

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: August 3, 2015 (B of T) Date: August 13, 2015

TITLE: PC 15-16; Text Amendment to the Subdivision and Development Ordinance

SUBMITTED BY: Department of Community Development *ILB*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a text amendment to Title 15, Chapter 154, Sections 154.306 and 154.703 of the Lombard Subdivision and Development Ordinance.

The Plan Commission recommended approval of this petition by a vote of 4-0.

Staff requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: August 13, 2015

SUBJECT: **PC 15-16; Text Amendment to the Subdivision and Development Ordinance**

Please find the following items for Village Board consideration as part of the August 13, 2015 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 15-16; and
3. An Ordinance granting approval of a text amendment to the Subdivision and Development Ordinance.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the August 13, 2015 Board of Trustees agenda with a waiver of first reading, as requested by the Village.



VILLAGE OF LOMBARD

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www.villageoflombard.org

August 13, 2015

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 15-16; Text Amendment to the Subdivision and Development Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant approval of a text amendment to Title 15, Chapter 154, Sections 154.306 and 154.703 of the Lombard Subdivision and Development Ordinance.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 20, 2015. Sworn in to present the petition was Jennifer Ganser, Assistant Director and William Heniff, Director of Community Development.

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition. Chairperson Ryan asked for public comment, and, hearing none, he asked for the staff report.

Ms. Ganser submitted the staff report to the public record in its entirety. Ms. Ganser said the current definition has thresholds of a 2,000 square foot addition or twenty percent. This would then require public improvements. The Village completed a comparative analysis of neighboring communities and found that Lombard's definition was among the most restrictive. Most communities did not have a definition of a major development and reviewed items by a case by case basis. The Village would like to amend our definition allowing the project to go to 50% or 20,000 square feet, whichever is less, within the prior ten years. The Public Works Department added the condition of within the prior ten years.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Cooper said she likes that the current definition promotes the building of more sidewalks and the new numbers seem high.

Ms. Ganser noted that all the improvements would need to be added and after talking with the development community staff notes that a developer could walk away from a project if the costs are too high.

Mr. Heniff reminded the Plan Commission of the Discount Tire petition and how the cost of the public improvements could be similar to the project costs and make a project economically unfeasible.

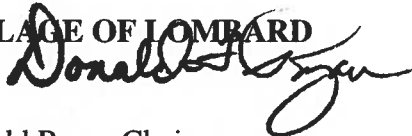
Commissioner Cooper asked if Public Works looked at the petition.

Ms. Ganser said they had looked at and added the condition of the ten years.

On a motion by Commissioner Mrofcza, and a second by Commissioner Sweetser, the Plan Commission voted 4 to 0 to recommend that the Village Board approve the text amendment, associated with PC 15-16, subject to no conditions.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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July 20, 2015

Title

PC 15-16

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

An amendment to Sections 154.306 and 154.703 (and any other relevant sections for clarity) of the Lombard Subdivision and Development Ordinance regarding "major development."

Submittals

1. Petition for a public hearing; and
2. Response to Standards for a Text Amendment.

Prepared By

Jennifer Ganser
Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting the following text amendments to the Lombard Subdivision and Development Ordinance:

An amendment to Sections 154.306 and 154.703 (and any other relevant sections for clarity) of the Lombard Subdivision and Development Ordinance regarding "major development."

The current definition of a major development is: "*Development, major.* The improvement of property in any of the following manners: (a) Construction of a principal building (excluding a detached single-family or two-family residence); (b) Construction of a building addition (excluding additions to single-family or two-family residences) in which the gross floor area exceeds 20 percent of existing buildings on a zoning lot or 2,000 square feet."

A major development requires a water distribution system, a sanitary distribution system, a storm sewer and drainage system, and public rights-of-way. At our current thresholds a small addition project of 2,000 square feet could require a commercial project to add sidewalks or street lights which could result in such projects becoming economically infeasible. The Village recently completed comparative research on "major developments" in other communities and found that Lombard's definition was among the most restrictive. Most communities did not have a definition of a major development and reviewed items by a case by case basis. The Village would like to amend our definition allowing the project to go to 50% or 20,000 square feet, whichever is less, within the prior ten years.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments.

Fire Department:

The Fire Department has no issues or concerns.

Private Engineering Services:

Private Engineering Services has no comments.

Public Works:

The Department of Public Works concurs with the recommended text amendment provided that "within the prior ten years" is added in order to protect against sequential additions being done to avoid constructing public improvements.

EXISTING & PROPOSED REGULATIONS

The current definition of a major development is:

Development, major. The improvement of property in any of the following manners:

- (a) Construction of a principal building (excluding a detached single-family or two-family residence);
- (b) Construction of a building addition (excluding additions to single-family or two-family residences) in which the gross floor area exceeds 20 percent of existing buildings on a zoning lot or 2,000 square feet.

New Text

Development, major. The improvement of property in any of the following manners:

- (a) Construction of a principal building (excluding a detached single-family or two-family residence);
- (b) Construction of a building addition (excluding additions to single-family or two-family residences) in which the gross floor area exceeds **50** ~~20~~ percent of existing buildings on a zoning lot or **20,000** ~~2,000~~ square feet, **whichever is less, within the prior ten years.**

STANDARDS FOR TEXT AMENDMENTS

The petitioner has provided responses to the standards for a text amendment.

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
This text amendment would apply to all Village properties and not a specific property.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
This text amendment would be applied in every zoning district of the Village.
3. *The degree to which the proposed amendment would create nonconformity;*
This text amendment would not create any nonconformity as it still would allow for development to occur.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
This text amendment would not be more permissive, as it still would allow for development to occur.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
The Comprehensive Plan does not specifically mention public improvements or major developments. The Comprehensive Plan does support development in the Village, and the proposed text amendment is meant to assist rather than hinder development. Public improvements can be costly and this text amendment ensures they would still be completed for larger developments.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village reviews its Codes and makes amendments, when necessary.

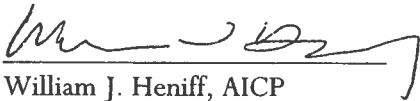
FINDINGS & RECOMMENDATIONS

Staff finds the proposed amendments to be consistent with the objectives of the Lombard Zoning Ordinance. The proposed amendments are also consistent with 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 text amendments **comply** 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 15-16.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP

Director of Community Development

c. Petitioner

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ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 154, SECTIONS 154.306 and 154.703,
OF THE LOMBARD VILLAGE CODE**

PC 15-16: Text Amendment

WHEREAS, the Village of Lombard maintains a Subdivision and Development Ordinance which is found in Title 15, Chapter 154 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Subdivision and Development Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Subdivision and Development Ordinance has been conducted by the Village of Lombard Plan Commission on July 20, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 154, Section 154.306 of the Lombard Village Code is hereby amended as follows:

Major development includes the following development activities:

Construction of a principal building (excluding a detached single-family residence or two-family residence);

Construction of a building addition (excluding additions to detached single-family or two-family residences) in which the gross floor area exceeds 50 ~~20~~ percent of existing buildings on a zoning lot or 20,000 ~~2,000~~ square feet **whichever is less, within the prior ten years.**

Ordinance No. _____

Re: PC 15-16

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SECTION 2: That Title 15, Chapter 154, Section 154.703 of the Lombard Village Code is hereby amended as follows:

Development, major. The improvement of property in any of the following manners:

(a) Construction of a principal building (excluding a detached single-family or two-family residence);

(b) Construction of a building addition (excluding additions to single-family or two-family residences) in which the gross floor area exceeds **50** ~~20~~ percent of existing buildings on a zoning lot or **20,000** ~~2,000~~ square feet, **whichever is less, within the prior ten years.**

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2015.

First reading waived by action of the Board of Trustees this ____ day of _____, 2015.

Passed on second reading this ____ day of _____, 2015.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2015.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2015.

Ordinance No. _____

Re: PC 15-16

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Sharon Kuderna, Village Clerk