

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

TO: Lombard Plan Commission

HEARING DATE: May 21, 2007

FROM: Department of Community  
Development

PREPARED BY: William Heniff, AICP  
Senior Planner

**TITLE**

**PC 07-17: 70 Yorktown Shopping Center (Lombard Westin Hotel/Conference Center):**

The petitioner is requesting the Village of Lombard take the following actions within the Yorktown Peripheral B3 Planned Development:

- A. To address a change to the geographical extent of the previously approved planned development and companion zoning approvals:
  - 1. Approve a map amendment to rezone a portion of the subject property to be added to the planned development from the O Office District to the B3 Community Shopping District.
  - 2. Pursuant to Section 155.504(A) (major changes in a planned development) and Section 155.511 (Site Plan Approvals for planned developments) of the Lombard Zoning Ordinance, amend the conditional uses grant site plan approval and for the Yorktown Peripheral Planned Development and for a hotel/convention hall facility, as established by Ordinance 3962 and amended by Ordinances 4310 and 5397.
- B. Pursuant to Section 155.602(C), Table 6.3 of the Zoning Ordinance, approve a conditional use for an outdoor service area (outdoor dining).

**GENERAL INFORMATION**

Petitioner/Property Owner: Lombard Public Facilities Corporation  
255 E. Wilson Avenue  
Lombard, IL 60148

**PROPERTY INFORMATION**

Existing Zoning: B3 PD Community Shopping District – Planned Development

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Existing Land Use: Hotel/convention center under development

Size of Property: Lot 2 hotel site: 6.69 acres  
Acquired abutting property: 0.11 acres (4,602 sq.ft.)

Comprehensive Plan: The Comprehensive Plan identifies the site for Regional Commercial use.

### **SURROUNDING ZONING AND LAND USE**

North: B3PD Community Commercial Shopping District, Planned Development; developed as a Target department store

South: B3PD Community Commercial Shopping District, Planned Development; developed as a movie theatre, parking lot and retention pond

East: OPD Office District Planned Development; developed as the Northern Baptist Theological Seminary

West: B3PD Community Commercial Shopping District, Planned Development; developed as Yorktown Mall and the undeveloped Lot 4 of the Yorktown Peripheral Planned Development

### **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documentation, which was filed with the Department of Community Development on April 25, 2007:

1. Petition for Public Hearing.
2. Proposed Final Plat of Subdivision – Westin Yorktown Lombard, prepared by Mackie Consultants, LLC, dated December 12, 2006.
3. Exhibit A – Northern Baptist Theological Seminary/Westin Hotel Property, prepared by Mackie Consultants LLC, dated February 9, 2007.
4. Harry Caray's/Holy Mackerel Seating & Equipment Plan, prepared by AYPG, dated March 5, 2007.

## **BACKGROUND**

The subject property is currently under development with the Lombard Yorktown Westin Hotel/Convention Center. A portion of the adjacent property owned by the Northern Baptist Theological Seminary (NBTS) included a stormwater line, a public watermain and a landscape retaining wall that was constructed as part of the hotel project. A commissioned survey in September, 2004 also found a 10.4 square foot encroachment into the requisite five-foot rear yard, but still on the hotel property, that consists of a below-grade pier (or caisson) as well as an above grade exterior wall for the parking garage.

Through discussions between the Lombard Public Facilities Corporation (LPFC) representatives and NBTS, it was mutually agreed that the 4,602 square foot area impacted by the improvements (see attached plan) would be sold by NBTS to the LPFC. This transaction occurred in March, 2007. With the transaction complete, the Village is being requested to amend all relevant zoning approvals associated with the hotel/convention center project to incorporate the acquired property into the overall hotel development zoning approvals. No physical improvements are associated with the zoning actions included in this part of the petition.

As a companion to this item, the petitioner is also seeking conditional use approval for an outdoor dining area, proposed to be located adjacent to the Harry Caray's/Holy Mackerel Restaurants under construction in the hotel itself. While the outdoor gathering area was shown in the original approved plans, the plans did not specifically call for outdoor dining, as the final restaurant plans were not completed at that time. However, with the restaurateur selected and plans nearing completion, the petitioner is now seeking the conditional use approval accordingly.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

From a construction or engineering perspective, the Private Engineering Services Division has no comments on the petition.

### **PUBLIC WORKS**

The Department of Public Works does not have any comments on the petition.

### **FIRE AND BUILDING**

The Bureau of Inspectional Services notes that the final placement of outside tables, chairs and any other decorations will need to be placed in a manner that provides for sufficient pedestrian access and circulation and meets the Illinois Accessibility Code.

## PLANNING

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

#### *History of the Yorktown Peripheral Planned Development/Subject Property*

The subject property was originally included within the Yorktown Planned Development, which was approved in 1965. The Yorktown Peripheral Planned Development was carved out of the original Yorktown Planned Development in 1995. This approval created Lot 2 (i.e., the Subject Property) and the companion public utility easements. The 1995 plan envisioned the development of the subject property with retail/restaurant/office uses on the subdivided lots. The approved planned development (and the existing Zoning Ordinance) also provides for the review of future development through the site plan approval process.

In 2003, the Village approved a planned development amendment (PC 03-29 & 03-30) to provide for a 500-room hotel/69,300 gross square foot convention hall facility. The plans also included a parking structure for the use and benefit of guests and employees at the northeast corner of the building. The planned development approval (Ordinance 5397) tied the zoning relief to the concept plans submitted as part of the petition.

Construction of the hotel began in September, 2005. The approved site improvement plans depicted the following improvements on the adjacent NBTS property:

1. An 18" RCP (reinforced concrete pipe) for stormwater;
2. A 10" watermain connection between the NBTS site and the Yorktown peripheral sites;
3. A sidewalk encroachment for pedestrian access around the building and to the NBTS Lindner Center parking lot (the sidewalk link was removed in subsequent plans); and
4. Associated retaining wall improvements

The petitioner sought to address the encroachments onto the NBTS property through easement agreements between the LPFC and the NBTS. However, through extensive discussions and negotiations, the LPFC and the NBTS ultimately agreed to convey a 4,602 square foot area from the NBTS to the LPFC. This activity was completed in March, 2007.

#### *Hotel Encroachment into Rear Yard*

The 2003 petition also included zoning relief to allow a deviation from Section 155.414(E)(4) and a variation from Section 155.508(C)(6)(a) of the Lombard Zoning Ordinance reducing the required rear yard for Lot 2 of the planned development (the hotel site) from thirty feet (30') to five feet (5'). The approved plan was intended to place the building as far east as practical on the hotel property. During the design phase, the parking garage portion of the building was adjusted to "square off" the external walls of the garage. The intent of the refinement was to ensure that parking within the garage was maximized and that the parking garage was efficiently designed (a significant issue raised through the public hearing process). However, the final plans were not modified to ensure that the attached parking garage was not encroaching into the

requisite five-foot rear yard. As such, two encroachments were inadvertently created. The first encroachment consists of an approximate four square foot below-grade caisson. The second encroachment pertains to the parking lot exterior wall located at the northeast corner of the building. Both encroachments total approximately 10.4 square feet in area. However, with the property transaction taking place, the hotel would now be in compliance with yard setback provisions and no additional actions would be needed.

*Planned Development/Map Amendment Relief Discussion*

Pursuant to Section 155.504(A) of the Zoning Ordinance, the change in the overall geographical boundaries is considered a major change to a planned development. As such, conditional use and site plan approval amendments are requested. Additionally, as the conveyed property has O Office District zoning rather than B3 Community Shopping District zoning, a map amendment is also included within the petition to ensure that the conveyed property, as well as the original hotel property, are under the same zoning classification.

In consideration of the petitioner's request, staff reviewed the responses to standards for planned development amendments, conditional uses and for map amendments and offers its findings accordingly in Appendix A. Based upon a review of the petition, the existing conditions and the standards, staff offers its favorable recommendation accordingly.

*Conditional Use for Outdoor Dining*

A request for a conditional use for outdoor dining associated within the hotel establishment is included within the petition. The outdoor dining element will consist of two elements. The first areas will utilize the outdoor congregation area south of the hotel structure and as depicted on the original plans of approval. The second area is a small area west of the Harry Caray's/Holy Mackerel restaurant area. This area was shown as a concrete surfaced open area on past plans.

The petition is requesting approval for this dining in order to provide additional dining options to patrons. At the time of the initial approval in 2003, the outdoor dining component was not included within the petition as the extent, location and nature of the function was not established. Moreover, the Harry Caray's Restaurant Group (the restaurant group seeking the outdoor dining element) was not a part of the initial development petition.

From staff's perspective the dining element on the south side of the building is similar in nature to the types of activities that were envisioned as part of the initial approval. The tables are proposed to be located adjacent to the restaurant itself, so its use would be functionally no different than what was originally proposed.

Along the west side of the building, the petitioner proposed to be located up to eight tables for dining as well. Staff notes that these spaces would not present a problem as it is well screened by the hotel building and it is located away from other properties. Its location away from the main drop-off/area should alleviate conflicts between hotel and restaurant uses. Moreover, provided that adequate pedestrian access is maintained (at least four feet in width) between the dining area

and the curb line, the outdoor dining element will not create an adverse impact on pedestrian flow.

From a parking perspective, the Zoning Ordinance requires parking to be provided for outdoor service areas. However, the Zoning Ordinance requires that parking for hotel convention hall facilities are determined by a review of the use by a professional traffic consultant. Staff reviewed the proposed outdoor dining element with Kenig, Lindgren, O'Hara and Aboona (KLOA), the same consultant that reviewed the overall hotel project. In the 2003 review, KLOA determined that the overall supply of 910 spaces should adequately serve the demand generated by the hotel/convention hall use and that the float between the various uses on site (hotel, restaurants and convention hall) would be met. KLOA notes that outdoor dining can generally increase the overall demand for parking for a given restaurant, as it would provide greater overall capacity for a restaurant use. However, considering that the overall site approval provided a universal parking supply for all activities on the site, the additional tables should not warrant the establishment of additional parking for the overall development.

#### **Compatibility with the Comprehensive Plan**

The Comprehensive Plan identifies the site for Regional Commercial Uses, defined as a larger, more intensively developed mixed-use commercial area that serves as a key activity center for the region. The 2003 approval found that of all the land use categories within the Comprehensive Plan, the hotel/convention hall facility would be most appropriately located on a site designated for Regional Commercial land uses. Staff notes that the change in the legal boundaries does not change the overall physical layout of the project itself. As such, the amendment in itself would not be considered contrary to the plan objectives.

#### **Compatibility with Surrounding Land Uses**

The amendment primarily pertains to the use and function of the abutting NBTS Planned Development. Buildings on the campus closest to the hotel include the Lindner Conference Center (350 feet south of the acquired area) and two caretaker residences. Immediately abutting the acquired area is a surface parking lot. But for the existing property line between the uses, the compatibility issues would not be in question. However, as a companion to this petition, companion planned development amendment is also being sought for the NBTS as part of a separate petition.

### **FINDINGS AND RECOMMENDATIONS**

Staff has reviewed the response to standards included as part of the petition and concurs that the petition meets the standards set forth in the Zoning Ordinance and that the requested relief is consistent with the Yorktown Peripheral planned development. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of PC 07-17:

Based on the submitted petition, accompanying plans and the materials and testimony presented, the petition **complies** with the standards established by the Yorktown Peripheral Planned Development, and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission, and therefore recommend to the Corporate Authorities **approval** of PC 07-17 consisting of a map amendment, amended conditional uses for a planned development, a hotel convention/hall and for an outdoor dining establishment; subject to the following conditions:

1. The petitioner shall submit for review and approval a plat of resubdivision (consolidation) making the two parcels a single lot of record.
2. The conditional use for outdoor dining approval is granted subject to compliance with the submitted Harry Caray's/Holy Mackerel Seating & Equipment Plan, prepared by AYPC, dated March 5, 2007 made a part of this petition.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

c: Petitioner

## Appendix A

### STANDARDS FOR PLANNED DEVELOPMENTS

#### SECTION 155.508 (A) (B) (C) OF THE LOMBARD ZONING ORDINANCE

*Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development, which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.*

#### A. General Standards

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

The approved final plan did not include the area subject to the petition. The amendment is to add the acquired area to the overall planned development. The petitioner's amendment, if approved, would amend the zoning approvals to the development plan that was approved for the site.

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

This petition does not pertain to utility issues.

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

The principal land use (hotel/convention center) is not affected by the requested relief.

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

The Zoning Ordinance provides for or mandates the establishment of planned developments as a means to provide for a better development. Ordinance 5397, approved by the Village Board in 2003, granted approval of the hotel/ convention center land use as well as the companion zoning relief. Given that the initial petition was approved, the Board must have ultimately found that granting zoning relief on the



subject property to facilitate the project is necessary and hence within the public interest. Adding additional land to the planned development to address all development issues is consistent with the overall intent of the planned development.

5. *That the streets have been designed to avoid:*

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

The petition does not affect any of the items noted above.

B. *Standards for Planned Developments with Use Exceptions*

The petition does not modify the uses permitted within the planned development.

C. *Standards for Planned Developments with Other Exceptions (Deviations)*

The petition does not establish any additional variation and/or deviations. In fact, by adding the adjacent land to the planned development an additional variation request is no longer needed.

**STANDARDS**  
FOR CONDITIONAL USES (HOTEL/CONVENTION HALL & OUTDOOR DINING)

*SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE:*

*No conditional use shall be recommended by the Plan Commission unless it finds:*

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

The hotel/convention hall conditional use approval would largely remain unaffected by this petition. The amendment is primarily to address the lot boundary change.

The outdoor dining component is similar to and compatible with the previous approvals granted by the Village Board in 2003.

2. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;*

The amendment was partly created to address the impacts of the hotel on the adjacent NBTS property. The outdoor dining component will be located on the south side of the building, in the area designated for congregation purposes. To the west side of the building the additional tables would not be visible from adjacent properties.

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

The hotel/convention hall amendment would not impact NBTS from developing their campus to its fullest extent. The outdoor dining element will be located in an area already identified for congregation purposes.

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

The requested action will not affect this standard.

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

The requested action will not affect this standard. The outdoor dining will be located in an area away from the main valet and drop-off area.

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

The request is consistent with the original requested relief and of the Comprehensive Plan, which denotes commercial uses for the site.

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

The request is consistent with this standard.

**STANDARDS**  
FOR MAP AMENDMENTS (REZONINGS)

*SECTION 155.103 (E)(8)(a) OF THE LOMBARD ZONING ORDINANCE:*

*Where a map amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:*

1. *Compatibility with existing uses of property within the general area of the property in question;*

The property acquired by the LPFC was previously undeveloped land on the NBTS campus. Colleges and universities listed as conditional uses within the O Office District. Previous planned development approvals for the NBTS property have found that the use is compatible with the adjacent land uses. However, the area acquired by the LPFC is planned to be utilized in a manner more consistent with the hotel development in the B3 District.

2. *Compatibility with the zoning classification of property within the general area of the property in question;*

The acquired property will be utilized in a manner more consistent with the B3 District. However, the area to be rezoned would be considered undevelopable per the O District regulations.

3. *The suitability of the property in question to the uses permitted under the existing zoning classification;*

Without the hotel development, the property could have reasonably remained within the Office District designation. However, with the hotel development in place and with the title transfer of land complete, the Office District designation is no longer practical.

4. *Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;*

The hotel/convention hall is considered the primary development trend. The map amendment would be consistent with this trend.

5. *The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;*

As noted in the 2003 zoning approvals, the B3 designation and the companion relief is consistent with the non-residential zoning districts abutting the site.

6. *The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of the said objectives;*

The map amendment meets the Comprehensive Plan objectives as it provides for a proper designation of the area acquired as part of the hotel development. It also eliminates a split-zoning designation on the property, which would not be consistent with the Plan.

7. *The suitability of the property in question for permitted uses listed in the proposed zoning classification.*

With the map amendment to the B3 District, the hotel property and the acquired property would have the same underlying map designation, which would eliminate any future zoning ambiguities.