

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 24, 2007 (BOT) Date: November 1, 2007

TITLE: PC 07-37: 400-500 E. St. Charles Road (Net Development)

SUBMITTED BY: Department of Community Development *Boh*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions on the subject property, located within the R4PD Limited General Residence District, Planned Development:

1. Pursuant to Section 155.504 (A) of the Zoning Ordinance, approve a major change to an approved planned development, as approved by Ordinance 5488. This major change would amend the planned development approval for the second proposed building (i.e., Phase II) to provide for up to 52 senior independent living residences, in lieu of a 40-unit condominium building;
2. Approve a further deviation from Section 155.408 (D) (4) to reduce the minimum square feet per dwelling unit from 1,202 square feet (36.2 units per acre) to approximately 1,045 square feet (41.68 units per acre); and
3. Approve a further variation from the planned development standards set forth in Section 155.508 (C) (5), allowing for an increase in the maximum number of dwelling units from 80 to 92 units. (DISTRICT #4)

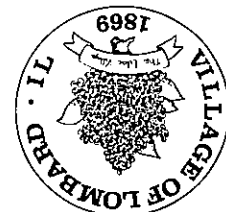
The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

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

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



MEMORANDUM

TO: William T. Lichter, Village Manager

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

DATE: November 1, 2007

SUBJECT: PC 07-37: 400-500 E. St. Charles Road (Oakview Estates Planned Development)

Attached please find the following items for Village Board consideration as part of the November 1, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-37;
3. An Ordinance granting approval of an amendment to a conditional use for a planned development with companion deviation and variation to increase the project density, subject to conditions; and
4. Plans associated with the petition.

The petitioner will also be seeking approval of a Development/TIF agreement for their project. As the St. Charles Road TIF II – East intergovernmental agreement requires consideration of the agreement by the Joint Review Board (JRB) before consideration by Village Board, the companion agreement will be placed on the November 15, 2007 Village Board agenda.



VILLAGE OF LOMBARD

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Lombard, IL 60148-3931
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November 1, 2007

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

Village of Lombard

**Subject: PC 07-37; 400 - 500 East St. Charles Road (Oakview Estates
Planned Development)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property, located within the R4PD Limited General Residence District, Planned Development:

1. Pursuant to Section 155.504 (A) of the Zoning Ordinance, approve a major change to an approved planned development, as approved by Ordinance 5488. This major change would amend the planned development approval for the second proposed building (i.e., Phase II) to provide for up to 52 senior independent living residences, in lieu of a 40-unit condominium building;

2. Approve a further deviation from Section 155.408 (D) (4) to reduce the minimum square feet per dwelling unit from 1,202 square feet (36.2 units per acre) to approximately 1,045 square feet (41.68 units per acre); and

3. Approve a further variation from the planned development standards set forth in Section 155.508 (C) (5), allowing for an increase in the maximum number of dwelling units from 80 to 92 units.

After due notice was given for the hearing, the Plan Commission held a public hearing on October 15, 2007. John Mulhern, 211 S. Wheaton Av., Wheaton, Counsel for the petitioner, presented the petition. He introduced the petition and their development team, stating that they are seeking approval of zoning actions to provide for twelve additional residential units within a proposed senior independent living facility. This would occupy the Phase II building that was originally contemplated for 40 condominium units in the 2004 approval.

Village President
William J. Mueller

Village Clerk
Brittne O'Brien

Village Manager
William T. Lichter

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

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

Linda Yang, 1163 E. Ogden Av., Suite 301, Naperville, Executive Director of Xilin Associates, described their mission. She noted that they were founded in 1989 as a not for profit organization to provide various social services to the Asian community. She then described the various programs. In 1999 they began providing general senior services. She then noted that this work showed them that there is a need for affordable housing in DuPage County. This proposal is intended to help them meet this need.

John Cronin, 303 Elm Park Av., Elmhurst, architect for the petitioner, designed their proposed modifications to the interior of the Phase II building. He noted that the exterior of the building, the building materials, the building footprint and the site plan is essentially the same as what was approved in 2004. The building will have a mix of one and two bedroom units, with size ranges between 800 to 1,200 square feet in size.

Mr. Mulherin noted that the change to elderly housing will provide additional parking availability, as only 1 space per 4 units is required for elderly housing, per the Zoning Ordinance. The approved parking spaces will also remain the same. The display boards were entered into the public record.

Audra Hamernik of Hamernik & Associates, described their financing plan. They are proposing to make an application to the Illinois Housing Development Authority (IDHA) for project approval. They propose to finance the project primarily through tax credits and other incentives. The building will be privately owned and operated. They will be required to have the reserves to construct and maintain the building. They will be monitored by lenders to ensure that the project meets housing quality standards.

Mr. Mulherin then went through the standards for planned development and for the density relief. He noted that it is the public interest as they are maintaining the type of use in the development. While he is not an appraiser, he noted some benefits to the development as it meets a housing need and it removes units from the overall supply of condominiums in the area, which would improve the position of the adjacent neighbors. He noted that the real estate market significantly changed since the planned development was originally approved. He also stated the benefit of providing for a link to the proposed pedestrian bridge as a planned development amenity.

Chairperson Ryan then opened the meeting for public comment. Speaking in favor of the petition were:

Bill Gebel, 440 N. Stewart Av., Lombard, stated that seniors on fixed incomes need an affordable place to live. Seniors can be a great asset and the project will help the community.

Barbara Ciechma, 8400 S. Lakeside Drive, Downers Grove, noted that she lives in the Brookridge Airport Community. An affordable housing project was constructed near their residences at 83rd Street and Lemont Road. While they first were concerned about the project, she noted that it has been an asset and it has not impacted their property values.

Marguerite Regan, 1150 E. Jackson, Lombard, stated that it is important to keep seniors in the community.

Richard Earl, 528 S. Westmore-Meyers, Lombard, stated that the Village has a lot of seniors who need assistance. It would be unfortunate if they had to move out of town.

Kevin Fitzpatrick, 348 S. Lewis, Lombard, stated that he attended a neighborhood meeting regarding the project. He understands the concerns that adjacent residents may have with their condominium investment, but their fears are unfounded. He noted the need for affordable senior housing in the County. Many seniors' property taxes are higher than what they previously paid in their mortgages. He said seniors are good neighbors.

Connie Earl, 528 S. Westmore-Meyers Road, Lombard, reiterated the need for senior housing and that seniors are quiet neighbors.

Speaking against the petition were:

Mike Dale, 325 S. Princeton, Itasca, raised concerns about parking for the project. The additional units may create an additional demand for the few spaces they have.

Larry Dilworth, 500 E. St. Charles Road, Unit 507, Lombard, stated that the project was originally intended to be a luxury condominium project. He then expressed concerns about the developer's representations and the parking allocations made by the developer. He raised concerns about the proposed development and history of public housing. He raised concerns about cars going past their building.

Christine Blanchard, 500 E. St. Charles Road, Lombard, raised concerns about traffic, as the east driveway is designed for right-in, right-out traffic movements. She raised concerns with the existing detached garages. She suggested that the planned development be amended to have the driveway stop at the end of the property, the proposed building should be modified to not look like the constructed building and that the name of the project should change. She also recommended that consideration of the petition be deferred.

Joseph Manzara, 500 E. St. Charles Road, Lombard, stated that he understands the necessity for senior housing, but they want a community of owners. He reiterated parking concerns and a differing facade. He also raised concerns about a fitness center that was promised in the Phase II building.

Kye Sand, 500 E. St. Charles Road, Unit 305, Lombard, stated that the plan is a big change to their development. The analogies offered by the supporter of the project are not comparable as it is not on the same piece of land.

Chris Durkes, 500 E. St. Charles Road, Lombard, questioned the contribution the petitioner is making relative to the proposed pedestrian bridge link.

Corey Rice, 500 E. St. Charles Road, Unit 302, Lombard, asked about the placement of the windows in the Phase II building.

Sandra Dilworth, 500 E. St. Charles Road, Unit 307, Lombard, reiterated the parking concern, noting the need for additional parking to serve their building.

Mr. Dilworth raised concerns regarding pedestrians crossing St. Charles Road and asked where seniors are going to shop.

Mr. Mulherin responded by stating that the pedestrian link was a Village requirement and request. He does not know what the representation that were made by the developer. Regarding parking spaces, the project meets code under both scenarios. Their plan does not change from the previously approved plan.

Regarding the housing itself, it is not government housing. It will be under private ownership with public funding. Regarding the project design, the Village suggested that it should be the same as what was originally approved. It is not a retirement home, but rather independent senior residences. The project name will not be on the building.

Regarding the windows, the goal is to keep the look that was previously approved. Modifications may be needed to address interior building changes.

Commissioner Burke asked if Building 1 met the parking requirements. William Heniff said it did. The overall planned development required 120 spaces for the 80 units.

Commissioner Burke noted that some of the residents in Phase 1 may have to park in the lot west of the Phase 2 building. Mr. Mulherin stated that they can regulate where residents park.

William Heniff, Senior Planner, presented the staff report, which was submitted to the public record. The petitioner proposes to amend the 2004 planned development approval for the subject property to provide for an additional twelve units in the proposed second condominium building. The Phase I building (500 E. St. Charles Road) was completed in early 2006 and 31 of the 40 condominium units have been sold to date. Since completion of the first building, Neri Development (through its Oakview Estates LLC) has represented that the market for additional condominium units has not materialized. As such, they have been looking at other development options for the site. Xilin Associates, a non-for profit entity, is seeking development possibilities for senior independent living residences in Lombard. They were made aware of the Oakview Estates site and are proposing to take over and construct the Phase II portion of the project for senior independent living apartments. The zoning petition consists of an amendment of three items included within the 2004 approval. The first is a major change to a planned development to provide for a senior independent living facility. The other actions consist of further relief from density provisions approved in 2004.

Referencing the Inter-departmental Review Comments, he stated that all required public improvements have been constructed as part of the development proposal. The Fire Department will provide additional comments as part of the building permit submittal.

He then discussed the planning issues. Staff determined that Xilin's proposal would constitute a major change to a planned development, as it changes the intent and development density of the project. From the exterior, the development proposal would result in modifications to the 2004 approved site plan. However, the interior of the proposed Phase II building would change, as the units would be reduced in size to accommodate the senior housing concept. They are proposing to provide up to 52 senior units within the existing approved building footprint. However, the final number of units may be adjusted downward as the interior architectural plans are finalized. The staff report noted that the final placement of the windows in the Phase II building could be adjusted to accommodate the modifications to the interior of the building.

With approval of the zoning relief in 2004, the amended proposal would meet all setback requirements for the project. The Phase II building would be in the same location as the Phase II condominium building was proposed to be located.

The petitioner's plan is to establish senior independent apartment units operated by a management entity. While a building maintenance staff will be available, no assisted living or congregate living activities would be part of this proposal. As a result, staff would consider this request as apartment units. The Zoning Ordinance does not distinguish between varying types of multiple-family residential uses – condominiums and apartments are functionally considered as the same type of land use.

He then discussed parking issues raised at the hearing. The 2004 approved plans would provide for 120 parking spaces for the development. The project was constructed as it was approved in the 2004 approval. The proposed change to senior housing would allow the petitioner to decrease the required parking to 1 space per 4 units, as provided for elderly housing, for a total of thirteen spaces. The petitioner still intends to provide first level parking in the building to supplement the parking provided at grade west of the proposed building. However, a few spaces within the building are likely to be removed to provide for a larger meeting room area for tenants. Therefore, the proposal will meet parking requirements, even with the increase in the number of overall units.

To address the pedestrian access issues, the 2004 approval required the granting of a cross-access link from the subject property to the Great Western Trail. Recognizing the nature of the proposed housing in this petition, staff recommends as a condition of approval that the pedestrian access link be constructed as part of this approval.

He then discussed the density issue. The proposed development has only 1,202 sq. ft. of lot area for each dwelling unit. As part of the 2004 approval, relief was granted from the provisions above. The 2004 petition noted that the majority of R4-zoned properties within the Village about single-family residential properties, which requires additional space to accommodate transitional yard and transitional building setback requirements. As this project does not need to allow for

such transitional elements, the lot area deviation was warranted. Staff notes that the rationale for the density relief noted above is still applicable to this petition as well. Given the nature of the proposed housing component, the average unit size is intended to be less, although the overall density of buildings and structures on the property remains unchanged. He also noted that the relief pertains to the land area density of the project. This should not be confused with the petitioner's proposed unit sizes. The constructed on-site access driveways provide for the same traffic circulation pattern. Staff notes that if this petition is approved that the petitioner should secure cross-access agreements with the adjacent property as well.

He then noted that the 2004 petition also included an amendment to the Village's Comprehensive Plan. The approved medium-density residential designation was adopted as the property and designation provides a buffer between the single-family homes surrounding Lombard Common and the Union Pacific Railroad. The increase in the number of units would not conflict with the Plan's designation. The proposal meets the Village's goal of providing a variety of housing options as well as opportunities for affordable housing for seniors.

Staff reviewed the standards for conditional uses and for planned development amendments and finds that the development does meet those provisions as well. Based on the above, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition.

Questioning the staff report, Mr. Dilworth asked if the report was four years old. Mr. Heniff stated no, it was written last week. The representations were a review of the comments made as part of the 2004 approval. Mr. Dilworth then stated that a new public hearing should be held if the plan is changed. Mr. Heniff stated that this is the public hearing to address the change.

Ms. Blanchard asked if the current owners have the ability to submit changes. The change from condominiums to apartments is significant. She said that they did not receive notice of this request until recently and asked why staff did not share the changes? Mr. Heniff stated that the Zoning Ordinance does not distinguish between apartments and condominiums. The public hearing was established to bring the submittal proposal for consideration.

Chairperson Ryan then opened the meeting for comments from the Commissioners.

Commissioner Flint asked for a clarification of the nature of the proposed housing. Mr. Mulhern stated that unlike, CHA projects under governmental ownership, this project will be privately owned. Xilin will need to generate income to sustain the project. Residents will utilize housing vouchers.

Chairperson Ryan asked about the difference between assisted living and special needs housing. Ms. Hamernik noted that they want to provide housing for those with special needs, but it will still be independent living. Special needs housing is independent housing for those who have some limitations or disabilities – a common element among the senior population. No care will be provided as part of this project.

Commissioner Sweetser noted the parking and access comments raised by the objectors – cross-parking agreement may help.

Commissioner Olbrish noted that many of the raised concerns were associated with the developer's representations. He agreed with Commissioner Sweetser's desire to keeping the buildings compatible.

Chairperson Ryan raised concerns about the first residents that bought into one type of development and may get another type of development. He agreed with the other commissioners regarding the building appearance. He also asked about the public notice requirements raised by a resident. Mr. Heniff noted that staff followed the public hearing process procedures followed for all petitions.

Commissioner Nelson concurred with Chairperson Ryan's thoughts.

Commissioner Burke noted that traffic in the area is bad and the Commissioners knew that when the project was approved in 2004. He then referenced the site plan and the landscape plan which shows the parking in two different locations along the east property line. Mr. Heniff stated that the landscape plan shows the parking spaces approved in the 2004 approval. When the property owner found that additional land was available on the north property line, they relocated the spaces closer to the main entrance.

Commissioner Sweetser noted the need to maximize parking on the east side of the development and suggested that additional spaces be provided.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance and that the amendment meets the standards set forth in the original planned development approval and granting approval of the planned development amendment is in the public interest. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities approval of the petition associated with PC 07-37 subject to the following conditions, as amended:

1. The site shall be developed substantially in accordance with the site plans prepared by Neri Architects, dated July 27, 2006.

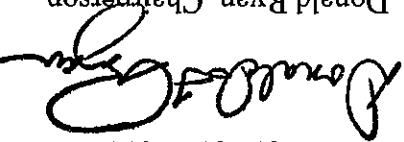
2. The petitioner shall secure a cross-access agreement with the adjacent Oakview Estates property for motor vehicle and pedestrian access and circulation.

3. As part of the development proposal, the petitioner shall construct a pedestrian access link connecting the subject property to the proposed to be constructed Great Western Trail Bridge and shall meet Illinois Accessibility Code provisions.

4. The petitioner shall enter into a companion development agreement with the Village to address any Village financial contributions and/or obligations associated with the project.

5. All other conditions or provisions associated with the original planned development approval not amended by this petition shall remain in full force and effect.
6. The petitioner shall provide for and construct an additional parking area to be located east of the Phase I building and the existing drive aisle.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, 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: William Heniff, AICP Senior Planner

TITLE

PC 07-37; 400-500 E. St. Charles Road (Oakview Estates Planned Development): The petitioner requests that the Village take the following actions on the subject property, located within the R4PD Limited General Residence District, Planned Development:

1. Pursuant to Section 155.504 (A) of the Zoning Ordinance, approve a major change to an approved planned development, as approved by Ordinance 5488. This major change would amend the planned development approval for the second proposed building (i.e., Phase II) to provide for up to 52 senior independent living residences, in lieu of a 40-unit condominium building;
2. Approve a further deviation from Section 155.408 (D) (4) to reduce the minimum square feet per dwelling unit from 1,202 square feet (36.2 units per acre) to approximately 1,045 square feet (41.68 units per acre); and
3. Approve a further variation from the planned development standards set forth in Section 155.508 (C) (5), allowing for an increase in the maximum number of dwelling units from 80 to 92 units.

GENERAL INFORMATION

Petitioner/Property Owner
(for Phase II):

Highland Partners LLC
145 S. Northwest Highway
Park Ridge, IL 60068

PROPERTY INFORMATION

Existing Land Use: One 40-unit condominium building with accessory garage
Size of Property: Approximately 2.208 acres (entire planned development)
Comprehensive Plan: Recommends High Density Residential
Existing Zoning: R4PD Limited General Residence District, Planned Development

Surrounding Zoning and Land Use:

North: Union Pacific Railroad, Great Western Trail
South: CR Conservation Recreation District – Lombard Common; B4 Community
Commercial District – Poolside Dogs & Lombard Hobbies
East: Great Western Trail
West: Union Pacific Railroad

ANALYSIS

SUBMITTALS

This report is based on the following documents filed on September 19, 2007 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards with supplemental information regarding proposed project, prepared by applicant see Appendix A).
3. Site Plan and Landscape Plat of Survey, prepared by Neri Architects, dated July 27, 2006.

DESCRIPTION

PC 04-10 approved zoning actions for the property at 400-540 East St. Charles Road to provide for two 40-unit condominium buildings as part of the Oakview Estates Planned Development. The Phase I building (500 E. St. Charles Road) was completed in early 2006 and 31 of the 40 condominium units have been sold to date.

Since completion of the first building, Neri Development (through its Oakview Estates LLC) has represented that the market for additional condominium units has not materialized. As such, they have been looking at other development options for the site. Xilin Associates (pronounced SHAY-lin), a non-for profit entity, is seeking development possibilities for senior independent living residences in Lombard. They were made aware of the Oakview Estates site and are proposing to take over and construct the Phase II portion of the project for senior independent living apartments.

The zoning petition consists of an amendment of three items included within the 2004 approval. The first is a major change to a planned development to provide for a senior independent living facility. The other actions consist of further relief from density provisions approved in 2004.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

From an engineering or construction perspective, Private Engineering Services stated that all required public improvements have been constructed as part of the development proposal. As such, PES does not have any comments on the development proposal. However, if any changes are proposed or made to the approved and constructed plans, Village permits will be required.

BUILDING AND FIRE

The Fire Department/Bureau of Inspectional Services notes that building permits will be required for the proposed second building. The Fire Department will provide additional comments as part of the building permit submittal.

PLANNING

Compatibility with the Zoning Ordinance/Planned Development Approval

Staff has determined that Xilin's proposal would constitute a major change to a planned development, as it changes the intent and development density of the project, and as such, the petitioner has filed for approval of the following actions:

1. A major change to an approved planned development, as approved by Ordinance 5488. This major change would amend the planned development approval for the second proposed building (i.e., Phase II) to provide for up to 52 senior independent living residences, in lieu of a 40-unit condominium building;

From the exterior, the development proposal would not result in modifications to the 2004 approved site plan. However, the interior of the proposed Phase II building would change, as the units would be reduced in size to accommodate the senior housing concept. They are proposing to provide up to 52 senior units within the existing approved building footprint. However, the final number of units may be adjusted downward as the interior architectural plans are finalized. Additionally, the final placement of the windows in the Phase II building would be adjusted accordingly.

With approval of the zoning relief in 2004, the amended proposal would meet all setback requirements for the project. The Phase II building would be in the same location as the Phase II condominium building was proposed to be located.

The petitioner's plan is to establish senior independent apartment units operated by a management entity. While a building maintenance staff will be available, no assisted living or congregate living activities would be part of this proposal. As a result, staff would consider this request as apartment units. The Zoning Ordinance does not distinguish between varying types of multiple-family

residential uses – condominiums and apartments are functionally considered as the same type of land use.

The approved plans would provide for 120 parking spaces for the development (1.5 spaces per dwelling unit for units with 2 bedrooms or less * 80 units). The proposed change to senior housing would allow the petitioner to decrease the required parking to 1 space per 4 units, as provided for elderly housing. The petitioner still intends to provide first level parking in the building to supplement the parking provided at grade west of the proposed building. However, a few spaces within the building are likely to be removed to provide for a larger meeting room area for tenants. Therefore, the proposal will meet parking requirements, even with the increase in the number of overall units.

To address the pedestrian access issues, the 2004 approval required the granting of a cross-access link from the subject property to the Great Western Trail. Recognizing the nature of the proposed housing in this petition, staff recommends as a condition of approval that the pedestrian access link be constructed as part of this approval.

2. *A further deviation to reduce the minimum square feet per dwelling unit from 1,202 square feet (36.2 units per acre) to approximately 1,045 square feet (41.68 units per acre); and*
3. *A further variation from the planned development standards, allowing for an increase in the maximum number of dwelling units from 80 to 92 units.*

The R4 District requires multiple-family dwellings to have 2,800 sq. ft. of lot area for each dwelling unit. The proposed development has only 1,202 sq. ft. of lot area for each dwelling unit. As part of the 2004 approval, relief was granted from the provisions above. The 2004 petition noted that the majority of R4-zoned properties within the Village are single-family residential properties, which requires additional space to accommodate transitional yard and transitional building setback requirements. As this project does not need to allow for such transitional elements, the lot area deviation was warranted.

This petition requests approval of a further amendment to the density requirements. Staff notes that the rationale for the density relief noted above is still applicable to this petition as well. Given the nature of the proposed housing component, the average unit size is intended to be less, although the overall density of buildings and structures on the property remains unchanged.

Compatibility with Adjacent Properties

The intent of the development proposal is to ensure that from the exterior the development will be essentially the same as what was proposed in 2004. The constructed on-site access driveways provide for the same traffic circulation pattern. Staff notes that if this petition is approved that the petitioner should secure cross-access agreements with the adjacent property as well.

Compatibility with the Comprehensive Plan

The 2004 petition also included an amendment to the Village's Comprehensive Plan. The Comprehensive Plan states that new medium and high-density housing should be located in selected "nodal" locations or in areas that serve as a transitional use between low-density residential and nonresidential uses.

The approved medium-density residential designation was adopted as the property and designation provides a buffer between the single-family homes surrounding Lombard Common and the Union Pacific Railroad. The increase in the number of units would not conflict with the Plan's designation. The proposal also meets the Village's general goal of providing a variety of housing options as well as opportunities for affordable housing for seniors.

Supplemental Information

Background Regarding Xilin Associates

Xilin Associates has provided the attached background materials regarding their organization. For this project, their intent is to provide senior independent living housing for residents that meet lower income requirements as established by Department of Housing and Urban Development for DuPage County. They will be seeking additional financial assistance through the IDHA. The petitioner has represented that preference provisions will be given for Lombard residents as part of the tenant selection process. An overview of their management plan is also provided in the attachments. They have also confirmed with the York Township Assessor's Office that the project would not be tax exempt.

Development Agreement Provisions

While not under the purview of the Plan Commission, a companion development agreement is contemplated for the project. Along with the 2004 zoning approvals, the Board also approved a TIF Development Agreement for additional improvements within the St. Charles Road public right-of-way. The original agreement provided for reimbursement of up to \$400,000 in additional increment generated by the development and the project has created \$55,008 in property tax increment above the base equalized assessed valuation to date.

The petitioner is proposing to seek approval of a modified agreement that would seek up to \$300,000 in increment to facilitate the project. The original 2004 agreement would be terminated, with no funds being paid out on the original agreement. Staff will be working with the petitioner to craft an agreement for the Board's consideration. However, before the agreement can be approved by the Village Board, a meeting of the St. Charles Road TIF 2 – East Joint Review Board (JRB) will need to be held, and the JRB will provide a recommendation to the Board accordingly.

Approval of this project will be contingent on approval of a companion development agreement amendment, the conditions and terms of which will be discussed by the Board of Trustees prior to any approval of this petition and the relief requested herein.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee finds that the petition meets the standards for planned development and variations; and therefore recommends that the Plan Commission make the following motion recommending **approval** of this petition subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-department Review committee as the findings of the Plan Commission and that the planned development amendment is in the public interest; and therefore recommend to the Corporate Authorities **approval** of the requests associated with PC 07-37, subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plans prepared by Neri Architects, dated July 27, 2006.

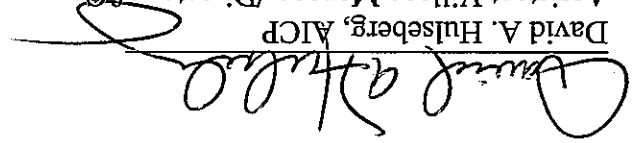
2. The petitioner shall secure a cross-access agreement with the adjacent Oakview Estates property for motor vehicle and pedestrian access and circulation.

3. As part of the development proposal, the petitioner shall construct a pedestrian access link connecting the subject property to the proposed to be constructed Great Western Trail Bridge and shall meet Illinois Accessibility Code provisions.

4. The petitioner shall enter into a companion development agreement with the Village to address any Village financial contributions and/or obligations associated with the project.

5. All other conditions or provisions associated with the original planned development approval not amended by this petition shall remain in full force and effect.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

Appendix A: Supplemental Information Provided by Petitioner

**Project Description
Oakview Estates Senior Residences**

Organizational Information

Inspired by a desire to help their children learn more about American culture, a small group of Chinese immigrants established the Xilin Association in 1989 in Naperville. Initially, Xilin provided language and arts classes. Now in its 18th year of service in DuPage County, Xilin has experienced tremendous growth and now provides many services to any eligible person needing assistance including:

- Senior Case Management for 900 seniors in 2006
- Adult daycare to 35 adults daily
- Senior meals serving 1,000 meals per year
- Senior Social Clubs with over 200 Senior members
- Health and Education Programs
 - Breast cancer education and screening for 800 workshop attendees and over 300 screenings in 2006
 - Osteoporosis education and screenings for 400 workshop attendees and 250 screenings in 2006
 - Senior Health Fair with 200 attendees in 2006
 - Health related workshops with 500 attendees in 2006
- Children and Family Education Programs
 - Academic classes for math, English language classes, Chinese as a second language, ACT/SAT classes
 - After school programs for all age students
 - Xilin Academy operates on Saturdays and Sundays for over 300 students to receive additional educational services
 - Xilin also provides services to local families adopting children from China.
- Culture and Art Performing Programs
 - Culture and Art Performance classes including dance, music, and martial arts
 - Special Annual Events
 - Lantern Festival in Naperville with 3000 in attendance for 2007
 - Assemblies and specialized multicultural programs for local schools, libraries, and corporations.

Xilin has witnessed a growing need for affordable housing for seniors. Xilin serves many families whose aging relatives have to move away from their children and grandchildren in order to find affordable housing outside of DuPage County.

Senior housing is the natural next step for Xilin since seniors and their families are struggling to find and maintain quality, attainable housing in a service rich environment near home.

Project Information
The Xilin Association wishes to construct Oakview Estates Senior Residences at 500 E. St. Charles Road and Grace Street, in Lombard, Illinois.

The residences would be restricted to independent seniors age 62 and older.

Oakview Estates Senior Residences would include:

- Approximately 50 rental units, mainly one-bedroom units
- Accessible and adaptable units to ease aging in place and to provide a friendly, fulfilling, and safe senior lifestyle
- A community room for senior services, social gatherings, and events
- A nicely landscaped site plan matching existing Planned Development
- Rents attainable to seniors on fixed incomes (typically less than 60% of the area median income in DuPage County)

Services to Seniors and Their Families

Seniors at Oakview Estates Senior Residences will be provided services to help them age in place in an elegant and friendly manner. Activities geared to promote the social, physical, recreational, emotional, and intellectual needs of each senior resident will be provided. Residents can choose to participate in all or none of the activities. Xilin has an established senior service program currently in place.

Families of the residents can have peace knowing their loved ones are being housed and offered services close to home in a colorful and rich environment.

Age and Income Restrictions

Since the property would be age restricted, only persons age 62 and older are eligible to live in the building. At least one spouse would need to meet the age restriction. If siblings or friends wanted to live together, both individuals would need to meet the age and income restrictions.

In the Tenant Selection Plan, elderly is designated as 62 and above whose household head, spouse, or sole member is at least 62 years of age.

Preference to Lombard Residents

Preference on the waiting list will be given to people with special needs, households with the lowest incomes until that target is met, and those with Lombard residency. We are seeking a letter from HUD indicating the Lombard preference will be approved. This is not uncommon.

Rental Assistance

The DuPage Housing Authority has encouraged Xilin to apply for rental assistance for approximately 13 of the units for seniors with special needs. These households will pay 30% of

their adjusted monthly income as rent. This is a significant positive impact for this project.

Long Term Care and Management of Property

The primary lender in the project would be the Illinois Housing Development Authority through Low Income Housing Tax Credit equity. There is long term management and compliance monitoring for a minimum of 31 years to ensure the building is well maintained, seniors are income eligible, and the rent restrictions are being met. Since Xilin is a not-for-profit corporation, the promise to serve seniors will remain forever.

The lenders in this project will require three reserves to be established at closing to insure the building is well maintained. They are a replacement reserve, real estate tax reserve, and an insurance reserve. These reserves are placed in an account at the Illinois Housing Development Authority and are not accessed unless they are needed for unexpected costs.

In the annual operating budget, another replacement reserve will be established at IHDA that will provide approximately \$300 a year per unit for planned repairs.

Management

Xilin will hire a professional property management firm with experience in affordable senior housing, specifically with federal tax credit compliance. The management firm will insure compliance with income and rent restrictions and property maintenance through Housing Quality Standards and local codes. The management firm will also be a friendly face in the on-site management office and will be the liaison with Xilin's senior services and with outside agencies to provide a happy and safe environment for the residents. We are currently interviewing property management firms to make a decision on which firm will best meet the needs of the property.

The Illinois Housing Development Authority will have annual on-site inspections to evaluate the physical condition of the property, monitor the tenant files, and otherwise maintain the general well being of the property.

The management company will also screen clients for their appropriateness in the building. This will be an independent elderly project. Seniors with acute health care needs that require medical or nursing care are not appropriate for this building.

It is Xilin's intent to become a good and valued neighbor in Lombard. They anticipate seniors being a low intensity impact neighbor, specifically involving fewer moves, less traffic, less noise, less waste generation, and with limited guests' visitation. It is key to find a property manager that will screen tenants who do not meet these anticipated neighborhood impacts.

The Xilin Association Naperville Center offers a wide range of services including the following:

Telephone Hotline for Information & Referral
1. During the office hours between 9:00 am and 5:00 pm, Xilin provides public benefit and health information, assists people with the procedures of filling an application, and gives referrals to other services.
2. Senior Employment (Title V) Program – Referrals for part-time jobs for low-income adults aged 55 and over, as well as information on transportation and housing services for seniors available to DuPage County residents.

Benefit Workshops
If you are a member of a community organization, school, church, or temple, we provide free workshops for your group to learn about the availability of public benefits. We offer computer-generated Benefit Checkup programs that provide individualized profiles of benefit eligibility for U.S. citizens and permanent residents. Please contact us to complete a questionnaire to discover what benefits you are qualified for.

Health Education Workshops and Services
We also conduct workshops on breast cancer awareness and prevention. Low-income, uninsured workshop participants could sign up for free mammogram screening. Seniors and their caregivers can be susceptible to occasional mental health problems related to age, such as fear, restlessness, helplessness, etc. We offer free mental health workshops and depression screening conducted by mental health professionals.

Bone Density Screening
According to National Osteoporosis Foundation, "After the mid-30's, slow bone loss occurs... Half of all women older than 50 will have an osteoporosis-related fracture." Xilin Association provides free bone density screening and education for women 30 years and older at our Naperville office. We also conduct screenings at community health fairs.

Food and Nutrition Program

Our Senior Nutrition Program provides meals that are served in a group setting. We provide referrals to similar programs in your community as well as assisting applying for Food Stamp program and free home-delivered meals for homebound seniors.

Case Management Services

For those who have difficulties accessing public benefit services, we assist with completing the application, and following-up on your application for several services.

Adult Day Services

Xilin Adult Day Service provides therapeutic activities, health related services, and an individualized care plan for medically and/or cognitively frail elderly adults age 60 and above from

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8:30 am to 2:30 pm. Free transportation is available for all seniors approved by DuPage County senior services. Nutritious meals are also provided as part of the program.

XILIN ASSOCIATION RESPONSE TO STANDARDS FOR VARIATIONS
PURSUANT TO SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE

The applicant submits the following narrative responses to the seven standards for variations:

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 regulation were to be applied.

Response: The applicant proposes no changes to the exterior of the building previously approved and proposes no change to the improved site plan. With the exception of the possible placement and number of windows and other non-structural elements, the outside appearance of the building will not deviate from that previously approved. The applicant's request an amendment increasing the number of units from 40 to a maximum of 52.

Accordingly, the requested modification is to amend the PUD from a maximum of 80 residential units to a maximum of 92 units.

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.

Response: The proposed variation seeks to increase the density of the Planned Unit Development through the reconfiguration of the floor plan of the units to accommodate the needs and economic circumstances of senior residents.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

Response: The primary purpose for the request is to create Independent Senior Affordable Housing. As such, the primary purpose for increasing the number of permitted housing units is based upon the needs of the typical residents rather than the desire for increased 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.

Response: The applicant is a contract/purchaser of the property and does not currently have any interest in the Oak View Estates Planned Unit Development.

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.

Response: The increased density of the units will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in that the permitted use and the proposed use is substantially identical; namely, residential housing. Because the residents will be seniors and, most likely not gainfully employed in any manner, the amount of vehicular traffic with the proposed use as compared to the permitted use is likely to decline substantially. This is especially true since most seniors schedule their necessary trips during off hours and avoid driving during the rush hour periods.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

Response: The building will be virtually identical in appearance, footprint and height to the permitted building.

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, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Response: Since the proposed building will be identical in size and dimensions to the approved building, there will be no impact on the supply of light and air. As indicated above, there is likely to be a decrease in the number of trips to and from the building by the senior residents as opposed to the number of trips undertaken by the likely residents of the permitted structure.

The proposed structure will not impair natural drainage or create drainage problems inasmuch as the storm water management plan has been approved and implemented on this site.

APPLICATION FOR MAJOR CHANGE TO PUD

A. APPLICANT INFORMATION

Applicant Name: Xilin Association, an Illinois not-for-profit corporation ("Xilin") by Linda Yang, Executive Director

Applicant Organization: Xilin

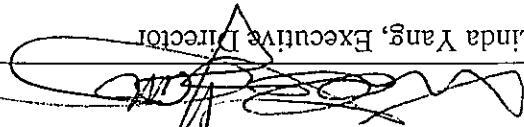
Applicant City/State/Zip: 1163 East Ogden Avenue
Suite 301
Naperville, Illinois 60563

Applicant Phone: (630) 355-4322

Applicant Fax: (630) 355-4326

Applicant Email: lindayang@xilin.org

Applicant Relationship to Property Owner: Prospective Purchaser

Applicant Signature: 

Linda Yang, Executive Director

B.

PROPERTY OWNER INFORMATION

Owner Name: Oakview Estates, LLC

Owner Address: 145 South Northwest Highway
Park Ridge, Illinois 60068

Owner Phone: (847) 825-9400

Owner Fax: (847) 774-1201

Owner Email: gneri@nericompanies.com

C. PROPERTY INFORMATION

Common Address of Property: 500 East St. Charles Road
Lombard, Illinois 60148

Permanent Index Number: 06-05-426-009

D. APPLICANT'S REQUEST

Applicant is requesting a major change to an existing planned unit development (PUD) at 500 East St. Charles Road in order to construct a 52 unit senior citizen apartment residence. Specific major changes will include altering the concept of the proposed use, increasing the population density of the completed project and amendment to the final governing agreements from those previously approved.

Xilin intends to purchase the property from its current owner and construct a five-story building based primarily on the existing building plans previously submitted and approved by the Village Board. The outside appearance of the building will not deviate from the existing plans with the exception of minor changes to accommodate a proposed new floor plan to accommodate the 52 units rather than the original 40. Changes in the floor plan may affect placement or number of window units or other such non-structural elements.

The approved concept of the existing plan was to build a condominium building with approximately 40 residential units for sale to the general public. The original plans called for two such buildings. The first building, not part of this proposal, located at 500 East St. Charles Road has been completed and is partially occupied. The proposed concept for the second building is for 52 apartment units for seniors over the age of 62 in an independent living environment.

For additional information, please review the previously filed documents:

- Project Description – Oakview Estates Senior Residences
- Xilin Association Board Members
- Xilin Association – Xilin Health and Social Services

1. Planned Development Standards

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 parcel was re-zoned to R4 Limited General Residence District by Ordinance No. 5487. R4 zoning is for multi-family dwellings. The proposed development is a multi-family dwelling.

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

As stated in the original application, all utilities required for the development are located along St. Charles Road and currently service the site, including sanitary sewer and potable water.

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 Comprehensive Plan of the Village was modified by Ordinance No. 5486 to re-designate the property to High Density Residential which is consistent with the proposed senior multi-family development.

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

The proposed development is adjacent to an existing condominium unit. It is in the public interest to have similar high density housing types in the same area. The site has been prepared for such a use in accordance with the original plans.

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.

As stated in the original application, access to the site has been designed with convenience and safety in mind for the user and for the passerby:

a. The driveway is located at the west end of the property. From this location a visitor can access the parking areas located at the west end of the site, a resident may access the garages located on the ground floor of the buildings, which are positioned in the center of the site. Traffic in and out is allowed by only right turns in and out of the site on the west side. Despite higher density, the comings and goings to the residents is expected to be reduced from the original proposal due to the age restricted nature of the residents.

A conditional use for a planned development with deviations and variations was granted by the Board in Ordinance No. 5488. The proposed development makes use of the original plans and there will be no significant change in the conditional use. There are no additional deviations and variations in the proposed development.

3. Variation Standards

A conditional use for a planned development with deviations and variations was granted by the Board in Ordinance No. 5488. The proposed development makes use of the original plans and there will be no significant change in the conditional use. There are no additional conditional uses in the proposed development.

A conditional use for an accessory garage was granted by the Board in Ordinance No. 5489. The proposed development makes use of the original plans and there will be no significant change in the conditional use. There are no additional conditional uses in the proposed development; however, the final number of parking spaces within the garage may be reduced due to less demand for parking.

2. Conditional Use Standards

A conditional use for a planned development with deviations and variations was granted by the Board in Ordinance No. 5488. The proposed development makes use of the original plans and there will be no significant change in the conditional use. There are no additional deviations and variations in the proposed development.

C. Standards for Planned Developments with Deviations

As stated in the original proposal, the proposed development has no provisions for uses other than for residential and supporting uses.

B. Standards for Planned Developments with Use Exceptions

c. Due to the age restrictions on the residents of the proposed development, there will be no impact on schools and little impact on public parks and recreation areas.

b. Traffic congestion is addressed in the same manner as above. Despite higher density, the comings and goings of the residents is expected to be less than proposed in the original proposal due to the age restricted nature of the residents. In general, senior housing requires fewer parking spaces.

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the Planned Development amendment and companion relief described herein; and,

WHEREAS, a public hearing on such application for a Planned Development amendment has been conducted by the Village of Lombard Plan Commission on October 15, 2007, pursuant to appropriate and legal notice; and,

WHEREAS, said application also requests approval of a further deviation from Section 155.408 (D) (4) to reduce the minimum square feet per dwelling unit from 1,202 square feet (36.2 units per acre) to approximately 1,045 square feet (41.68 units per acre); and a further variation from the planned development standards set forth in Section 155.508 (C) (5), allowing for an increase in the maximum number of dwelling units from 80 to 92 units; and

WHEREAS, an application has been filed requesting approval of a major change to the Oakview Estates planned development, adopted on May 6, 2004, as Ordinance Number 5488; and,

WHEREAS, the subject property is zoned R4PD Limited General Residence District – Planned Development; and,

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 Lombard Village Code; and,

See also Ordinances _____

(PC 07-37; 400-500 E. St. Charles Road (Oakview Estates Planned Development))

AN ORDINANCE AMENDING ORDINANCE NUMBER 5488, ADOPTED MAY 6, 2004 GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT IN THE R4PD LIMITED GENERAL RESIDENCE DISTRICT, PLANNED DEVELOPMENT AND GRANTING A FURTHER DEVIATION AND VARIATION FROM THE ZONING ORDINANCE

ORDINANCE NO. _____

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said approval subject to the terms and conditions established by this Ordinance, and in accordance with the findings and recommendations of the Plan Commission which are incorporated herein by reference.

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 major change to an approved planned development, as approved by Ordinance 5488 is hereby granted to provide for up to 52 senior independent living residences, in lieu of a 40-unit condominium building in Phase II of the development. Furthermore, a further deviation from Section 155.408 (D) (4) of the Zoning Ordinance to reduce the minimum square feet per dwelling unit from 1,202 square feet (36.2 units per acre) to approximately 1,045 square feet (41.68 units per acre); and a further variation from the planned development standards set forth in Section 155.508 (C) (5), allowing for an increase in the maximum number of dwelling units from 80 to 92 units is hereby granted; on the property described in Section 2 and subject to the provisions noted in Section 3 below.

SECTION 2: This ordinance is limited and restricted to the property generally located at 400-500 E. St. Charles Road, Lombard, Illinois, legally described as follows:

Lot 1 in Oakview Estates Resubdivision, being a subdivision in the southeast ¼ of Section 5, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat recorded March 3, 2006 as document R2006-038979, in DuPage County, Illinois; also

All of Oakview Estates Condominium Plat of Subdivision, being a subdivision in the southeast ¼ of Section 5, Township 39 North, Range 11 East of the Third Principal Meridian, according to the plat recorded on May 15, 2006 as document R2006-090505, in DuPage County, Illinois.

Parcel Numbers: 06-05-426-009; 06-05-429-001 through 040

SECTION 3: That the approval set forth in Section 1 above shall be subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plans prepared by Neri Architects, dated July 27, 2006.
2. The petitioner shall secure a cross-access agreement with the adjacent Oakview Estates property for motor vehicle and pedestrian access and circulation.

3. As part of the development proposal, the petitioner shall construct a pedestrian access link connecting the subject property to the proposed to be constructed Great Western Trail Bridge and shall meet Illinois Accessibility Code provisions.

4. The petitioner shall enter into a companion development agreement with the Village to address any Village financial contributions and/or obligations associated with the project.

5. All other conditions or provisions associated with the original planned development approval not amended by this petition shall remain in full force and effect.

6. The petitioner shall provide for and construct an additional parking area to be located east of the Phase I building and the existing drive aisle.

SECTION 4: That all other provisions of Ordinance 5488 not amended by this Ordinance shall remain in full force and effect.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet from this _____ day of _____, 2007.

Brigitte O'Brien, Village Clerk