

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: February 16, 2004

FROM: Department of Community  
Development

PREPARED BY: William J. Heniff, AICP  
Senior Planner

**TITLE**

**PC 04-06; 115 East St. Charles Road (East St. Charles Road Commuter Parking Lot):** The Village of Lombard is requesting the following actions be taken for the subject property located within the B5 Central Business District:

1. Approval of a conditional use for a parking lot;
2. Approval of a conditional use for an accessory building;
3. Approval of a conditional use for a Farmers (French) Market;
4. Pursuant to Section 155.502 (F)(1) and (3) of the Zoning Ordinance, approve a conditional use for a planned development with the following deviations:
  - a. Approval of a deviation from Section 155.210 (C) (2) (c) to allow an accessory use to be located within twenty (20) feet of the right-of-way of a public street; and
  - b. Approval of a deviation from Section 155.602 (B) to reduce the required number of accessible parking spaces from five (5) to zero (0).
5. Approval of a variation from Section 155.706 to reduce the required amount of parking lot landscaping.

**GENERAL INFORMATION**

Petitioner: Village of Lombard

Property Owner: Timothy Ladehoff  
126 East Olive  
Arlington Heights, IL 60004

Relationship of Petitioner  
To Property: Future Property Owner

**PROPERTY INFORMATION**

Existing Land Use: Vacant lots

Size of Property: Approximately 1.71 acres

Comprehensive Plan: Recommends Community Commercial, within the Central Business District – Mixed Use Area

Existing Zoning: B5 Central Business District

Surrounding Zoning and Land Use:

- North: B5 Central Business District and B2 General Neighborhood Shopping District (various uses including office, multiple-family residential, service and retail commercial and civic uses)
- South: R2 Single-Family Residence District (Union Pacific railroad tracks)
- East: R2 Single-Family Residence District (Union Pacific railroad tracks)
- West: B5 Central Business District (office uses)

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Application for Public Hearing.
2. Plats of Survey for properties.
3. Site Plan Packet, prepared by the Village of Lombard, dated December 29, 2003 (includes utility and demolition plan, grading and geometric plan with proposed layout of French Market, and striping plan).
4. Concept building elevations for the proposed garage, prepared by the Village of Lombard.

### **DESCRIPTION**

The subject property is a long, triangular-shaped tract of land, commonly known as the Hammerschmidt property. The site is very unique because the property's shape makes it difficult to develop upon. In review of the site relative to its benefits to the Village in general and the downtown Lombard area in particular, the Village identified this site as a potential site for a commuter parking facility.

The actions included within this petition are intended to provide for a public parking lot. An ancillary storage building is also proposed at the far eastern end of the property. Also, a conditional use approval of a French (Farmer's) Market on the site is requested. To facilitate these actions, staff is recommending that a planned development be created as well.

### **Photographs of Subject Property**



## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

Private Engineering Services notes that the proposed parking lot plan does not provide for stormwater detention. As such, the Village will need to approve a variation from the detention requirements. The detention volume will be drawn from stormwater detention capacity available in the St. Charles Road/Crescent Avenue pond.

### **PUBLIC WORKS**

The Department of Public Works, Engineering Division has no comments regarding the petition. As part of the project development team, they have been incorporating their recommendations and comments as the plans have been refined.

The Department of Public Works, Utilities Division address the proposed water service for the garage. The water service may be tapped into the 16" watermain that crosses the railroad at Stewart or the 12" watermain on the north side of St. Charles Road. For either location, the water service should be properly sized to get the necessary flow from the yard hydrant. If a yard hydrant is not used and the service is brought into the building, then all of the plumbing requirements apply. The service must also be metered.

### **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has the following comments:

1. The striping and the accessory structures would not obstruct an 18' wide clear access for emergency vehicles.
2. The ingress and egress onto St. Charles road should accommodate emergency vehicles.

### **PLANNING**

In 2000, the Village Board granted approval for a planned development consisting of one large, five-story condominium building with commercial uses on the first floor and four residential townhome buildings. All previously granted relief (i.e., conditional use for a planned development, variations, etc.) have since expired on the property as the project was not started

within one year of the date of approval. Therefore, any new actions would require new reviews and approvals accordingly.

As the Plan Commissioners will remember, the Village approved a planned development associated with the proposed Elmhurst Memorial Healthcare (EMH) Lombard Medical Center in December, 2003 (PC 03-33). The associated development agreement provided for the ownership transfer of the Maple Street parking lot from the Village to EMH. A provision of this agreement also required EMH to provide replacement commuter parking in the downtown area. The Hammerschmidt site was identified as a preferred location where such spaces could be constructed.

The Village has also received a Congestion Mitigation Air Quality (CMAQ) grant to also facilitate the project. With all agreements and funding in place, the Village is now proceeding with the zoning steps required to facilitate the project as proposed.

### **Compliance with the Zoning Ordinance**

This proposal is made up of several requests, which are discussed below. Appendix A is a response to standards and a further discussion of each of the zoning requests for each item included with the petition.

#### **Conditional Use for a Parking Lot**

Parking lots, when considered to be the principal use of the property, are listed as a conditional use within the B5 District. The proposed parking lot is proposed to have 108 spaces and will be reserved for commuter parking purposes during weekday, daytime hours. During nights and weekends, the lot can be used for general parking purposes. Access to the site will be achieved by two ingress points that line up with Charlotte and Garfield Streets. A third egress point will be located at the far eastern end of the property.

The lot will provide for two-way traffic west of Garfield Street. East of Garfield, the narrowness of the property requires the lot to be designed and operated as a one-way facility with angled parking spaces.

In review of the site for a commuter parking facility, staff notes that existing parking stalls along Parkside Lane on the south side of the railroad tracks extends about the same distance as what is being proposed on the north side of the tracks. Staff believes that the proposed parking lot may be more attractive as it is located on the boarding side of in-bound commuter trains and is located within a designated parking lot. Commuters using the lot would access the train via a sidewalk along St. Charles Road and then cross at the Main Street traffic signal.

### Aerial Photograph of Subject Property and Adjacent Areas



Staff believes the site is appropriate for a commuter parking facility. Its proximity to the downtown and the train station would make the spaces desirable for both commuters as well as existing and future business uses and would be compatible with the adjacent land uses.

The proposed parking lot will be improved with parking lot lighting, consisting of light poles similar in nature to those already found in the downtown area as well as supplemental shoe-box poles to provide sufficient lighting to meet Code.

#### Conditional Use for an Accessory Building

The Zoning Ordinance lists accessory structures as conditional uses within the B5 District. Staff considers the structure as an ancillary use as it is clearly subordinate to the principal use of the property (a commuter parking lot).

Staff has prepared concept drawings showing elevations for the accessory garage building that is proposed at the eastern end of the property. The 30'x 25', 750 square foot building will be used by the Village to store items associated with the French Market, Cruise Nights, and other downtown Lombard events. The elevations are intended to mimic early 19<sup>th</sup> Century railroad accessory structures. Staff believes the railroad design would be appropriate at this location and would present an attractive appearance to the corridor.

#### Conditional Use for a Farmer's (French) Market

The Zoning Ordinance allows for a Farmer's Market (open-air market) as a conditional use in the B5 District. In 2002, the Village granted approval for a Farmers (French) Market at 105 West St. Charles Road (PC 02-10). At the time, it was envisioned that the Hammerschmidt property would be subject to a future development plan. However, in light of other activity occurring in the downtown area and recognizing that the Village was going to proceed with parking lot construction on the subject property at this time, staff believes that moving the market to the subject property is a desirable option.

In consideration of the site for the market, staff noted many benefits of this site over the existing site including:

1. Better visibility to pass-by traffic on St. Charles Road and visibility from riders on the Metra Union Pacific West Line.
2. Greater parking options.
3. Greater flexibility in site operations. As the site will not be shared with other land-uses, conflicts with garbage disposal and set-up operations will be diminished.
4. Additional space for expansion. The existing site has spaces for 27 tents. The subject property will have space for 47 tents.
5. Ability to store tents and equipment on-site in the accessory building.

As with the existing market, it will be operated according to a License Agreement that will ensure that it will not endanger the public health or safety. The market will meet all code requirements which will assure that all requirements for public utilities and safety concerns will be met during its limited hours and days of operation in a manner consistent with their existing site. As staff believes that the subject property can more adequately meet the needs of the market, it supports the conditional use request.

#### Conditional Use for a Planned Development

Section 155.502 (F)(1) and (3) of the Zoning Ordinance requires planned development in cases of new development in which the underlying zoning provisions are not being met. For this project, two deviations are being requested based on the site plans:

### *Accessory Structure Location*

Section 155.210 (C) (2) (c) restricts the location to allow accessory uses and structures within twenty (20) feet of the right-of-way of a public street. Given the uniqueness of the property dimensions, staff notes that this provision would require the structure to be located at the far western end of the property. However, in considering all issues associated with the site design, staff believes it is most important to maximize the parking spaces on the western end of the lot, as those spaces are closest to the train station. Additionally, placing the structure at the western end of the property could have negative impacts on future development activity on the block. Staff believes that based upon the proposed structure location and additional architectural treatments, the proposed location makes the most sense and minimizes any impacts on the principal use of the property.

### *Access Parking Spaces Deviation*

No accessible parking spaces are proposed in the parking lot. In consideration of this request, staff points out that the parking lot is intended for commuters using the Metra station. The Illinois Accessibility Codes notes that accessible spaces should be made available closest to the building in which the spaces are intended for. In this case, the accessible stalls should be placed in close proximity to the train station and not in a remote parking lot several blocks away from the station. Staff notes that there are a number of accessible spaces located near the train station now. If additional accessible spaces are needed, Village crews can add handicapped markings to the spaces along Michael McGuire Drive as needed to meet the demand. However, staff feels that placing accessible commuter parking spaces on the subject property would be inconsistent with the objectives and intent of the Code. However, when the French Market is open, staff notes that the operator should provide temporary handicapped parking areas.

### Parking Lot Landscaping

Section 155.706 establishes parking lot landscaping requirements. Parking stalls must have a setback of five feet (5') and landscape islands are to be provided. The required setback is intended to provide landscaping around the perimeter of the parking lot. Staff is suggesting that a variation be granted from these requirements based upon the unique dimensions of the lot and the overall intent of the proposed use of the property. Along the south property line, the proposed parking lot will be up to 2.5 feet to the lot line. Staff notes that as the adjacent property is the railroad, there is little need to buffer the railroad property from the parking lot.

With respect to the north side of the property, the parking lot design does allow for three distinctive areas for additional landscaping (east of Charlotte, east of Garfield and east of the accessory building). Staff believes that these areas can provide substantial landscaping opportunities to enhance the overall corridor. Staff proposed that as part of this project that parkway trees be placed within these islands, consistent with what has been approved in the downtown area. For the two western islands, additional plant materials, consisting of prairie grasses and plantings similar to that which was planted along the Westmore-Meyers Road right-



of-way could also be added to these areas as well. Additionally, as the property is also intended to serve as flexible space for both commuter parking as well as French Market activities, staff also believes that excluding the parking lot islands is desirable as well.

Due to the property's unique triangular shape, the eastern portion of the property is too narrow to be developed. The petitioner intends to provide landscape improvements on the eastern portion of the property and establish a pocket park with additional garden/landscaping treatments. With inclusion of these plantings, staff believes that the relief can be supported as it maximizes the landscaping to areas that would be most visible to individuals along St. Charles Road. While the property would be owned by the Village, the Village could enter into an agreement with a private organization to maintain and/or enhance this entryway site.

#### **Conformance with the Comprehensive Plan**

The Comprehensive Plan examines the downtown area and this property, in particular. The Hammerschmidt property is within the area identified as the recommended boundaries of the Central Business District. The Comprehensive Plan recommends that within this area the Village should continue to encourage commercial, residential, civic and other land uses to meet the needs of the community. Specifically, the Comprehensive Plan states that the Hammerschmidt property should be redeveloped for a mix of commercial and residential uses. It also states that a portion of the area might also be used for additional commuter rail parking in association with the Metra train station. This development does follow the recommendations of the Comprehensive Plan because it is proposed for commuter parking. The undeveloped area on the west side of the property is being reserved for future development activity at this time.

#### **Compliance with the Subdivision and Development Ordinance**

Right now the subject property consists of two separate lots of record. Should this project proceed, staff will have a plat of resubdivision prepared for the property combining the property into a single lot where the parking lot is located. Should the western portion of the property redevelop, a portion of the subject property may be removed and consolidated with other lots in order to facilitate additional development. Staff will bring this plat back to the Plan Commission and Board for approval once the property is under Village control.

### **FINDINGS AND RECOMMENDATIONS**

Based on the findings of the Inter-Departmental Review Committee recommends that the Plan Commission make the following motions recommending **approval** of this petition:

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 recommend to the Corporate Authorities approval of PC 04-06, subject to the following conditions:

1. That the requested relief shall only be valid upon the Village of Lombard acquiring the subject property.
2. That the property shall be developed in substantial compliance with the Site Plan Submittal, prepared by the Village, dated December 29, 2003 and the concept building elevations for the proposed accessory garage, prepared by the Village.
3. That the Farmer's/French Market shall be operated in accordance with a Market Operator's Agreement approved by the Village of Lombard Board of Trustees. The conditional use for the operation of a Farmer's/French Market shall be for on Saturdays between May 1 and October 31. Moreover, the operator shall designate four (4) spaces for temporary handicapped parking during the hours that the French Market is operating.
4. That associated with the proposed parking lot improvements, the Village shall prepare a final landscape plan for the subject property, consisting of the following elements:
  - a. That parkway trees shall be installed per code along the north property line, with the final species and location to be determined by the Director of Community Development.
  - b. That the open space areas north of the parking lot shall be improved with prairie plantings and shrubbery.
  - c. That a final landscape/garden plan be developed and installed for the areas east of the proposed accessory building on the subject property.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

DAH:WJH

c. Petitioner

## **Appendix A Response to Standards**

Section 155.103 (F) of the Zoning Ordinance discusses the intent and procedures for conditional use approval. The Ordinance recognizes that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such conditional uses fall into two categories:

- a. Uses publicly operated or traditionally affected with a public interest.
- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

In this case, the proposed development is affected with a public interest (i.e., ensuring sufficient parking exists within the downtown area). The site design has attempted to address potential impacts of the development on neighboring properties.

### **Conditional Use for a Parking Facility**

- a. *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

The proposed parking lot design will meet this standard by providing a facility that meets the parking lot dimensions noted within the Zoning Ordinance. Unlike the perpendicular spaces located on the south side of the railroad tracks, the proposed parking spaces will only be accessed through an internal drive aisle. This will allow for safer back-in and back-out movements for vehicles. The design of the lot is intended to complement the downtown by providing for additional parking but not in a location that would not negatively impact the downtown area.

- b. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The project will not be injurious or impair property values as the proposed use will be situated on a site that has recently been vacant and has been historically used for semi-industrial uses. The proposed use will be an improvement to the overall St. Charles Road corridor and can serve as an investment catalyst for other properties.

- c. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The proposed use may actually encourage the orderly and normal development (or redevelopment) of properties along St. Charles Road. With an additional parking supply being provided in close proximity to commercial uses, the overall viability of the corridor is strengthened.

- d. *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

As noted in the Public Utilities' comments, any connections to the Village's infrastructure can be accommodated. Staff notes that outside of water connection to the accessory building, the site will not impact the infrastructure already in place. As noted in the Private Engineering comments, a detention variation will need to be approved by the Village Board to facilitate the project development as designed.

- e. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

With respect to access to the facility, staff notes the two entrance driveways and three exit points onto St. Charles Road have been situated to maximize the traffic flow on the site during morning and evening periods. By channeling all traffic onto the internal access road, impacts on St. Charles Road will be minimal.

- f. *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

Staff believes that providing sufficient parking in the downtown area is essential to ensure that both the commuter parking and weekend parking needs of the downtown are met. The proposed plan addresses this need. Moreover, given the unique shape of the subject property, commercial development would be difficult to achieve. Utilizing the site for parking purposes maximizes the site's efficiency and will allow other properties in the downtown to be more fully realized as commercial properties.

- g. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The design of the lot will be consistent with Village Code, except where varied by this petition.

### **Conditional Use for an Accessory Building**

- a. *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

The proposed accessory building will be used to store items associated with downtown Lombard festivals and activities. These items can include Cruise Night equipment, French Market tents, and other items unique to the downtown Lombard area. The intent of the building is to provide a convenient and safe location for storage of these materials that can be retrieved on a frequent basis with a minimum of difficulty.

The proposed building is intended to meet the needs of the downtown area and advance the overall welfare of the downtown by providing a safe, secure area for material storage outside of the downtown area itself.

- b. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The accessory structure will not negatively impact adjacent properties as the structure will be located far away from any other principal buildings. The unique architecture proposed for the structure is intended to serve as an aesthetic enhancement for the site and is intended to mirror traditional railroad station accessory structures commonly erected a century ago.

- c. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The proposed structure will not impact the orderly and normal development (or redevelopment) of properties along St. Charles Road. The structure's proposed location will be at a location that would be very difficult, if not impossible, to develop with a principal structure. The proposed structure allows for the site to be developed as efficiently as possible.

- d. *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

The building will likely have a water connection to provide for watering of plant materials on the property. Access will be provided into the building directly from the parking lot.

- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

The accessory structure's garage door will face the parking lot. Therefore, any loading or unloading will not impact traffic on St. Charles Road.

- f. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The accessory building will serve as an enhancement to the downtown area as it will allow for more convenient storage of items associated with downtown events. As such, this in turn may allow for greater flexibility to the Village in the promotion and attraction of the downtown area.

- g. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The design of the building will be consistent with Village Code, except where varied by this petition.

#### **Conditional Use for a Farmers (French) Market**

- a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

With the construction of the proposed parking lot, staff believes that this lot provides a greater opportunity to enhance the existing French Market activity in the downtown area. The subject property is located farther from residences so any negative impacts of the activity (i.e., trash, noise, etc.) will be minimized.

- b. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

Relocating the market will not be injurious as it will be situated far from any residences or commercial structures. The proposed parking lot will be able to accommodate much of the anticipated parking demand of the use. As a temporary, short duration use, impacts on the overall character of the area will be minimal.

- c. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The market use will not impact overall redevelopment activity along St. Charles Road. In fact, the use could be considered an asset to the corridor.

- d. *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

The use will not require permanent connections to municipal utilities.

- e. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

The use is proposed to be situated at the far east end of the parking lot so as to minimize impacts on the overall traffic flow of the lot.

- f. *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The use serves as an enhancement to the downtown area as it is an attraction for visitors to the area and is consistent with the retail objectives in the Comprehensive Plan.

- g. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The use will be consistent with Village Codes.

### **Conditional Use for a Planned Development**

1. *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

The proposed development plans will comply with the regulations of the B5 District.

2. *Community sanitary sewage and potable water facilities connected to a central system are provided.*

If necessary, the site will be connected to the Village utility system.

3. *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.*

The Comprehensive Plan identified commuter parking facilities as an appropriate use for the site. Therefore it is consistent with the objectives of the plan.

4. *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

With approval of the other conditional uses noted in the petition, the plan would meet the provisions of the Zoning Ordinance.

5. *That the streets have been designed to avoid:*
  - a. *Inconvenient or unsafe access to the planned development;*
  - b. *Traffic congestion in the streets which adjoin the planned development;*
  - c. *An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

As noted earlier, the site plan has been developed to minimize any negative traffic impacts on St. Charles Road and will actually decrease the parking burden elsewhere in the downtown area.

#### **Variation for Parking Lot Landscaping**

- a. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied;*

The unusual shape of the lot places severe limitations on the property. Rather than providing landscaping as per code, the intent of the plan is to maximize the plantings where it is would be of greatest benefit to the site – on the north side of the property. If strict adherence was followed for this property, the parking lot would be substantially smaller and would not provide the requisite commuter parking needed to make the project feasible.



- b. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;*

The subject properties' dimensions are truly unique and make development of the site very difficult. In order to make the site workable, modification to the landscape requirements are necessary.

- c. *The purpose of the variation is not based primarily upon a desire to increase financial gain;*

No financial gain is sought by the requested relief. Rather, the relief is intended to serve a parking demand in the community. The Village still intends to provide sufficient landscape quantities to make the lot a true amenity to the Village.

- d. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property;*

The ordinance is flexible as it relates to development regulations within the B5 District. The landscape relief requested by the Village is intended to be consistent with the intent of B5 regulations, but in a configuration slightly different than that which is provided in the code.

- e. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;*

As the main abutter to the property is the railroad right of way, the proposed relief will not be injurious to their operations. The grade changes within the railroad right of way also remove any benefit that could have been realized by locating the lot further away from the tracks.

- f. *The granting of the variation will not alter the essential character of the neighborhood; and*

The neighborhood will remain commercial in nature.

- g. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The proposed landscape requirement will not negatively impact the neighborhood. The planting will still be provided for on site – it will just be in a different configuration.