMERICAN SURVEYING & MAPPING INC.

1701 MADISON ROAD, SUITE 200 CHICAGO, ILLINOIS 60612

TEL: 773.334.7474 FAX: 773.334.7475

30 ALTA/ACSM LAND TITLE SURVEY

OF

EMBASSY SUITES

707 E BUTTERFIELD ROAD

DUPAGE COUNTY LONGBRIDGE, ILLINOIS

31 SURVEYOR'S NOTES

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40 EASEMENTS FROM PUBLIC PROPERTY

41 TITLE DESCRIPTION

42 INTERPOLATION

41 TITLE DESCRIPTION

42 INTERPOLATION

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