

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Minutes

Monday, July 17, 2023

7:00 PM

Village Hall - Board Room

Plan Commission

Leigh Giuliano, Chairperson

Commissioners:

Ruth Sweetser, Bill Johnston, Kevin Walker,

Tony Invergo, Alissa Verson and

Robert Spreenberg

Staff Liaison: William Heniff

Call to Order

Chairperson Giuliano called the meeting to order at 7:00 p.m

Pledge of Allegiance

Chairperson Giuliano led the Pledge of Allegiance

Roll Call of Members

Present 6 - Ruth Sweetser, Leigh Giuliano, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson

Absent 1 - Bill Johnston

Also present: William Heniff, AICP Director of Community Development, Anna Papke, AICP Senior Planner of Community Development and Jason Guisinger, Legal Counsel to the Plan Commission.

Chairperson Giuliano called the order of the agenda.

Ms. Papke read the Rules and Procedures as written by the Plan Commission

Public Hearings

[230232](#)

PC 23-18 10 W. North Avenue - Metal Plating - Request to Withdraw

The petitioner requests a conditional use pursuant to Section 155.420(C) (18) of the Lombard Village Code to allow for a metal plating business to operate on the subject property located within the I Limited Industrial District. (DISTRICT #4)

A motion was made by Commissioner Invergo, seconded by Commissioner Walker, that PC 23-18 10 W North Avenue be withdrawn.

The motion carried by the following vote:

Aye: 6 - Ruth Sweetser, Leigh Giuliano, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson

Absent: 1 - Bill Johnston

[230233](#)

PC 23-19: 2820 S. Highland Avenue - Game Show Battle Rooms

The petitioner requests a conditional use pursuant to Section 155.415(C) (1) of the Lombard Village Code and the Highlands of Lombard Planned Development, Ordinance 4834, Exhibit N to allow for an amusement

establishment indoor only on the subject property located within the B3 Community Shopping District. (DISTRICT #3)

Sworn in to present the petition were Kevin Letnes, one of the owners of Game Show Battle Rooms, petitioner; William Heniff, Community Development Director and Anna Papke, Senior Planner.

Chairperson Giuliano read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and proceeded with the petition.

Mr. Letnes said there are seven other locations of Game Show Battle Rooms across the country. The plan is to open four more locations this fall which hopefully will include Lombard. Mr. Letnes requests the conditional use for an amusement establishment for 2820 S. Highland Avenue. The first Game Show Battle Room opened five years ago in the Twin Cities. The concept brings the game show experience to the public. Food is not offered as part of the concept. The partners have been looking for a centrally located area near Chicago. They plan to hire about twenty staff members.

Mr. Letnes noted the Village staff report's comments regarding the number of restrooms would need to be increased based on the proposed level of attendance and the seating arrangements were not provided in the plans. Mr. Letnes stated that he will provide that information and work with Village staff on code requirements.

Chairperson Giuliano asked if any additional person would like to speak in favor or against this petition, or for public comment.

Hearing none, Chairperson Giuliano asked for the staff report

Ms. Papke presented the IDRC report for PC 23-19, which was entered into the public record in its entirety. The petitioner is requesting a conditional use for game show amusement business. The property is zoned B3PD in the Highlands of Lombard Planned Development. According to the zoning ordinance and the planned development the amusement use is a conditional use. The IDRC Committee has reviewed the request and as noted provided comments that can be addressed during the permitting phase of the project if approved. The Planning Division notes the proposed use is a common and compatible use in the B3 zoning districts. All operations will occur inside the building therefore little impact is expected on other adjacent properties. Staff recommends approval of the petition with the two

provided conditions in the staff report.

Chairperson Giuliano opened the meeting to discussion by the Plan Commissioners.

Commissioner Sweetser asked what the maximum occupancy at any given time would be and the hours of operation. Mr. Letnes responded that each arena would have 36 people at the most with a total of 72 people. Typical groups average between ten to twenty people and the group start times are usually staggered at different times for each of the two rooms.

Chairperson Giuliano asked if there were any additional comments. Hearing none, she asked for a motion from the Commissioners.

On a motion by Commissioner Walker, and a second by Commissioner Invergo, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 23-19, subject to the following two (2) conditions:

- 1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.**
- 2. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).**

Aye: 6 - Ruth Sweetser, Leigh Giuliano, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson

Absent: 1 - Bill Johnston

[230216](#)

PC 23-13: 2001 S Highland Avenue - Sonesta Suites (Continued from June 19, 2023 meeting)

The petitioner requests that the Village take the following actions on the subject property, located within the B3 Community Shopping District:

1. A Comprehensive Plan amendment to High Density Residential, from Community Commercial;
2. A map amendment (rezoning) to the R5 General Residence District;
3. A variance for minimum lot area (density) for 29.57 dwelling units per acre, where 24.2 dwelling units per acre are required pursuant to Section 155.410(D)(4)(a)
4. A variance for minimum open space at 35%, where 40% is required pursuant to Section 155.410(I)(4)
5. A variance to provide 1.2 spaces per dwelling unit, where 1.5 spaces per dwelling unit are required, pursuant to Section 155.602, Table 6.3.(DISTRICT #3)

Chairperson Giuliano announced the public hearing for PC 23-13, which was a continuation of a public hearing begun at the prior month's

meeting.

Mr. Heniff explained that the Plan Commission had started the public hearing on PC 23-13 on June 19, 2023. At that hearing, the petitioner presented their petition and public comment in support of the petition was heard from two individuals. Village staff had presented the staff report which included a staff recommendation of denial of the petition. Javier Millan of KLOA had also offered testimony at the June meeting, and was present at the current meeting as well. Given the length of the June Plan Commission meeting, the Plan Commission had continued the public hearing on PC 23-13 to the July 17, 2023, Plan Commission meeting. At the present meeting, there would be the opportunity for the petitioner to question staff, and for final comments from any members of the public. Then the Plan Commission would have opportunity to ask questions of staff and the petitioner, discuss the petition among the Commission members, and make a recommendation on the petition. Mr. Heniff said all testimony from the June 19, 2023, meeting was a part of the public record and would not be restated at the present meeting.

Chairperson Giuliano asked the petitioner to come to the podium for the cross-examination period. Asaf Fligelman, with Churchwiche Partners, and Danielle Cassel, attorney for the petitioner, introduced themselves for the record. Ms. Cassel said the petitioner's questions had been compiled into a PowerPoint presentation, which she submitted to the public record.

Ms. Cassel said the cross-examination would begin with Mr. Heniff. She summarized the structure of the cross-examination.

Ms. Cassel showed an aerial photo and asked if it was of the subject property. Mr. Heniff said it was.

Ms. Cassel asked if the photo had been submitted with the petition. Mr. Heniff said it had.

Ms. Cassel showed a site plan. She asked if it was the petitioner's proposed site plan as submitted to the Village. Mr. Heniff said it was, subject to some modifications to parking lot striping.

Ms. Cassel asked if Mr. Heniff had reviewed the site plan. Mr. Heniff said he had.

Ms. Cassel asked if the petitioner was proposing to construct high rise buildings. Mr. Heniff said no.

Ms. Cassel asked if the petitioner was proposing to construct mid rise buildings. Mr. Heniff said no.

Ms. Cassel asked if the petitioner was planning to construct any new buildings. Mr. Heniff said the petitioner was planning to convert the existing buildings to apartment units.

Ms. Cassel asked if the petitioner was proposing to construct any new buildings. Mr. Heniff said no.

Ms. Cassel asked if the petitioner proposed to increase parking by 19 spaces. Mr. Heniff said yes.

Ms. Cassel asked if the petitioner proposed to enhance stormwater detention improvements. Mr. Heniff said yes.

Ms. Cassel asked if the petitioner proposed to increase landscaping so more of the site would count as open space under the Zoning Ordinance. Mr. Heniff said yes.

Ms. Cassel asked if the site already had amenities such as a clubhouse, pool, barbecue area, and 32% open space. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff thought that if the building were leased to long-term tenants, those tenants would use the amenities. Mr. Heniff said yes.

Ms. Cassel asked how many buildings were on the site besides the clubhouse building. Mr. Heniff said 18.

Ms. Cassel asked how many stories were in each building. Mr. Heniff said two.

Ms. Cassel asked if the petitioner had explained in the application materials that all 144 units on the subject property were already configured like apartments with bedrooms and fully equipped kitchens. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff had mentioned this in his staff report.

Mr. Heniff said he had not.

Ms. Cassel asked how many units were in each building. Ms. Cassel asked if it was correct that there were eight units per building. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff had mentioned this in his staff report. Mr. Heniff said he had not.

Attorney Guisinger asked for clarification on whether there were four or eight units per building. Ms. Cassel said eight.

Ms. Cassel asked if the applicant's materials provided statistical evidence showing 57% of the property's occupants on average were living at the property for more than three months. She referenced Exhibit J in the application. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff had mentioned this in his staff report. Mr. Heniff said he had not.

Ms. Cassel asked if the petitioner's application materials had provided statistical information showing only 30% of occupants on average were living at the property for less than 30 days. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff had mentioned this in his staff report. Mr. Heniff said he had not.

Ms. Cassel referenced Slide 5 in the petitioner's July 17, 2023, PowerPoint presentation. She asked if the text on the slide included the section of the staff report where Mr. Heniff had described the project and existing conditions on the site. Mr. Heniff said yes.

Ms. Cassel asked if it was accurate to say there were 17 buildings or did Mr. Heniff mean 18 buildings. Mr. Heniff said 18.

Ms. Cassel asked if it was accurate and complete to say the buildings were improved with hotel rooms without mentioning any of the residential features. Mr. Heniff said he stood by what was offered in the staff report. He said the certificate of occupancy/land use certificate issued by the Village to the petitioner was for a hotel, not an apartment building. If he had made a representation that the building was an apartment, it would imply the petitioner was in violation of the certificate of occupancy for a hotel use. The Village understood the property was

being used as an extended stay hotel based on the information provided with the certificate of occupancy application. Mr. Heniff said that just because the buildings may look like apartments does not mean that is how they are being used.

Ms. Cassel referenced Slide 6 of the PowerPoint. She asked if the quotes on the left side of the slide were from the staff report. Mr. Heniff said they were.

Ms. Cassel asked if it was fair to say the staff report characterizes the project as creating or establishing new density. Mr. Heniff said that was correct. He said the property was a hotel based on short-term occupancy. The Zoning Ordinance did not speak to density with respect to hotel rooms. However, the Ordinance did regulate density with respect to residential development. He said even if the petitioner was allowing people to stay in the hotel rooms for multiple months did not mean that it was the same as what you might find in a multiple family residential dwelling development.

Ms. Cassel asked if the project involved the construction of any new building square footage. Mr. Heniff said no.

Ms. Cassel asked if the project involved the creation of any new bedrooms. Mr. Heniff said not that he was aware.

Ms. Cassel asked if the project involved adding internal walls to facilitate greater occupancy of the site than what was currently on the site. Mr. Heniff said no, but noted that each unit would require a new certificate of occupancy if converted to an apartment.

Ms. Cassel asked if any improvements would increase the number of households that could occupy the property. Mr. Heniff said no.

Ms. Cassel referenced Slide 8 of the PowerPoint. She asked if it was correct that on page 3 of the staff report, Mr. Heniff advised the Plan Commission that amending the Comprehensive Plan is among the highest levels of relief that a petitioner can request. Mr. Heniff said yes, because it would change all the rules and regulations that would apply to the property, as opposed to a variance which would offer relief from a specific regulation.

Ms. Cassel asked if a change to the Comprehensive Plan would change all the rights associated with a property. Mr. Heniff said no, the

Comprehensive Plan is a policy document setting the vision, but the Zoning Ordinance sets the regulatory elements. The Zoning Ordinance is justified by the Comp Plan.

Ms. Casell asked if there was a provision in the Lombard Code of Ordinances that ranked Comp Plan amendments and rezonings in this order. Mr. Heniff said there was no such ranking but it was a classic argument that the zoning regulations or zoning designation on a property had to be based on the provisions of the Comp Plan.

Ms. Cassel asked if Mr. Heniff was aware of any other staff report where he had called out a Comp Plan amendment as being a grave decision or the highest level of relief. Mr. Heniff said he had been employed by the Village for 23 years and he had been involved in hundreds of staff reports. He could not make representations about specifics in these reports. He said changes to the Comp Plan and map amendments were thought about carefully, and it was common to discuss them in terms of being high levels of relief.

Ms. Cassel asked if Mr. Heniff could name a staff report that discussed Comp Plan and map amendments in these terms. Mr. Heniff said he could not think of one off the top of his head. He said the staff report was trying to let the Plan Commission and public know that this was a significant piece of relief. It was not a simple fence variation. Additionally, Mr. Heniff said, the subject petition was talking about a piece of property in an as-is condition with a change of use being contemplated. This was not a discussion of new development. However, the staff report was trying to convey that the change of use proposed was a significant change in land use, requiring that it meet a higher bar than would be required of a conditional use request. Ms. Cassel said she had not seen that higher bar.

Ms. Cassel asked if Mr. Heniff was familiar with the concept under Illinois law that rezoning and other land use relief can be granted even if it is inconsistent with the Comp Plan. Mr. Heniff said it does not necessarily need to be a one for one match. Petitions are considered in their whole relative to the Comp Plan.

Ms. Cassel asked if Mr. Heniff was familiar with Section 11-12-6 of the Illinois Code. She read this section of State Code, which stated that a Comp Plan shall be advisory and not construed to regulate or control the use of private property in any way except as such part thereof as has been implemented by ordinances duly enacted by the corporate

authorities. Mr. Heniff said he was familiar with this concept.

Ms. Cassel asked if the staff report had advised the Plan Commission that the Comp Plan is advisory, or if Mr. Heniff had lumped a Comp Plan amendment as part of the highest zoning relief a petitioner could request. Mr. Heniff said a Comp Plan amendment is a high level of relief. He said through engagement with the Plan Commission in the past, it had been represented that the Comp Plan is a policy document that sets the vision for the community.

Ms. Cassel referenced Slide 8 in the PowerPoint. She asked if the text on the screen was Sections 150.201 through 150.207 of the Lombard Code of Ordinances. Mr. Heniff said it appeared to be.

Ms. Cassel asked what Section 150.204 said with regard to interpreting and applying the Comp Plan. She said it said that in interpreting and applying Sections 150.201 through 150.207, such provisions shall in every instance be held to be the minimum reasonable requirements adopted for the promotion of public health, safety, comfort, health, morals and public welfare. She asked if this sounded like the highest level or minimum reasonable requirements. Mr. Heniff said the Comp Plan is a policy document, not a regulatory document. The Comp Plan is meant to provide guideposts. He said staff would look at proposed Comp Plan amendments and assess them in terms of whether they essentially met many of the policies in the Comp Plan. You did not need to prove every single element. A change in use from Commercial to Residential was a big change, which was why staff said it was a higher standard.

Ms. Cassel clarified that Mr. Heniff said projects do not need to meet every standard in the Comp Plan to be recommended for approval. Mr. Heniff said the Comp Plan is a vision and policy document. When you look at the larger question of the Comp Plan, you need to look at the overall goals the Plan is trying to accomplish. Mr. Heniff said the petition was asking the Village to apply the Comp Plan policies for residential development rather than commercial development to the subject property.

Ms. Cassel said she would get to an example later about the approval of the Yorktown Reserve/Synergy project for a residential use in an area that was formerly commercial where the staff report had said that project fulfilled Vision 2 of the Comp Plan.

Attorney Guisinger asked if this was a question. Ms. Cassel said it was not and apologized.

Ms. Cassel referred to Slide 9, which showed an excerpt from page 71 of the Comp Plan. She asked if the paragraph said the Comp Plan would be amended to respond to changing circumstances. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff mentioned this paragraph in the staff report. Mr. Heniff said no, because it was the petitioner's responsibility to do so by asking for a change in the Comp Plan. The Plan Commission and Village Board had considered changes to the Comp Plan in the past. The question was did the Plan need to be amended because the existing land use designation was functionally obsolete. In this case, staff did not think the Comp Plan needed to be amended. Mr. Heniff said this petition was for a specific property. Ms. Cassel agreed the petition only pertained to the subject property.

Ms. Cassel asked if there is specific discussion of the subject property in the Comp Plan. Mr. Heniff said the Comp Plan was more generic in nature, such as discussion of key corridors.

Ms. Cassel referenced Slide 10, which showed text from the Comp Plan, with petitioner's highlighting. She asked if the text called for the Comp Plan to be monitored and updated on a regular basis. Mr. Heniff said yes.

Ms. Cassel asked if this was mentioned in the staff report. Mr. Heniff said the Comp Plan acknowledges that things change over time. He said the Village monitored changing conditions, and offered the example of new or obsolete land uses. Petitioners have the ability to request a change of Comp Plan designation at any time.

Ms. Cassel asked if the Comp Plan had been updated in the last 10 years. Mr. Heniff said there had been some updates.

Ms. Cassel asked if the 2014 Comp Plan, which was linked on the Village's website, was or was not the current Comp Plan. Mr. Heniff said there had been updates pertaining to specific properties.

Ms. Cassel asked if there is any basis in the Comp Plan or the Village Code that describes looking at the Comp Plan and Land Use map and updating it for a specific property as extraordinary. Mr. Heniff said it

would be on a case-by-case basis.

Ms. Cassel referenced Slide 11. She asked if these were the criteria in the Comp Plan related to changes to the Comp Plan. Mr. Heniff said yes.

Ms. Cassel asked if the staff report advised the Plan Commission that these were the three criteria for amending the Comp Plan. Mr. Heniff said the staff report did not specifically address these criteria.

Ms. Cassel asked if the petitioner's application included a point-by-point analysis of the three criteria. Mr. Heniff said yes.

Ms. Cassel said the first standard said the proposed change was consistent with the goals, objectives and policies of the Comp Plan. Ms. Cassel said she was going to ask if a Comp Plan amendment needed to affirm all the standards of the Comp Plan. She asked if, based on Mr. Heniff's previous testimony, it was correct that a Comp Plan amendment did not need to fulfill every single policy of the Comp Plan. Mr. Heniff said an amendment did not need to fulfill every single one.

Ms. Cassel asked if the staff report for SPA 19-02 (Gilbane residential development) supported that proposed development and said that it advanced Vision 2 of the staff report. Mr. Heniff said he did not recall off the top of his head.

Ms. Cassel asked if the staff report only discussed Comp Plan provisions that are not advanced by residential use of the subject property. Mr. Heniff said no.

Ms. Cassel asked if Mr. Heniff had picked sections of the Comp Plan and said the development was not in compliance with them. Mr. Heniff said yes, to buttress the staff argument.

Ms. Cassel referenced Slide 12. She asked for clarification that the Comp Plan is organized into visions, guiding principles, and recommended actions. Mr. Heniff said yes.

Ms. Cassel asked if Exhibit I of petitioner's application materials included a 21-page analysis of the Village's Comp Plan and Strategic Plan including a point-by-point discussion of all eight vision statements. Mr. Heniff said yes.

Ms. Cassel asked if the staff report described or responded to the petitioner's submittal. Mr. Heniff said the staff report did not, but the petitioner's submittal was submitted to and part of the public record. The assumption should be that the submittal was reviewed, and the staff report is staff comment on the submittal.

Ms. Cassel referenced Slide 13. She said it showed sections of pages 15 and 16 of the Comp Plan. She asked if Mr. Heniff agreed that the second vision statement from the Comp Plan related to fostering a diverse housing stock with a sustainable land use pattern. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff had cited in the staff report for the Synergy project that that development would further the above-referenced vision. Mr. Heniff said he did not recall. Ms. Cassel said he had.

Attorney Guisinger asked if Ms. Cassel was going to offer copies of the past staff reports she referenced for Mr. Heniff to examine in light of her questions. Ms. Cassel said she had quotes from the staff reports in later slides.

Ms. Cassel asked if it was correct that there are four action items that explain how the vision of fostering a diverse housing stock can be implemented. Mr. Heniff said yes.

Ms. Cassel asked if the second action item was to provide housing to meet the needs of a maturing and diverse population. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff had mentioned the second action item in the staff report. Mr. Heniff said no.

Ms. Cassel referenced Slide 14, with an excerpt from page 6 of the Comp Plan. She asked if the Comp Plan showed historic growth patterns and provided guidance for the village on accommodating future population growth. Mr. Heniff said yes, it showed data collected by CMAP regarding Lombard population estimates.

Ms. Cassel asked if Mr. Heniff knew what the 2020 Census found for Lombard's population estimates. Per the chart on Slide 14, she said it had been estimated the Lombard population would be 50,618 in 2030.

She said the 2020 Census had found Lombard's population was 53,072, significantly higher than the 2030 estimate. Mr. Heniff disagreed. He said the 2020 Census had found the population of Lombard was around 44,000.

Ms. Cassel asked if the Community Development Department had prepared a senior housing plan in 2011. Mr. Heniff said yes.

Ms. Cassel referenced Slide 15, with an excerpt from that plan. She asked if the study estimated there would be approximately 7,100 seniors living in Lombard in 2020. Mr. Heniff said if that's what the study said, that was what the study said. He had not verified whether the actual 2020 number was above or below the number estimated in 2011.

Ms. Cassel said the 2020 Census data showed there were 8,414 seniors in the Lombard area. Ms. Cassel asked if the petitioner's application materials noted 2021 Census data showing 5,108 one-person households but only 347 studios and 3,159 one-bedroom units. Ms. Cassel asked if Mr. Heniff saw this data in the application materials. Mr. Heniff said yes.

Ms. Cassel said the Comp Plan was encouraging housing to meet the needs of a growing, maturing, and diverse population. Ms. Cassel asked if Mr. Heniff agreed the population was growing, maturing, and diverse. Mr. Heniff said yes.

Ms. Cassel asked if ground level dwelling units were more accessible to seniors than walk-ups or multi-level homes. Mr. Heniff said they could be depending on the design. He said the design and construction of homes was a Building Code issue, not a zoning issue.

Ms. Cassel asked for clarification that whether or not people could get into their homes was a building code issue and not a public health and safety issue. Mr. Heniff said the Building Code sets standards for access and ingress/egress to dwelling units.

Ms. Cassel asked if there was empty and available housing stock in the Village that had the configuration, amenities and price point the petitioner is proposing to provide. Mr. Heniff said staff did not look at price points of housing in consideration of the petition. He noted that to do so could be in violation of the Fair Housing Act.

Ms. Cassel asked if the petitioner's submittal referenced that first-floor

units would be helpful for seniors. Mr. Heniff said yes.

Ms. Cassel asked if this had been mentioned in the staff report. Mr. Heniff said it was mentioned indirectly in the discussion of Building Code provisions that might apply to the development if converted to a residential use, which would include accessibility improvements. Mr. Heniff said the petitioner had not provided plans showing how the units would meet accessibility requirements should the zoning petition be approved.

Ms. Cassel referenced Slide 16. She asked if the third standard listed on the slide was to encourage new development and infill development complimentary with the scale and character of surrounding residential uses. Mr. Heniff said that was the standard.

Ms. Cassel asked if this was included in the staff report. Mr. Heniff said it was not.

Ms. Cassel asked if adaptive reuse of 40-year-old buildings would be complimentary with the scale and character of surrounding uses. Mr. Heniff said that would be weighed on a case-by-case basis.

Ms. Cassel asked about this case and whether the adaptive reuse proposed by petitioner be compatible with the neighborhood. She asked if the existing development had caused any conflict with the surrounding area. Mr. Heniff said the petitioner was seeking a number of actions. He said the use is going to change from a hotel to a residential building. He said this was not a simple conditional use. One of the questions that needed to be addressed was whether the change in use would change the character of the development. He said there were requests for parking relief and other variances. He said staff was posing the question of whether the development would be compatible with surrounding uses if the change of use was approved. He said ultimately the Plan Commission and Village Board would make that decision.

Ms. Cassel asked if it was accurate to say the staff report recommended that Churchwick be prohibited from leasing the property as apartments. Mr. Heniff said he had not used the word "prohibited."

Ms. Cassel asked if it was true that the staff report recommended denial of the petition, and if the petition were denied, the petitioner would be prohibited from residential leasing. Mr. Heniff said yes, and that they

could not do anything that was not compliant with the Lombard Zoning Ordinance.

Ms. Cassel restated her question about Mr. Heniff's recommendation for denial reflecting a preference or recommendation by Mr. Heniff that the property to be prohibited from residential leasing. Mr. Heniff agreed.

Ms. Cassel asked if it was accurate to state that the staff report said several times that it would be preferable for the petitioner to tear down buildings rather than the Village granting variances to the development. Mr. Heniff said the report mentioned this because this was one method for the petitioner to bring the property into closer compliance with the regulations in the zoning district the petitioner was requesting for the property. Demolition of a building may reduce the amount of zoning relief needed.

Ms. Cassel asked if the petitioner was adding 19 parking spaces to the site in order to reduce the amount of parking relief the petitioner was requesting. Mr. Heniff said yes.

Ms. Cassel asked if the petitioner was adding open space to increase open space from 32% to 35%. Mr. Heniff said yes.

Ms. Cassel asked about the purpose statement for the Zoning Ordinance per Section 155.002(A) of Village Code. She said the purpose statement said to zone properties with a view to conserving value of buildings and land. She asked if recommending demolition of existing accessible living units was in line with this statement, and whether it was more important to reduce the need for variances through demolition of buildings than to preserve existing development. Mr. Heniff said that was a policy question that would ultimately go before the Village Board. From staff standpoint, changing the character of the use of existing buildings would be creating residential units that did not currently exist. He said the hotel rooms were of a different character than the proposed residential units. He said the question was misleading because it implied there were existing residential units that would be demolished, but that in practice those units did not currently exist.

Ms. Cassel asked if the physical improvements on the subject property had the physical characteristics described in the petition. Mr. Heniff said yes.

Ms. Cassel referenced the fourth action item of working with property owners and developers to seek a variety of housing types to meet the needs of the community while ensuring stability. She asked if this was mentioned in the staff report. Mr. Heniff said no.

Ms. Cassel asked if the staff report and staff approach to the petition was consistent with the fourth action item. She asked if staff was working with the developer in this case, or if it was the petitioner's job to present their case and staff's job to find problems with it. Mr. Heniff said working with developers can mean many things. The Plan Commission had heard cases where developers were looking to build various housing types, and the Village had worked with the developers and surrounding neighbors to address concerns with those developments. The Plan Commission occasionally held workshops to offer feedback on potential developments prior to official submittals. With respect to the subject property, Mr. Heniff said there had been a workshop session on the petitioner's prospective submittal in early 2023, which was put together by staff and did not require attendance by the petitioner. He said that following the Plan Commission workshop, there had not been a lot of back and forth between the developer and staff, to the extent that there were concerns expressed by staff and the Plan Commissioners in the workshop, and the petitioner decided to submit a petition as-is rather than incorporate any changes to address staff or Plan Commissioner comments.

Ms. Cassel asked if the petitioner prepared detailed materials for the workshop. Mr. Heniff said there were materials provided.

Ms. Cassel asked if these materials were provided to the Plan Commission for the workshop, and if the petitioner was permitted to speak at the workshop. Mr. Heniff said the policy was for potential petitioners not to speak during workshop sessions, because that could constitute a public hearing, which would require due notice. The workshop was designed to be a forum to discuss a policy question, such as a proposed change of use. The potential petitioner could listen to the workshop discussion as a form of feedback on a potential petition.

Ms. Cassel asked if the petitioner had ever suggested that staff should have no concerns with the petitioner's project. Ms. Cassel said the petitioner had asked for specificity on staff's concerns with the project.

Ms. Cassel asked if it was correct that the Yorktown Reserve project from Synergy Construction was approved by the Village this spring and summer for 621 new residential units on 15.75 acres at a density of 39.4 dwelling units per acre. Mr. Heniff said yes.

Ms. Cassel said if all 144 hotel rooms on the subject property were converted to apartment units, would the density be 29.6 units per acre. Mr. Heniff said yes.

Ms. Cassel asked if Mr. Heniff recalled that on page 5 of the staff report for Synergy, staff had recommended approval of the project because it aligned with Vision 2 in the Comp Plan, fostering a diverse housing stock. Mr. Heniff said he did not have the staff report in front of him.

Ms. Cassel asked if Mr. Heniff recalled SPA 19-02, regarding a proposal by Gilbane for new residential discussion. It was for 336 units on 6.09 acres of land, which would result in a density of 55.2 units per acre. Mr. Heniff said that approval was based on the approval of the Yorktown Commons Planned Development, which was itself consistent with the 1968 approval for residential development near Yorktown Center.

Ms. Cassel said the SPA 19-02 staff report specifically mentioned Vision 2 in the Comp Plan in support of a recommendation to approve SPA 19-02. Ms. Cassel asked why the petitioner's request would not be similarly consistent with Vision 2 in the Comp Plan. Mr. Heniff said Vision 2 related to residential development. The subject property was currently a commercial use. He noted the Gilbane project had never been constructed, though it was recommended for approval. Mr. Heniff said the Yorktown Commons master plan was a Comp Plan amendment to create the Yorktown Commons development around the same time the 2014 Comp Plan was adopted. Yorktown Commons included a form-based code. He said Yorktown Commons was intended to add to the synergy and sustainability of the Yorktown area. Regarding Synergy, there was a vacant retail store with no prospective tenants or uses at the location. It was obsolete, and a tax increment financing district that included that property was created. Other potential uses were considered by not deemed feasible, at which point the possibility of residential was considered. Mr. Heniff said the Gilbane project had never been constructed, so in some sense a portion of the Synergy project was essentially moving density from Yorktown Commons to the Synergy site.

Ms. Cassel said she was not arguing that the Village should not have supported the other projects. She wanted to understand why the petitioner's project which was less dense than the other projects and was already existing and completely privately financed was not receiving staff support, and why staff did not think it would further Vision 2 related to the diversity of housing stock in the Village. Mr. Heniff said the subject property was being looked at in the context of an existing commercial development.

Ms. Cassel asked if every application for a rezoning involved a change of use, and if the idea of a change of use in and of itself was a problem. She said if it were, there would not be an application process for rezoning. She asked if this was correct. Mr. Heniff agreed.

Ms. Cassel referenced Slide 17, which showed an excerpt from Section 152.02 of Village Code, relating to objectives of the Comprehensive Plan. She asked if the petitioner's proposal promoted residential uses. Mr. Heniff said 152.02 made reference to the fact that the Village is primarily a residential community. He showed the zoning map and said it reflected a large proportion of residentially developed property. He noted 152.02 mentions maintaining a balance of commercial and industrial uses.

Mr. Heniff said he agreed that the development met other criteria in 152.02 related to adequate lighting, water supply and other facilities. Those were already in place because the property was already developed. He said just because the property met those criteria did not mean it should be rezoned or the Comp Plan amended.

Ms. Cassel asked if the petitioner's specific proposal met the objectives of 152.02. Mr. Heniff said it did meet the objectives by virtue of the fact that the property was already developed.

Ms. Cassel asked if the petitioner had provided data showing property taxes on the subject property would increase if the change of use was approved. Mr. Heniff said yes. Mr. Heniff said staff did not look at property taxes in the context of justifying map amendments.

PC 23-13 minutes continued

Ms. Cassel referenced Slide 11. She noted the second criterion for Comp Plan amendments and asked if the staff report had mentioned it. Mr. Heniff said no.

Ms. Cassel asked if the petitioner's submittal had analyzed the petition relative to this criterion. Mr. Heniff said yes.

She asked if the property as currently configured had resulted in disproportionate demand on any Village utilities or services. Mr. Heniff said no.

Ms. Cassel asked if the petition proposed any physical changes that would change how Village facilities or services are used. Mr. Heniff said no.

Ms. Cassel asked if the Fire Department objected to the proposal. Mr. Heniff said no.

Ms. Cassel asked if the Police Department objected to the proposal. Mr. Heniff said no.

Ms. Cassel asked if there was any reason to expect that sewer or water facilities would be overburdened by the proposal. Mr. Heniff said no.

Ms. Cassel asked if there was reason to suspect that any Village facilities or services would be overburdened by the proposal. Mr. Heniff said that would be a subjective comment. Mr. Heniff said the Fire Department had seen the proposal. If the petition was approved, there would be life safety inspections of each unit. The Fire Department wanted safe buildings. Regarding the Police Department, Mr. Heniff said any representations regarding how a change of use would impact police services would be speculative.

Ms. Cassel asked if Jennifer Ganser related to Mr. Heniff that she had been on a phone call with the Fire Department staff and the petitioner's team, at which time Fire staff had said there were fewer calls from apartments than hotels because apartment residents are more familiar with their surroundings. Mr. Heniff said Ms. Ganser did not relate that to him. He said it was a generic statement and commonly understood that permanent residents were more able to self-evacuate in case of emergency because they are familiar with their surroundings. He said this should not be taken to mean support for any particular project.

Chairperson Giuliano called a recess from 8:48 p.m. to 8:53 p.m.

The meeting resumed at 8:53 p.m.

Ms. Cassel referenced Slide 19 which showed meeting minutes from the Economic and Community Development Committee meeting on August 13, 2018. She asked Mr. Heniff if these were accurate minutes. Mr. Heniff said they were the minutes of record.

Ms. Cassel asked if Lombard has zoning districts that allow both residential and commercial uses. Mr. Heniff said yes.

Ms. Cassel asked if Lombard allowed dwelling units as a permitted use above the first floor in the B3 District. Mr. Heniff said yes.

Ms. Cassel asked if Lombard has developments where residential and commercial uses are in the same building. Mr. Heniff said yes.

Ms. Cassel asked if Lombard has recently granted zoning approvals for more mixed-use developments. Mr. Heniff said yes.

Ms. Cassel asked if some of these mixed-use developments are in the Yorktown area. Mr. Heniff said yes.

Ms. Cassel asked if Lombard has residentially zoned land adjacent to commercially zoned land. Mr. Heniff said yes.

Ms. Cassel asked if there are different zoning districts next to one another in the vicinity of the subject property. Mr. Heniff said yes.

Ms. Cassel asked if the property to the north of the property is Office. Mr. Heniff said yes.

Ms. Cassel asked if full-time residential use of the subject property would result in an incompatible land use relationship with the adjacent office use. Mr. Heniff said yes.

Ms. Cassel asked if there is a hotel immediately to the east of the subject property. Mr. Heniff said yes.

Ms. Cassel asked if full-time residential use of the subject property would result in an incompatible land use relationship with the adjacent hotel use. Mr. Heniff said it could.

Ms. Cassel asked if the property to the south of the subject property is already zoned R5. Mr. Heniff said yes.

Ms. Cassel asked if given all the responses provided during the meeting, Mr. Heniff was still advising the Plan Commission that a Comp Plan amendment is an extraordinary or high level of relief. Mr. Heniff said it is a high level of relief.

Ms. Cassel asked if given all the responses provided during the meeting, Mr. Heniff was still advising the Plan Commission that they should not change the Comp Plan to allow residential use of the subject property. Mr. Heniff said the petition included five actions. Given the weight of all five of the requested actions, yes.

Ms. Cassel referenced Slide 21. She asked if Section 155.103(E) of the Zoning Ordinance required the Plan Commission to review requests for rezonings. Mr. Heniff said that was in the Code.

Ms. Cassel referenced the seven standards for map amendments. She asked if Mr. Heniff mentioned these standards or discussed them in the staff report. Mr. Heniff said he identified the standards where staff was raising concerns, specifically numbers 2, 3, 4, 5.

Ms. Cassel asked if Mr. Heniff was sure that he reviewed these standards in the staff report. She asked if Mr. Heniff instead had reviewed the requested map amendment using the LaSalle factors. Mr. Heniff said the LaSalle factors start on page 6 of the staff report. He said discussion of the seven standards was on page 4 and page 5 of the staff report.

Ms. Cassel asked if there was residentially zoned land north and south of 22nd Street. Mr. Heniff said yes.

Ms. Cassel asked if there was residentially zoned land east and west of Highland Avenue. Mr. Heniff said yes.

Ms. Cassel asked how far away the subject property was from Yorktown Shopping Center. Mr. Heniff said a couple of blocks.

Ms. Cassel asked if the subject property and Yorktown Center were connected by roadways and sidewalks. Mr. Heniff said yes.

Ms. Cassel showed an excerpt from the staff report on the Synergy development. She asked if in this paragraph, staff stated the Village had supported development of multi-family residential uses around Yorktown. Mr. Heniff said yes.

Ms. Cassel verified that Mr. Heniff said the subject property was a couple of blocks from Yorktown. Mr. Heniff said yes.

Ms. Cassel asked if it was fair to say the trend of development around Yorktown has been for residential uses. Mr. Heniff said both commercial and residential uses have been developed, but a substantial portion has been residential.

Ms. Cassel asked if the last two hotel developments approved by the Village had been built. Mr. Heniff said no.

Ms. Cassel asked if there had been any proposals for office uses, retail uses, or other B3 permitted uses for five-acre sites in recent memory. Mr. Heniff said a mixed-use development had been approved for the former Northern Seminary site.

Ms. Cassel referenced Slide 26, an excerpt from the staff report on the Synergy development. She read the excerpt noting an ongoing trend of residential development around Yorktown and asked if this was correct. Mr. Heniff said yes.

Ms. Cassel referred to the standards in the Zoning Ordinance for map amendments. She read the standards.

Ms. Cassel asked if residential units are allowed in the B3 District above the second floor. Mr. Heniff said yes.

Ms. Cassel asked if residential units are allowed on the first floor in the B3 District with a use exception. Mr. Heniff said anything could be allowed with a use exception provided it met the standards for a use exception.

Ms. Cassel asked if Mr. Heniff was arguing that residential is not consistent with the B3 District. Mr. Heniff said he was providing clarification.

Ms. Cassel referenced a standard for map amendments related to the suitability of the property to the uses permitted under the current zoning classification. She showed a slide with an excerpt from the staff report that noted the present B3 zoning on the subject property does not allow residential uses. She asked if Mr. Heniff had not just said that B3 did permit residential uses. Mr. Heniff said the subject property did not

allow for residential. The zoning district generally did not allow residential on the first floor.

Ms. Cassel asked if the petitioner applied for a certificate of occupancy tomorrow to have residential units above the second floor, would that be permitted. Mr. Heniff said he would want to look closely at all past entitlements and a plan for the property and layout of the units before making any representations.

Ms. Cassel asked if the petitioner were allowed to have a use exception to allow residential uses on the first floor, similar to Synergy and Lilac Station. She said the petitioner had come to the Village about converting the hotel to residential and was told the only path was to amend the Comp Plan designation and rezone the property to R5, which would in turn require variances. She said, hypothetically, if the petitioner were able to receive a use exception for residential on the first floor and remain zoned B3, would they not need an open space variance.

Ms. Cassel asked if in the above hypothetical scenario, a density variance would be required. She said it would not.

Ms. Cassel referenced Slide 32, showing the available properties page from the Village website. She asked if it showed vacant commercial properties with the most intense cluster being around the subject property. Mr. Heniff said it appeared to be.

Ms. Cassel referenced Slide 33, showing a memo to the Economic and Community Development Committee from 2021. She asked if Mr. Heniff recognized the memo. Mr. Heniff said yes.

Ms. Cassel asked if references to realignment of office and retail uses within the corridor referred to the Butterfield Road corridor. Mr. Heniff said yes.

Ms. Cassel said the memo identified areas for study including analysis of transportation opportunities in light of increasing residential population. She asked if this referred to Pace service. Mr. Heniff said yes, particularly a bus shelter at Yorktown Center.

Ms. Cassel said the memo identified study of pedestrian improvements with emphasis on connectivity between residential development and Yorktown. Mr. Heniff said this referenced connectivity

between Yorktown and a residential subdivision.

Ms. Cassel showed a slide with the standards for variations from Village Code.

Ms. Cassel referenced Slide 36. She asked if it showed an excerpt from the staff report. Mr. Heniff said yes.

She asked if the staff report said it would cause the petitioner no hardship to demolish buildings. Mr. Heniff said the staff report was pointing out that there was a way for the petitioner to bring the property into closer compliance with the requested R5 zoning.

Ms. Cassel asked if it was not a hardship for the petitioner to remove buildings.

Ms. Cassel asked if it was correct that the staff report said the subject property was unique. Mr. Heniff said every property has a level of uniqueness.

Ms. Cassel asked if Mr. Heniff said the property was unique in the staff report. Mr. Heniff said yes.

Ms. Cassel asked where in the petitioner's application the petitioner proposed that the relief they requested should be uniformly applied to other properties. She quoted a sentence in the staff report to this effect. Mr. Heniff said the application was only related to the subject property.

Ms. Cassel said the staff report said that reduction in financial yield could not be considered a hardship. She asked Mr. Heniff to elaborate on this statement. Mr. Heniff said if this was a greenfield development, staff would question the proposed density. If the petitioner in that instance said the requested density was required to turn a profit, the staff feedback would be that they should reduce the number of units.

Ms. Cassel asked if the Gilbane, Lilac Station, and Yorktown Reserve projects were approved with greater densities than that proposed by the petitioner on the subject property. She asked if the staff reports for those projects had recommended density reductions. Mr. Heniff said in those cases, the underlying B Districts did not have density requirements.

Ms. Cassel said the staff report mentioned that the property was zoned

B3 when the petitioner purchased the property. She asked if the petitioner did not have the right to request R5 rezoning because it was zoned B3 when they purchased it. Mr. Heniff said he would not say that. He said the property was purchased and the CO was issued identifying it for a B use.

Ms. Cassel showed a timeline for the Synergy/Yorktown Reserve project. She asked if it showed the petitioner acquired the property before they received zoning entitlements. She asked if this chronology was accurate. Mr. Heniff said the timeline was accurate but there were other variables associated with that petition.

Ms. Cassel asked if the staff report Synergy/Yorktown Reserve said the project did not merit zoning entitlements or incentives because the petitioner in that case had already bought the property. Mr. Heniff said no.

Ms. Cassel said the staff report said there was value in maintaining the clubhouse and pool. She said that rather than noting the requested open space relief was de minimis, the staff report said the petitioner could meet open space requirements by “simply” razing existing buildings. She asked if Mr. Heniff stood by this argument. Mr. Heniff said if one of the existing buildings was demolished, that could create additional green space.

Ms. Cassel asked if Mr. Heniff knew how many buildings would need to be demolished in order for the subject property not to need open space relief. Mr. Heniff said he did not know off the top of his head.

Ms. Cassel said it would be four buildings, accounting for 32 units out of 144 on the site.

Ms. Cassel said the staff report recognized the uniqueness of the property but also said granting open space relief could set an undesirable precedent. She asked if Mr. Heniff stood behind this statement. She asked if the project should not receive open space credit for the pool and clubhouse. Mr. Heniff said given the weight of all of the actions, the Plan Commission had to look at open space in the context of the petition.

Ms. Cassel said if the petitioner had a use exception to allow ground floor residential in the B3 District, there would be no need for a Comp Plan amendment, a rezoning, or any of the variances. Mr. Heniff said a

100% use exception is not permitted by the Zoning Ordinance.

Ms. Cassel asked if there were any ground floor nonresidential uses at Lilac Station or Synergy/Yorktown Reserve. Mr. Heniff said Synergy is proposing them and Lilac Station does have some.

Ms. Cassel said the staff report warned the Plan Commission not to grant requested relief because it would set a bad precedent. She referenced a quotation from the Village Attorney stating Plan Commission cases are evaluated on a case-by-case basis and do not set precedent.

Ms. Cassel referenced Slide 43. She asked how demolition of buildings would not be an economic hardship, and why was it relevant the petitioner bought the subject property in 2022. She asked about this in the context of Lilac Station and Synergy. Mr. Heniff said there were things the petitioner could do to address the need for an open space variance. The Synergy project did not require an open space variance due to the provisions of the Yorktown Planned Development. Lilac Station also had different provisions.

Ms. Cassel asked if the Synergy petitioner had had it thrown in their face that they had recently purchased the property. Attorney Guisinger interjected to say that Ms. Cassel's question was argumentative. He asked her to rephrase the question or move on.

Regarding the requested parking variance, Ms. Cassel said the staff report stated there was nothing to preclude the petitioner from removing units in order to reduce the required parking, and reduce the need for a parking variance. She asked if Mr. Heniff believed there would be nothing important lost if buildings were removed. Mr. Heniff said the purpose of the public hearing process was to determine this. He said the petitioner was making the argument that there were already residential units on the property and they should not be lost, but this was not the case as the property was currently a hotel. The staff report pointed out that the petitioner could remove potential residential units from the site in order to meet parking requirements.

Ms. Cassel said the staff report points out that Synergy/Yorktown Reserve did not receive parking relief. She asked if the subject property/petition should not receive parking relief because Synergy did not received parking relief. Mr. Heniff said requests for parking relief need to be considered carefully. He mentioned several recent projects

in the Yorktown area that had met parking standards.

Ms. Cassel asked about unique configurations. She said Yorktown was a vast area, previously devoted to commercial uses but now being developed with residential uses. She asked if it was a concern that residents of these developments would end up parking in the commercial parking field around Yorktown that were intended for shopping center patrons. Mr. Heniff said yes.

Ms. Cassel asked what was the south boundary of the subject property. Mr. Heniff said 22nd Street.

Ms. Cassel asked if it was legal to park on 22nd Street. Mr. Heniff said no.

Ms. Cassel what was the west boundary of the subject property. Mr. Heniff said Highland Avenue.

Ms. Cassel asked if it was legal to park on Highland Avenue. Mr. Heniff said no.

Ms. Cassel asked what was the north boundary of the subject property. Mr. Heniff said St. Regis Drive.

Ms. Cassel asked if it was legal to park on St. Regis Drive. Mr. Heniff said there was an island on St. Regis Drive that functionally precluded parking.

Ms. Cassel asked if the Village prohibited overnight parking on Village streets. Mr. Heniff said this was correct.

Ms. Cassel asked about the property to the east. Mr. Heniff said it was a hotel.

Ms. Cassel asked if residents of the subject property could legally park on the adjacent property and take away their parking. Mr. Heniff said not for residential development.

Ms. Cassel asked if Mr. Heniff was arguing that four projects at East South Broadway, Oakview Estates, Bluestem, and South Main Street where there had been parking issues were justification to deny the petitioner's requested parking variance. Mr. Heniff said those were four very recent situations that had taken significant staff time, and

consideration by the Plan Commission, Village Board, and neighbors. The standards for variations included that a variance should not be injurious to nearby properties. These cases were offered as examples where there had been impacts associated with perceived lack of parking at various locations.

Ms. Cassel asked for an explanation of how permanent residents as opposed to quasi-permanent extended stay hotel guests could park on adjacent properties and be injurious to them. Mr. Heniff said a change of use from a hotel to an apartment complex would introduce new issues, including: need for overflow parking for guests; multiple people with multiple cars living in units. Staff provided the above four examples of instances where there had been parking issues. This needed to be considered carefully in discussions of the requested parking relief.

Ms. Cassel asked if the petitioner's application stated that a condition of leases would be that residents could not have more than one car, that resident cars would have stickers, and that no more than one car per resident could be parking in the lot. Mr. Heniff said this was stated in the petition, but staff notes this is not a legally binding provision.

Ms. Cassel said it would be a default under the lease, which was a matter of private contract. Mr. Heniff said the Police Department cannot enforce a private contract.

Ms. Cassel said the petitioner could enforce the private contract. Chairperson Giuliano said this was not in the Plan Commission's purview.

Ms. Cassel asked if Mr. Heniff had mentioned the petitioner's plan to implement a one-car policy in the staff report. Mr. Heniff said he had mentioned this in his testimony at the June meeting.

Ms. Cassel asked if it was correct the unit mix was one-bedrooms and studios. Mr. Heniff said yes.

Ms. Cassel asked if it was true the Village had granted parking relief in consideration that one-bedroom and studio units have a lower parking demand. Mr. Heniff said that was part of a KLOA study commenting on Lilac Station given its proximity to the downtown.

Ms. Cassel asked if Mr. Heniff specifically addressed how the

petitioner's requested parking relief would impact the neighborhood, or if he had just stated parking relief can be a problem. Mr. Heniff said parking relief can be a problem.

Mr. Fligelman conducted the cross examination of Javier Millan of KLOA.

Mr. Fligelman asked if Mr. Millan or KLOA had performed a site survey on the subject property relative to parking demand. Mr. Millan said no.

Mr. Fligelman asked if the reference material submitted stated a survey of a site with comparable local conditions should be used to estimate parking demand. Mr. Millan said yes.

Mr. Fligelman asked if there was less parking demand for dense multi-use urban versus general urban/suburban development. Mr. Millan said yes.

Mr. Fligelman asked if KLOA should have considered the subject property dense multi-use urban for purposes of parking demand. Mr. Millan said he would use general urban/suburban.

Mr. Fligelman asked Mr. Millan to explain why he would use general urban/suburban. Mr. Millan said the property was adjacent to two arterial roads, 22nd Street and Highland Avenue, was not close to public transportation other than the buses mentioned by the petitioner, was not a compact development, did not have any other land uses.

Mr. Fligelman read text from Slide 50, from the ITE Parking Generation Manual, that referenced dense multi-use urban, as follows: "The complementary land uses provide the opportunity for short trips within the Dense Multi-Use Urban area, made convenient by walking, biking, or transit. The area is served by significant transit (either rail or bus) that enables a high level of transit usage to and from area development."

Mr. Fligelman asked if it was still Mr. Millan's position that the subject property was not a dense multi-use urban site. Mr. Millan said no, it was not a dense multi-use urban site.

Mr. Fligelman asked Mr. Millan to read additional information from the slide as follows: "It is expected that the number of bedrooms and number of residents are likely correlated to the parking demand

generated by a residential site. Parking studies of multifamily housing should attempt to obtain information on occupancy rate and on the mix of residential unit sizes.”

Mr. Fligelman asked Mr. Millan to explain the difference between the parking supply ratio when looking at it on a per-dwelling-unit basis versus a per-bedroom basis. Mr. Millan said the ITE studies give a sample of the number of parking spaces supplied per dwelling unit and per bedroom. ITE includes a statement that future parking studies should indicate number of units and number of bedrooms. Sometimes studies do not include that information, but ITE has cautioned that that information should be provided.

Mr. Fligelman asked if Mr. Millan recognized text on Slide 51 from a KLOA study written for Lilac Station. Mr. Millan said yes.

Mr. Fligelman asked Mr. Millan to read bullet points from Slide 51. Mr. Millan read, “The average peak parking demand ratio based on the number of bedrooms ranged between 0.9 and 1.0 spaces per bedroom.” Mr. Millan noted this was from an older ITE edition.

Mr. Millan read the second bullet point, “The rate shows a direct correlation between the number of bedrooms and the peak parking demand. Developments with less than an average of 1.5 bedrooms per unit had a peak parking demand of 92 percent of the peak parking demand. This will apply to the proposed development since it is anticipated to have an average of 1.15 bedrooms per unit.”

Mr. Fligelman and Mr. Millan discussed unit counts and agreed there would be 144 units on the subject property.

Mr. Fligelman showed information on Slide 52 related to transit-oriented development (TOD). He asked if there are a mix of uses near the subject property. Mr. Millan said yes.

Mr. Fligelman asked if there was transportation within a quarter mile of the subject property. Mr. Millan said yes, there were buses.

Mr. Fligelman asked if there was moderate to high density near the subject property. Mr. Millan said yes.

Mr. Fligelman asked if there was pedestrian connectivity near the subject property. Mr. Millan said there were sidewalks.

Mr. Fligelman asked if there was the ability to drive, walk, bike, or take a bus from the subject property. Mr. Millan said yes.

Mr. Fligelman asked if it was Mr. Millan's opinion that there needs to be rail in order for a property to be a transit-oriented development. Mr. Millan said several organizations, including tod.org, include rail as part of the definition of transit-oriented development.

Mr. Fligelman referenced information on TOD from the Chicago Metropolitan Agency for Planning (CMAP), shown on Slide 52. It said that TODs can be anchored by bus stations or terminals. Mr. Fligelman showed a map of bus service near the subject property and surrounding suburbs and asked if it was Mr. Millan's position that there was not high-density public transportation at the subject property. Mr. Millan said yes, that was his position.

Mr. Fligelman showed data from CNT (Center for Neighborhood Technology) showing spaces available and spaces utilized within a quarter mile of high-quality transit. He asked if the subject property was within a quarter mile of high-quality transit. Mr. Millan said high-quality transit was defined by the Transportation Research Board and the Transit Comparative Research Program to have headways of 10 minutes or less. The buses serving the area near the subject property had a headway of about 30 minutes.

Mr. Fligelman said the bus lines were staggered and if you looked at all the bus lines there was one every 10 minutes. He offered to pull up all the bus lines.

Attorney Guisinger asked if there was a question. Mr. Fligelman asked if the area was considered a high-quality transit area. Mr. Millan said no, because of the headway being greater than 10 minutes.

Mr. Fligelman asked if Mr. Millan disagreed with CMAP's assessment that a TOD could utilize bus services. Mr. Millan said no, he did not disagree.

The petitioner concluded cross examination.

Chairperson Giuliano asked if anyone else intended to cross examine. Hearing none, she asked if anyone in the audience wanted to speak for public comment. Seeing none, she closed the public hearing.

Chairperson Giuliano suggested a continuation of the petition to the August 21, 2023, Plan Commission meeting. She asked the other Commissioners whether they preferred to continue the matter to August or keep discussing the matter at the present meeting. After brief discussion, the Commissioners decided to proceed with Commissioner discussion of the petition.

Chairperson Giuliano asked the Commissioners to start with questions for staff. There were no questions for staff.

Chairperson Giuliano opened the discussion up to questions of the petitioner or staff.

Commissioner Invergo said the petitioner was saying studio and one-bedroom apartments would attract senior citizens and college students. He said he did not think this would be the case. College students were more likely to move back in with their parents. Senior citizens would prefer to move into a condo rather than an apartment. He did not follow why the petitioner wanted to push for an apartment complex when there were so many condos in Lombard. He thought the property would be better to stay an extended-stay hotel.

Commissioner Verson disagreed with Commissioner Invergo. She said that she knew the Plan Commission was not supposed to take affordability into consideration. However, she thought affordable studios and one-bedroom apartments were not prevalent in Lombard. She thought there were seniors who do not have the resources to purchase a condo that might be able to live at the subject property if converted to apartments.

Chairperson Giuliano asked for additional comments. Hearing none, she asked if anyone wanted to make a recommendation. Commissioner Verson said she thought there should be more discussion prior to a motion.

Commissioner Spreenberg said he thought the recommendation should be for denial. Commissioner Invergo agreed.

Commissioner Sweetser said she was not ready to make a decision.

Chairperson Giuliano said her biggest concern was parking. She said there was an issue with parking in the Village as it was, and potential

residents at the subject property would not be able to park on the streets overnight and could not park on surrounding streets during the day. She said 1.2 spaces per dwelling unit was low. She said the Plan Commission could not hold the petitioner accountable for calling a tow truck company if there was overflow parking because that was outside the Plan Commission's purview. She said the parking variance was tough to swallow.

Commissioner Spreenberg agreed.

Commissioner Verson asked if there was a resolution to fix the parking issue.

Commissioner Invergo said one solution would be to remove buildings.

Chairperson Giuliano said that was discussed in the workshop earlier in the year, but there was no appetite for the petitioner to knock down a building. She did not think the petitioner's plan to restripe the parking lot to add 19 more spaces was enough. She also noted that some vehicles would not be able to fit into compact spaces.

Commissioner Spreenberg said the petitioner made some interesting points between the different zoning districts and the requested variances. He thought there might be possibilities for reducing the need for variances but did not think it was the Plan Commission's place to suggest specific alternatives. He would defer to the petitioner to make a proposal.

Ms. Cassel asked if the petitioner's team could speak. Chairperson Giuliano said yes.

Mr. Fligelman said that for context, the petitioner did not envision a luxury apartment complex. The petitioner would need to remove 32 units to bring the property into compliance with the requested R5 zoning designation. It was not feasible to remove this many units and still charge non-luxury rents. He said the community and members of the public had said that affordable options were needed in the area. He said the petitioner's proposal would not technically be affordable housing, but would be reasonably priced. He said the petitioner was happy to make accommodations but could not remove 32 units and still have a financially feasible project. He said he thought the subject property was located in a good position relative to transit, and that 1.2 parking spaces per dwelling unit would be adequate based on other

projects within the Village. He said he did not know exactly how many parking spaces the Plan Commission would want on the property. He said the petitioner could not make 1.5 spaces happen without eliminating the clubhouse and pool. This would not be the type of residential community Mr. Fligelman thought the Plan Commission was looking for in the Village. Mr. Fligelman said he would like feedback from the Plan Commission.

Commissioner Verson said it was a great goal to encourage residents to use transit. However, she did not think the Village was there yet. She said it was not realistic.

Chairperson Giuliano said she did not find the Pace bus system to be very reliable. That buses would be the only public transit option at the subject property was concerning. She had purchased a car in 2020 because she was not able to rely on taking the bus to the Metra stop. She did not find Pace to be a reliable transportation resource.

Commissioner Spreenberg said he did not know what the right balance of parking versus open space was for this property. If voting on the petition as filed, he would vote for denial.

PC 23-13 minutes continued

Commissioner Verson said she felt the same as Commissioner Spreenberg. She would rather see a greater variance for open space rather than having too little parking and having a parking issue in the future.

Ms. Cassel said the petitioner's team was prepared to remove the request for parking relief if the remainder of the petitioner could be approved subject to the condition that the petitioner submit a site plan that required no parking relief. The petitioner would need to remove other on-site amenities to provide more parking.

Chairperson Giuliano said she personally would entertain this approach. She was okay with many of the other requested variances. She asked for other thoughts.

Commissioner Spreenberg asked if there would be a continuance to allow the petitioner time to make changes. Chairperson Giuliano said it would be an approval with a condition to remove the parking relief.

Mr. Heniff said the petitioner had offered a significant modification. He

said the proposed new condition of approval would leave a lot of open items or speculation from staff standpoint. He said staff would support a continuance with a submittal of a new plan that would then be reviewed and brought back to the Plan Commission for additional consideration. He said it was important that there be no question about what the site would look like. Typically, petitions were approved subject to a specific site plan. Further, a new site plan could bring new questions or issues for analysis.

Commissioner Spreenberg said he also would want to see an amended plan.

Commissioner Sweetser said an amended plan would ensure that everyone understood what was being proposed.

Mr. Fligelman said the petitioner was willing to work with the Village. He said the petitioner would like feedback on whether there was support for the apartment as a land use in general. He wanted to know this before spending additional resources on an alternate site plan.

Chairperson Giuliano said Commissioner Verson had made a good comment that there were not a lot of options for housing in this price point in the Village.

Commissioner Verson said there was public comment in support of the project in June. There had also been some public comments against the project. She felt there were a lot of people in the community that saw this as a positive.

Chairperson Giuliano said it sounded like the Plan Commission was leaning toward a continuance with submittal of a revised plan. She asked if this would be a new petition or continuance of the existing petition.

Attorney Guisinger said it would still be part of the same public hearing process, but with a revised plan that came forward in the midst of the process. There would be a new public notice to make sure the public was aware that there was a new plan.

Chairperson asked if the petitioner would have enough time to prepare a revised site plan if the petition were continued to August 21. Mr. Fligelman said yes.

Mr. Fligelman asked again if the Plan Commission was generally supportive of the Comp Plan change and rezoning. He said it would take a lot of time and money to revise the plan, and was looking for guidance before doing so.

Attorney Guisinger said the Plan Commissioners could not give guarantees.

Mr. Fligelman said he understood that. He wanted to know whether they needed to solve for parking or for other concerns.

Chairperson Giuliano said parking seemed to be the biggest issue for the Plan Commission, because it caused so many problems. She said she thought the Plan Commission could work with the petitioner on some of the other variance requests, but not on the parking request.

Commissioner Spreenberg and Chairperson Giuliano asked if that was enough time for staff to review. Mr. Heniff said staff could work with the petitioner. If more time was needed based on the submitted plan, the petition could be further continued in August.

On a motion by Commissioner Invergo, and a second by Commissioner Sweetser, the Plan Commission voted 6-0 to continue the petition to the August 21, 2023, meeting of the Plan Commission.

***Aye: 6-** Ruth Sweetser, Leigh Giuliano, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson*

***Absent: 1 -** Bill Johnston*

Business Meeting

Approval of Minutes

A motion was made by Commissioner Invergo, seconded by Commissioner Walker, that the minutes of the June 19, 2023 meeting be approved.

The motion carried by the following vote:

Aye: 6 - Ruth Sweetser, Leigh Giuliano, Kevin Walker, Tony Invergo, Robert Spreenberg, and Alissa Verson

Absent: 1 - Bill Johnston

Public Participation

There was no Public Participation.

DuPage County Hearings

There was no DuPage County Hearings.

Chairperson's Report

The Chairperson deferred to the Director of Community Development.

Planner's Report

There was no Planner's Report.

Unfinished Business

There was no Unfinished Business.

New Business

There was no New Business

Subdivision Reports

There was no Subdivision Reports.

Site Plan Approvals

There was no Site Plan Approvals

Workshops

There was no Workshops.

Adjournment

A motion was made by Commissioner Walker, seconded by Commissioner Invergo, to adjourn the meeting at 10:08 p.m. The motion passed by an unanimous vote.