

required in the abutting R2 Single Family Residence and R6 General Residence Districts respectively;

- e) A variation from Section 155.602, Table 6.3 of the Zoning Ordinance to allow for a reduction of the requisite parking spaces from 46 to 42 spaces during Phase I of the development;
 - f) A deviation from Section 153.506(B)(18)(c) of the Lombard Sign Ordinance to allow for an increase in the total number of permitted wall signs, where one wall sign per street front exposure is permitted;
 - g) *A variation from Sections 155.707(B)(3)(a) through (d) of the Zoning Ordinance pertaining to transitional landscape and fence requirements;*
 - h) *A variation from Section 155.602(A)(10)(d)(2) of the Zoning Ordinance to allow for a reduction in the minimum and average foot-candle intensity requirements for parking lots; and*
 - i) *A use exception to allow less than fifty percent (50%) of the area of the ground floor to be devoted to uses permitted in the B5 Central Business District.*
- 2. Approve a conditional use from Section 155.416(C)(13) to allow for an outdoor service (dining) area.
 - 3. Grant Site Plan Approval authority to the Lombard Plan Commission.
- C. Approve a development agreement for the subject property.

GENERAL INFORMATION

Petitioner: Midam HPD Lombard, LLC
Two MidAmerica Plaza, Suite 604
Oakbrook Terrace, IL 60181

Property Owner(s): For the 226 West St. Charles site (the Lord's Property):
Richard Lord
453 Pennsylvania Avenue
Glen Ellyn, Illinois 60139

For the 218 West St. Charles site (the Protine Property):
James Protine
829 Crescent Blvd.
Glen Ellyn, IL 60137

Relationship of Petitioner: Contract Purchaser

PROPERTY INFORMATION

Existing Land Use: Auto service station; multiple family dwelling

Size of Property: Lord's Property: 0.78 acres
Protine Property: 0.35 acres

Comprehensive Plan: Recommends Central Business District – Mixed Use Area

Existing Zoning: Lord's Property: B5 Central Business District
Protine Property: R6 Central Residence District

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; developed as single family residences

South: B5 Central Business District; developed as a commercial strip shopping center

East: R6 Central Residence District; developed as Lincoln Terrace Condominiums

West: R2 Single Family Residence District; developed as single family residences

ANALYSIS

SUBMITTALS

This report is based on the following documents filed on October 13, 2005 with the Department of Community Development and included as part of the initial report for PC 05-42. In addition, the addendum report includes the following additional plans and schematics attached to this report as Attachment A.

DESCRIPTION

The Plan Commission continued the public hearing for PC 05-42 in order to allow the petitioner to provide additional information regarding the development proposal and/or modify their plans accordingly. This report is based upon a review of the supplemental information provided by the petitioner and in consideration of the testimony made a part of the public hearing record at the November 19, 2005 Plan Commission meeting. Specifically, the report addresses the areas identified by the Plan Commission for additional information. Additionally, this report also includes additional public hearing request items in order to ensure that the final site plan meets or addresses concerns raised by staff, the Plan Commission members and/or the public.

Transitional Yards (Landscaping and Screening)

Staff originally suggested a number of conditions associated with transitional landscaping and screening provisions within the conditions of approval. The Plan Commissioners expressed concerns that the actual nature of the screening and landscaping were not satisfactorily addressed by the petitioner by their submitted plans and testimony and they would like to see more definitive plans submitted prior to their final consideration of the petition.

To address this issue, the petitioner submitted additional plans (Attachment A) further showing the proposed landscaping and screening along the interior and rear yards of the development. Staff also met with adjacent property owners to ascertain their concerns regarding the transitional yard requirements. Based upon the submitted plans and these discussions, the following refinements and/or amendments are offered:

Property Line Between 226 W. St. Charles and 19 N. Elizabeth St. - Wall Elements

The petitioner's refined plans propose a wall to be located approximately 5'7" south of the north property line abutting 19 N. Elizabeth Avenue. The wall would tie back into the building along the west elevation of the building. To promote compatibility with the adjacent property at 19 N. Elizabeth Street, the petitioner is willing to let the adjacent property owner determine the final design of external cladding (i.e., the external application of one material over another to provide a weather-proof layer or a decorative element) to be placed on the wall. If the adjacent property owner does not select the cladding appearance, the Director of Community Development shall make the selection based upon a review of the proposed exterior building elements.

Transitional Landscape Requirements

The Zoning Ordinance requires the following B5 transitional perimeter yard landscape requirements:

A.3. Size of Transitional Landscape Yards: Wherever a rear yard or interior side yard lot in the B1, B2, B5 or B5A District abuts a lot in the CR or a Residence District, a transitional landscape yard 10 feet in width shall be provided along such lot line.

B.3. Transitional Landscape Yard Improvements:

a. Except within a front or corner side yard, a solid fence, the design of which shall be subject to the approval of the Director of Community Development, shall be provided along the entire length of the landscape yard. Such fence shall be 6 feet in height and shall be located not less than 8 feet from the lot line and shall conform to Section 155.205 of this Ordinance.

b. A continuous evergreen or dense deciduous shrub hedge extending the entire length of the landscape yard shall be planted 2-1/2 feet on center from the fence described, above. The shrub hedge shall be installed at a height of 3 feet and shall be planted on the outside of the fence. The spacing of shrubs shall be 5 feet on center, or as approved by the Director of Community Development.

c. Shade trees shall be required to conform with Section 155.705 (C) (4), above, with one tree every 25 feet along the entire length of the landscape yard. Shade trees shall be located 5 feet on center to the outside of the fence described above. Shade trees may be clustered subject to the approval of the Director of Community Development.

- d. The area between the shrub hedge and the lot line shall be sodded and maintained as lawn.
- e. Planted areas shall be maintained in mulch and kept free of weeds.

As the above regulations state, the transitional landscape requirements provides a fair amount of discretion as to the final design and placement of plant materials. However, with the proposed development encroaching into the requisite transitional yards, the petitioner is proposing to compensate for the encroachment by placing shade trees every 25 feet along the in the following manner:

1. Along the north property line abutting 19 N. Elizabeth Street, the petitioner will provide one shade tree every 25 feet evenly spaced along the entire length of the landscape yard.
2. A continuous evergreen or dense deciduous shrub hedge (or an approved equivalent) shall be extended the entire length of the landscape yard shall be planted at least 2-1/2 feet north of the requisite wall. The shrub hedge shall be installed at a height of 3 feet and shall be planted on the outside of the fence. The spacing of shrubs shall be 5 feet on center, or as approved by the Director of Community Development.
3. If in the event that the plant materials cannot be completely planted on the subject property, a cash allowance (prorated based on differential between amount of side yard buffer required by code and provided for in the planned development) would be paid to adjacent property owners for landscape use.

Using this approach, the final design of the development would give the appearance of meeting the transitional planting requirements (either on-site or on the adjacent property).

Phase II Transitional Fencing/Landscaping

Along the west property line in Phase II (also the rear of the Elizabeth Street lots), the petitioner is proposing to provide a brick pier/cedar fence. As this property line is located behind existing detached garages, the benefit of providing transitional landscaping is minimal. Therefore, staff would support relief from the transitional planting requirements at this location.

Along the north property line, the petitioner's revised plan reduces the parking lot area so that the full transitional landscape yard area shall be provided. The petitioner will provide transitional landscaping in this expanded area, per code.

Preservation of Existing Vegetation

The Zoning Ordinance encourages the preservation of existing vegetation within planned developments. The petitioner intends to take steps to help ensure that existing mature trees on adjacent properties but in close proximity to the property line are not adversely impacted by the proposed development. As such, in addition to keeping the planter wall set back from the property line, the petitioner is proposing the following provisions:

1. A condition should be added to the planned development stating that if any trees on the property line directly to the north should die within three years, the Pointe at Lombard property owner shall be responsible for removing and grinding any remaining stumps.
2. A landscape easement should be created on the adjacent property for the large tree on the west property line of the Phase Two property. The proposed fencing noted above should go around the tree, with the ground to be maintained by the Pointe at Lombard property owner. If the impacted tree dies, The Pointe at Lombard should be responsible for removing and grinding any remaining stumps.

Trash Enclosures

The petitioner has revised the location and design of the proposed trash enclosure area. The new location of the enclosure will be farther from adjacent residences (relocated toward the south entrance) and will be made of similar materials as the main building.

Parking Discussion

Concerns were raised about the operations of the parking proposed for the site. The petitioner initially requested parking relief for Phase I. To address the concerns raised at the meeting, the petitioner reduced the overall size of the retail portion of the building so that the project would meet the minimum parking requirements in the Zoning Ordinance. The petitioner is also proposing to park the site at a level of 0.5 spaces per unit, as opposed to the Village standard of 0.25 spaces per unit, which exceeds the Village standard.

As a related issue, staff has included as part of this petition a companion deviation to allow for a reduction in the requisite fifty percent of the requisite area of the ground floor to be devoted to uses permitted in the B5 Central Business District. This relief will allow the parking area to be further expanded to accommodate additional parking.

Lighting

Concerns were raised at the public hearing regarding parking lot lighting issues. To address this issue, staff has added a lighting variation to this petition. Staff also recommends any light fixtures within the parking garage area shall be recessed and shall not be directly visible from adjacent properties. Within the Phase II parking lot area, bollard lighting shall be provided in the open parking lot areas.

FINDINGS AND RECOMMENDATIONS

The conditions of approval included below have been updated to include the amended plan submittal as well as additional comments offered as part of the IDRC report based upon the public hearing discussion.

With the comments and recommendations noted within this staff report, the proposed conditional use for a planned development is compatible with the surrounding land uses and is in compliance with the Zoning Ordinance and the recommendation of the Comprehensive Plan, as amended.

Based on the above findings, 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 relief complies with the standards required by the Lombard Zoning and Sign Ordinances; 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 find that establishing a planned development is in the public interest; and therefore, I recommend to the Corporate Authorities **approval** of PC 05-42 as amended, subject to the following conditions:

1. The petitioner shall enter into a development agreement with the Village setting forth the terms and conditions for development on the subject property.
2. The petitioner shall develop the site in accordance with the Phases I and II preliminary engineering plans prepared by Jacob & Hefner & Associates, Inc., dated October 20, and 26, 2005 respectively and made a part of this petition and in accordance with the revised submittals included as an exhibit to the approval ordinance; except as varied by the conditions of approval.
3. The proposed buildings and structures shall be constructed in accordance with the submitted Phases I and II plans, prepared by MidAmerica HPD Lombard LLC, dated October, 2005 and November 10, 2005 and made a part of this petition and in accordance with the revised submittals included as an exhibit to the approval ordinance; except as varied by the conditions of approval.
4. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.
5. The increase in height shall only be for the proposed tower element located on the southwest corner of the building as depicted on the submitted plans. Any height increase above the forty-five feet above grade shall only be for architectural elements and shall be used as living space.
6. The proposed east building elevation shall be amended to include additional window elements in a manner consistent with the other elevations. If full windows cannot be installed due to internal layout conflicts, the petition can substitute spandrel glass windows. The final design shall be subject to review and approval of the Director of Community Development based upon the Plan Commission recommendation. Moreover, in the event that Phase I and II are not constructed simultaneously that the petitioner shall provide a finished east exterior wall for Phase I, with the design of the exterior wall being subject to the Director of Community Development.
7. The petitioner shall provide the additional landscaping and screening improvements, as depicted on the petitioner's submitted plans, and as follows:

- a. Along the north property line abutting the residential property at 19 N. Elizabeth Street, as part of Phase I of the development:
 - i. The petitioner shall provide a solid wall per the submitted plans. The adjacent property owner shall determine the final design of external cladding to be placed on the wall. If the adjacent property owner does not select the cladding appearance, the Director of Community Development shall make the selection based upon a review of the proposed exterior building elements.
 - ii. Along the north property line abutting 19 N. Elizabeth Street, the petitioner will provide one shade tree every 25 feet evenly spaced along the entire length of the landscape yard.
 - iii. A continuous evergreen or dense deciduous shrub hedge (or an approved equivalent) shall be extended the entire length of the landscape yard shall be planted at least 2-1/2 feet north of the requisite wall. The shrub hedge shall be installed at a height of 3 feet and shall be planted on the outside of the fence. The spacing of shrubs shall be 5 feet on center, or as approved by the Director of Community Development.
 - iv. If in the event that the plant materials cannot be completely planted on the subject property, a cash allowance (prorated based on differential between amount of side yard buffer required by code and provided for in the planned development) would be paid to adjacent property owners for landscape use.
 - v. In the event any trees on the property line directly to the north should die within three years, the Pointe at Lombard property owner shall be responsible for removing and grinding any remaining stumps.
- b. Along the west property line (abutting the rear yards of the R2 Properties along Elizabeth Street), as part of Phase II of the development:
 - i. The petitioner shall also pay for and install a brick pier/cedar fence per the submitted plans.
 - ii. A landscape easement shall be created on the adjacent property for the large tree on the east property line of the Phase Two property. The proposed fencing noted above should go around the tree per the submitted plans, with the ground to be maintained by the Pointe at Lombard property owner. If the impacted tree dies, The Pointe at Lombard shall be responsible for removing and grinding any remaining stumps.
- c. Along the north property line abutting 26 N. Lincoln Avenue, as part of Phase II of the development, the petitioner shall provide full transitional landscaping.

- d. Along the east property line, as part of Phase II of the development:
 - i. The petitioner shall pay for and install landscape plantings on the subject property and/or the adjacent Lincoln Terrace Condominium property to meet the transitional landscape planting requirements of the B5 District. If the adjacent property owner does not consent to this provision, this petitioner shall not be obligated to install additional plantings on the adjacent property.
 - ii. The petitioner shall also pay for and install fencing along the eastern property line, no greater than eight (8) feet and no less than six (6) feet in height. Design of the fencing is subject to the approvals of the Director of Community Development with input from the Lincoln Terrace Condominium Association. The fencing shall meet all Village setback and clear line of sight requirements.
 - e. Any retaining walls for the proposed parking lot within Phase II of the development shall be designed to be architecturally compatible with the approved building elevations, as determined by the Director of Community Development.
8. Any light fixtures within the parking garage area shall be recessed and shall not be directly visible from adjacent properties. Within the Phase II parking lot area, bollard lighting shall be provided in the open parking lot areas.
 9. The petitioner shall incorporate the recommendations of the Village's traffic consultant and Village staff into the final development plans for the site.
 10. The right-of-way improvements shall be designed and installed to address the comments raised by engineering staff. The petitioner shall provide a public access easement on the subject property for any areas in which the constructed sidewalk is less than four feet in width.
 11. The petitioner shall submit a Plat of Consolidation to the Village for review and approval. Said plat shall consolidate the subject properties into a single lot of record and shall be required concurrent with the building permit submittal for Phase II.
 12. The proposed wall signs shall be of a uniform design, shall not include "box signs", and the wall signs shall be located on the building consistent with the submitted plans. The east elevation shall not include any building identification signage.
 13. The petitioner shall redirect the released stormwater from the existing Lincoln Terrace detention facility into either the proposed detention vaults to be constructed on the subject property or into a separate storm drain to be located on the subject property that will connect to the storm drain within the Elizabeth Street right-of-way. The final design of this improvement shall be subject to review and approval by the Village. The petitioner shall also grant any necessary easements to provide for this conveyance.

14. The outdoor dining area shall be designed and operated in a manner that provides for at least four feet of width for pedestrians at all times.

15. The property shall be developed consistent with Village Code, except as varied by this petition.

Furthermore, the Plan Commission recommends that site plan approval shall be granted for the subject property.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:WH

Appendix A – Revised Plans Prepared by KPD Cambridge