

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

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

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *D.A.H.*

DATE: March 24, 2009 (BOT) Date: April 2, 2009

TITLE: PC 09-02: 1420 S. Meyers Road and 919 E. 14th Street

SUBMITTED BY: Department of Community Development *W*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petitions requests that the Village take the following actions on the subject property:

Pursuant to Ordinance 6154 (relative to the annexation agreement for Fellowship Reformed Church), the petitioner requests that the Village take the following actions on the subject property:

1. For Lot 2:
a. Pursuant to Section 155.405(C), approve a conditional use for public and private utility and municipal service uses;

b. Grant a variation from Section 155.405(D) of the Zoning Ordinance to reduce the minimum lot area from 15,000 square feet to 7,828.71 square feet;

c. Grant a variation from Section 155.405(E) of the Zoning Ordinance to reduce the minimum lot width from 100 feet to 80 feet;

d. Grant a variation from Section 155.405(F)(4) of the Zoning Ordinance to reduce the minimum rear yard building setback from 50 feet to 2.5 feet;

e. Grant a variation from Section 155.405(H) of the Zoning Ordinance to reduce the minimum required open space from 67 percent to 52 percent; and

2. For Lot 1 and Lot 2, approve a major plat of resubdivision.
(DISTRICT #3)

The Plan Commission recommended approval of this petition.

Staff is requesting a waiver of first reading.

Please place this item on the March 5, 2009 Board of Trustees agenda.

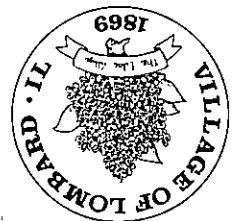
Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____
Finance Director X	_____
Village Manager X	_____


[Handwritten Signature]

Date	_____
Date	3/25/09
Date	_____



MEMORANDUM

TO: David A. Hulseberg, Village Manager

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

DATE: April 2, 2009

SUBJECT: PC 09-02; 1420 S. Meyers Road and 919 E. 14th Street

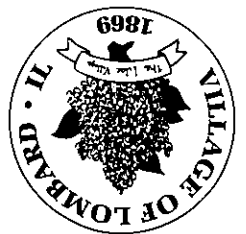
Attached please find the following items for Village Board consideration as part of the April 2, 2009 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 09-02;
3. An Ordinance granting approval of a conditional use for public and private utility and municipal service uses and associated variations; and
4. Plans associated with the petitioner's request.

The Plan Commission recommended approval of the zoning actions associated with the petition. Please contact me if you have any questions regarding the aforementioned materials.

Staff requests a waiver of the first reading of the ordinance so that the Plat of Resubdivision may be recorded and the Village may close on the property.





VILLAGE OF LOMBARD
 255 E. Wilson Ave.
 Lombard, Illinois 60148-3931
 (630) 620-5700 Fax (630) 620-8222
 www.villageoflombard.org

April 2, 2009

Mr. William J. Mueller,
 Village President, and
 Board of Trustees
 Village of Lombard

William J. Mueller
 Village President
 Brigitte O'Brien
 Village Clerk

Subject: PC 09-02; 1420 S. Meyers Road and 919 E. 14th Street

Dear President and Trustees:
 Greg Alan Gron, Dist. 1
 Richard J. Tross, Dist. 2
 John "Jack" T. O'Brien, Dist. 3
 Dana L. Moreau, Dist. 4
 Laura A. Fitzpatrick, Dist. 5
 Rick Soderstrom, Dist. 6

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Pursuant to Ordinance 6154 (relative to the annexation agreement for Fellowship Reformed Church), the petitioner requests that the Village take the following actions on the subject property:

David A. Hulseberg
 Village Manager

1. For Lot 2:

a. Pursuant to Section 155.405(C), approve a conditional use for public and private utility and municipal service uses;
 b. Grant a variation from Section 155.405(D) of the Zoning Ordinance to reduce the minimum lot area from 15,000 square feet to 7,828.71 square feet;
 c. Grant a variation from Section 155.405(E) of the Zoning Ordinance to reduce the minimum lot width from 100 feet to 80 feet;
 d. Grant a variation from Section 155.405(F)(4) of the Zoning Ordinance to reduce the minimum rear yard building setback from 50 feet to 2.5 feet;

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

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

e. Grant a variation from Section 155.405(H) of the Zoning Ordinance to reduce the minimum required open space from 67 percent to 52 percent; and

2. For Lot 1 and Lot 2, approve a major plat of resubdivision.

Jennifer Henaghan, Senior Planner, presented the staff report on behalf of the petitioner. PC 07-28 granted a conditional use for the existing religious institution located on the subject property, which was annexed to the Village of Lombard on October 20, 2008. The annexation agreement requires the Village to subdivide the Vacant Property, so as to separate the Booster Station Easement Property into a separate tax lot of record. This petition fulfills the Village's obligation to subdivide the plat and grants the relief necessary for the new lot to comply with the Zoning Ordinance.

The existing uses and proposed relief are consistent with the recommendations of the Comprehensive Plan. Newly annexed properties are given R0 Single Family Residence zoning by default. Lot 1, which includes the church building and pastor's residence, meets all requirements of the R0 Single Family Residence District.

With respect to Lot 2, which includes the booster station, the requested zoning actions are intended to mirror the rights previously granted to the property by DuPage County and address their legal nonconforming status. The proposed Lot 2 is 80 feet wide and 7,828.71 square feet. To be consistent with the Village's Zoning Ordinance, the booster station on Lot 2 requires a conditional use for public and private utility and municipal service uses as well as variations to the rear yard building setback and minimum required open space. The southwest corner of the building is approximately 7.5 feet from the rear lot line and the stoop is approximately 3.5 feet from the rear lot line. The R0 District requires a minimum rear yard setback of 50 feet. Open space on the lot is 52 percent where a minimum of 67 percent is required. Staff notes that the existing access drive for Fellowship Church accounts for just over 12 percent of the total lot area. If not for the access drive, the booster station lot would have 64 percent open space.

Approval of the conditional use and variations is consistent with the Village's approval of PC 07-28 and the associated annexation agreement, which allowed for the construction of the booster station. This relief is essentially a clean-up issue created by the required subdivision, not by the use, and it serves to allow the provision of an essential Village service. The Subdivision and Development Ordinance requires new subdivisions to meet the requirements of the underlying zoning district. As we have required for other projects, if a subdivision plat is submitted to the Village for consideration, any existing structures on the property must meet the setback and bulk requirements based upon the new lot configurations.

The nature of the site is unique and not generally applicable to other properties in the R0 District. As detailed in the attached Response to Standards for Conditional Uses and Response to Standards for Variations, the requested relief is consistent with both the Comprehensive Plan and the surrounding properties and it will not cause any negative impact on the neighborhood nor set an undesirable precedent.

The existing religious institution is compatible with the surrounding land uses. With respect to the proposed booster station, the annexation agreement stipulates that the Village install landscape plant materials around the perimeter of the booster station easement for screening

purposes. Moreover, the facility will not be regularly staffed or emanate noise. This subdivision will allow the Village to purchase fee simple title to the booster station easement property. Ms. Henaghan concluded by stating that staff recommends approval of the petition.

Vice Chairperson Flint then opened the meeting for public comment. No one spoke in favor or in opposition to the petition.

Vice Chairperson Flint then opened the meeting for comment among the Commissioners.

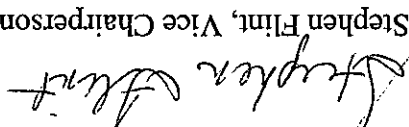
Commissioner Cooper asked if a landscape plan would be submitted. William Heniff, Director of Community Development, explained that, as part of the permit process, DuPage County had required the Village to place \$8,000 in an escrow account to be used for landscaping purposes. This landscaping would be primarily in the form of evergreen plant materials on the west side of the building.

Commissioner Cooper asked if the west side was where the setback relief was requested. Ms. Henaghan stated that the setback relief is on the south side.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposal **complies** with the standards required by the Lombard Zoning and Subdivision and Development Ordinances; and, therefore, moved that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 09-02 for the subject properties.

Respectfully,

VILLAGE OF LOMBARD


Stephen Flint, Vice Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

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

TO: Lombard Plan Commission

FROM: Department of
Community Development

PREPARED BY: Jennifer Henaghan, AICP
Senior Planner

HEARING DATE: March 16, 2009

TITLE

PC 09-02; 1420 S. Meyers Road and 919 E. 14th Street: Pursuant to Ordinance 6154 (relative to the annexation agreement for Fellowship Reformed Church), the petitioner requests that the Village take the following actions on the subject property:

1. For Lot 2:

a. Pursuant to Section 155.405(C), approve a conditional use for public and private utility and municipal service uses;

b. Grant a variation from Section 155.405(D) of the Zoning Ordinance to reduce the minimum lot area from 15,000 square feet to 7,828.71 square feet;

c. Grant a variation from Section 155.405(E) of the Zoning Ordinance to reduce the minimum lot width from 100 feet to 80 feet;

d. Grant a variation from Section 155.405(F)(4) of the Zoning Ordinance to reduce the minimum rear yard building setback from 50 feet to 2.5 feet;

e. Grant a variation from Section 155.405(H) of the Zoning Ordinance to reduce the minimum required open space from 67 percent to 52 percent; and

2. For Lot 1 and Lot 2, approve a major plat of resubdivision.

GENERAL INFORMATION

Petitioner:

Village of Lombard

Property Owner:

Fellowship Reformed Church
1420 S. Meyers Road
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R0 Single-Family Residential

Existing Land Use: Religious Institution and Village booster station under construction

Size of Property: Approximately 157,118 Square Feet / 3.6 Acres

Comprehensive Plan: Recommends Public and Institutional land uses

Surrounding Zoning and Land Use:

North: Unincorporated DuPage County zoned R-3 Single-Family Residential; developed as Single-Family Residences

South: Unincorporated DuPage County zoned R-3 Single-Family Residential; developed as Knollcrest Funeral Home and York Township government offices

East: Unincorporated DuPage County zoned R-4 Single-Family Residential; developed as Single-Family Residences

West: Property zoned R0 Single-Family Residential; developed as York Center Elementary School and Unincorporated DuPage County zoned R-3 Single-Family Residential; developed as former Waste Management property to be redeveloped as an addition to Knoll Crest Park.

ANALYSIS

SUBMITTALS

This report is based on the following documents:

1. Petition for Public Hearing.
2. Fellowship Church Resubdivision Plat, prepared by Gentile & Associates, dated December 11, 2008.
3. Building elevations and site plan, prepared by Christopher B. Burke Engineering, Ltd., last revised April 7, 2008.

DESCRIPTION

PC 07-28 granted a conditional use for the existing religious institution located on the subject property, which was annexed to the Village of Lombard on October 20, 2008. The annexation agreement states that "Contemporaneous with the Owner's petition for annexation, the Owner will petition the Village to subdivide the Vacant Property, so as to separate the Booster Station Easement Property into a separate tax lot of record. The Village shall be responsible for all costs to subdivide the Vacant Property, including the Owner's reasonable legal expenses for review of the subdivision plat." This petition fulfills the Village's obligation to subdivide the plat and grants the relief necessary for the new lot to comply with the Zoning Ordinance.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division has no comments.

PUBLIC WORKS

The Engineering Division and Utilities Division of the Public Works Department have no comments at this time.

BUILDING AND FIRE

The Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

Compliance with the Comprehensive Plan

The Comprehensive Plan recommends Public and Institutional uses at this location. The existing uses and proposed relief are consistent with the recommendations of the Comprehensive Plan.

Compliance with the Zoning Ordinance

As of October 2007, newly annexed properties are given R0 Single Family Residence zoning by default. The minimum required lot width for R0 properties is 100 feet and the minimum lot area is 15,000 square feet. Lot 1 will meet all width and area requirements. There are two structures located on Lot 1 which include the church building and pastor's residence. Both structures meet the minimum setback requirements for the R0 Single Family Residence District.

The requested zoning actions are intended to mirror the rights previously granted to the property by DuPage County and/or to remove their legal nonconforming status. The proposed Lot 2 is 80 feet wide and 7,828.71 square feet. To be consistent with the Village's Zoning Ordinance, the booster station on Lot 2 requires a conditional use for public and private utility and municipal service uses as well as variations to the rear yard building setback and minimum required open space. The southwest corner of the building is approximately 7.5 feet from the rear lot line and the stoop is approximately 3.5 feet from the rear lot line. The R0 District requires a minimum rear yard setback of 50 feet. Open space on the lot is 52 percent where a minimum of 67 percent is required. (The existing access drive for Fellowship Church accounts for just over 12 percent of the total lot area. If not for the access drive, the booster station lot would have 64 percent open space.)

Approval of the conditional use and variations is consistent with the Village's approval of PC 07-28 and the associated annexation agreement, which allowed for the construction of the booster station. This relief is essentially a clean-up issue created by the required subdivision, not by the use, and it serves to allow the provision of an essential Village service. The Subdivision and Development Ordinance requires new subdivisions to meet the requirements of the underlying zoning district. As we have required for other projects, if a subdivision plat is submitted to the Village for consideration, any existing structures on the property must meet the setback and bulk requirements based upon the new lot configurations.

The nature of the site is unique and not generally applicable to other properties in the R0 District. As detailed in the attached Response to Standards for Conditional Uses and Response to Standards for Variations, the requested relief is consistent with both the Comprehensive Plan and the surrounding properties and it will not cause any negative impact on the neighborhood nor set an undesirable precedent.

Compatibility with Surrounding Land Uses

Single family residences are located to the north and east of the subject property. Immediately south of the subject property is Knollcrest Funeral Home. There are also several institutional uses in the vicinity which include York Center School, York Township government offices, and Knoll Crest Park. The existing religious institution is compatible with the surrounding land uses.

With respect to the proposed booster station, the annexation agreement stipulates that the Village install landscape plant materials around the perimeter of the booster station easement for screening purposes. Moreover, the facility will not be regularly staffed or emanate noise.

Compatibility with the Subdivision and Development Ordinance

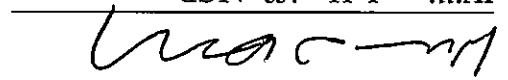
As part of the annexation agreement, Fellowship Reformed Church granted an eighty foot (80') by eighty foot (80') easement to construct a booster pump station. This subdivision will allow the Village to purchase fee simple title to the booster station easement property.

FINDINGS AND RECOMMENDATIONS

The proposed subdivision, conditional use and companion variations are compatible with the surrounding land uses and zoning. Based on the above, 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 proposal **complies** with the standards required by the Lombard Zoning and Subdivision and Development Ordinances; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the zoning actions associated with PC 09-02 for the subject properties.

Report Approved By:



William J. Heniff, AICP

Director of Community Development

JBH:

att-

c. Petitioner

Response to Standards for Conditional Uses

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 proposed conditional use benefits public welfare by providing an essential public service.
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 booster station will be screened by landscaping on all sides and the facility will not be regularly staffed or emanate noise.
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 booster station will not have any negative impact on the development of surrounding property.
4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided; The booster station is part of the Village's public utilities system.
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; There will be minimal traffic generated by the facility.
6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and, The use is consistent with the Comprehensive Plan recommendations.
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 booster station shall meet all requirements of the R0 District with the exception of those regulations varied as part of this petition.

Response to Standards for Variations

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied. The proposed lot dimensions reflect the minimum space needs of the booster station. If the lot dimensions were increased to meet the R0 District requirements, this would decrease the property available for the use and benefit of Fellowship Church.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification. The proposed variations are specific to the use and function of the booster station and would not be applicable to other land uses in the R0 District.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain. Granting the variation would provide neither the Village nor the church with any financial gain.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property. The requested variations for lot width, lot area, rear yard setback, and open space are necessary solely because the property is being subdivided. The development as it exists requires no zoning relief.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. No detriment or injury will be caused by the proposed variations. The booster station benefits public welfare by providing an essential public service.

6. The granting of the variation will not alter the essential character of the neighborhood; and, The proposed variations reflect the proposed lot lines and will not affect the existing conditions. Also, the proposed landscaping will screen the booster station so as to minimize its visual impact on the neighborhood.

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

Location Map

PC 09-02



**AN ORDINANCE GRANTING A CONDITIONAL USE AND
VARIATIONS FROM SECTION 155.405 OF THE LOMBARD
ZONING ORDINANCE**

(PC 09-02: 1420 S. Meyers Road and 919 E. 14th Street)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting a conditional use for public and private utility and municipal service uses; and,

WHEREAS, said application also requests approval of a variation reducing the minimum lot area in the R0 Single Family Residence District from fifteen thousand (15,000) feet to seven thousand eight hundred twenty-eight and seventy-one hundredths (7,828.71) feet for the proposed Lot 2 on the Subject Property; and,

WHEREAS, said application also requests approval of a variation reducing the minimum lot width in the R0 Single Family Residence District from one hundred (100) feet to eighty (80) feet for the proposed Lot 2 on the Subject Property; and,

WHEREAS, said application also requests approval of a variation reducing the minimum rear yard building setback in the R0 Single Family Residence District from fifty (50) feet to two and one-half (2.5) feet for the proposed Lot 2 on the Subject Property; and,

WHEREAS, said application also requests approval of a variation reducing the minimum required open space in the R0 Single Family Residence District from sixty-seven (67) percent to two and fifty-two (52) percent for the proposed Lot 2 on the Subject Property; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 16, 2009 pursuant to appropriate and legal notice; and,

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

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

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

SECTION 1: That a conditional use for public and private utility and municipal service uses is hereby granted for the Subject Property described in Section 6 below.

SECTION 2: That a variation from Section 155.405 (D) to reduce the required minimum lot area from fifteen thousand (15,000) feet to seven thousand eight hundred twenty-eight and seventy-one hundredths (7,828.71) feet is hereby granted for the Subject Property described in Section 6 below.

SECTION 3: That a variation from Section 155.405 (E) to reduce the required minimum lot width from one hundred (100) feet to eighty (80) feet is hereby granted for the Subject Property described in Section 6 below.

SECTION 4: That a variation from Section 155.405 (F)(4) to reduce the required minimum rear yard building setback from fifty (50) feet to two and one-half (2.5) feet is hereby granted for the Subject Property described in Section 6 below.

SECTION 5: That a variation from Section 155.405 (H) to reduce the minimum required open space from sixty-seven (67) percent to two and fifty-two (52) percent is hereby granted for the Subject Property described in Section 6 below.

SECTION 6: That this ordinance is limited and restricted to the property generally located at 1420 S. Meyers Road and 919 E. 14th Street, Lombard, Illinois and legally described as follows:

PARCEL 1:
THE WEST 117.0 FEET OF THE EAST 376.0 FEET OF THE NORTH 233.0 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:
THE SOUTH 10.0 FEET OF LOT 1 IN HAVENGA'S PLAT OF SURVEY OF THE NORTH 233.0 FEET OF THE EAST 233.0 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AS DOCUMENT 753858, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:
LOT 1 OF MEYERS ROAD SUBDIVISION, BEING A SUBDIVISION OF THE NORTH 624.27 FEET OF THE EAST 376.0 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE NORTH 233.0 FEET THEREOF, ACCORDING TO THE PLAT RECORDED SEPTEMBER 17, 1958 AS DOCUMENT 894969, ALL IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-21-111-003, -005, -006

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009.

Ayes: _____
Nays: _____
Absent: _____

Approved this _____, day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk