

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: January 26, 2006 (BOT) Date: February 2, 2006

TITLE: PC 06-01: 7-37 E. St. Charles Road

SUBMITTED BY: Department of Community Development



BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests approval of a conditional use for a planned development, with a deviation from Section 155.416 (G) of the Zoning Ordinance to allow for an increase in building height to fifty-six feet (56') for a clock tower, where a maximum building height of forty-five feet (45') is permitted; all located within the B5 Central Business District. (DISTRICT #4)

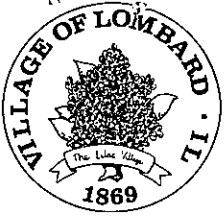
The Plan Commission recommended approval of this request with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X W. T. Lichter Date 1/26/06

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, Director of Community Development

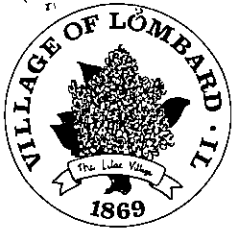
**DATE:** February 2, 2006

**SUBJECT:** PC 06-01: 7-37 E. St. Charles Road (Hammerschmidt Property) 

Attached please find the following items for Village Board consideration as part of the February 2, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-01;
3. A draft Ordinance granting approval of conditional use for a planned development with a building height deviation , subject to conditions.
4. Plans associated with the petition.

Staff is finalizing a first amendment to the development agreement with New Urban Lombard, LLC, the contract purchaser and developer of the property. This agreement amendment and a companion stormwater variation which will allow New Urban to connect to a combined system will be heard with the final reading of the ordinance.



## VILLAGE OF LOMBARD

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www.villageoflombard.org

**Village President**  
William J. Mueller

February 2, 2006

**Village Clerk**  
Brigitte O'Brien

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

**Trustees**  
Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Subject: PC 06-01; 7-37 E. St. Charles Road (Hammerschmidt Property)**

Dear President and Trustees:

**Village Manager**  
William T. Lichter

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, New Urban Lombard, LLC, is requesting approval of a conditional use for a planned development, with a deviation from Section 155.416 (G) of the Zoning Ordinance to allow for an increase in building height to fifty-six feet (56') for a clock tower, where a maximum building height of forty-five feet (45') is permitted; all located within the B5 Central Business District.

"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."

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 23, 2006. Robert O'Neill of New Urban Lombard LLC, petitioner, presented the petition. He opened his presentation by presenting a PowerPoint presentation describing his project. He noted that the property at 11-37 is currently owned by the Village. The adjacent property at 7 East St. Charles Road is under contract by the petitioner and they propose to incorporate the property into their overall development.

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

He then described the project. Their building will consist of 36 residential condominiums and 10,000 square feet of commercial space. Parking will be provide both at-grade (42 spaces) and below grade (32 spaces).

He then showed the proposed building elevations and described the building materials associated with the project. The building exterior will primarily consist of red brick masonry with stone accents at the first level. He noted that the proposed clock tower element on the west side of the building was a preference made by the Village Board when they considered the development agreement for the property. As the proposed clock tower is greater than forty-five feet in height, relief will be required. A planned development is requested as the Zoning Ordinance requires planned developments for projects within the B5 District that do not meet code.

He then discussed the other proposed property improvements, including the parking plan and the landscape plan. He noted that the east parking lot would tie into the existing Hammerschmidt Commuter lot.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or in opposition to the proposal. He then requested the staff report.

William Heniff, Senior, presented the staff report. The vacant property at 11-37 East St. Charles Road is currently owned by the Village. In 2005, the Village negotiated a development agreement for the property with New Urban Communities Lombard, LLC to provide for a new mixed-use multiple-family residential/commercial development. To ensure that the future development on the property would be consistent with the vision of downtown Lombard and the Village's Comprehensive Plan, the agreement set forth specific development plan requirements and included concept building elevations.

As part of this agreement, the Board also directed the developer to provide a clock tower element at the west end of the building as an additional architectural feature. However, the proposed tower element would exceed the maximum height requirements for buildings in the B5 District. As such, the proposed plan is being forwarded to the Plan Commission to consider this element. However, as the Zoning Ordinance requires that any new development within the B5 District that requires a variation to be considered as part of a planned development, the petitioner has submitted for planned development approval with a height deviation. Also, independent of the development agreement with the Village, New Urban has also entered into a contract to acquire the 7 E. St. Charles Road property as well. This parcel, which is currently improved with an accessory garage, will be integrated into the overall project development.

Concurrent with the review of this petition by the Village Board, the Village Board will consider a first amendment to the previously approved development agreement, which will include environmental remediation activities, developer obligations and TIF provisions to facilitate the project redevelopment. He also referenced that the Village will need to approve a variation to allow the proposed development to be tied into a combined sanitary/storm sewer system. A petition must be filed to request this variation.

He then discussed the history of the property. In 2000, the Village Board granted approval for a planned development consisting of one large, five-story condominium building with commercial uses on the first floor and four residential townhome buildings. All previously granted relief has since expired on the property as the project was not started within one year of the date of approval. Therefore, any new actions would require new reviews and approvals accordingly.

The petitioner's plan will consist of a more traditional design, with 10,000 square feet of commercial space on the first (street) level. No definitive tenants have been identified for this space at present. Each residential floor (floors 2, 3 and 4) will have twelve residential units, with

the units ranging from 860 to 1,250 square feet in size. Parking will be provided at-grade (42 spaces) and in the basement of the building (32 spaces).

The Zoning Ordinance requires the creation of a planned development for any property in the B5 District on which a principal building is proposed to be constructed that does not meet the full provisions of the Zoning and Sign Ordinances. The petitioner is requesting a deviation from Section 155.416 (G) of the Zoning Ordinance to allow for an increase in building height to fifty-six feet (56') for a clock tower, where a maximum building height of forty-five feet (45') is permitted. The additional height relief is requested in order to provide for the proposed clock tower element as shown on the petitioner's submittals. The petitioner's elevations show that the clock tower is intended as an architectural embellishment to the building and will break up the linear mass of the building. While the plans could be modified with a flat roof to meet the height limitations, both the petitioner and the Village Board expressed a desire to incorporate the tower into the final building elevations.

Staff notes that the increase in height is only intended to provide an additional architectural feature, as opposed to creating additional living space. Staff notes that such relief has been previously supported by the Village Board in the downtown area. If the height deviation is not desired, the building could be constructed as proposed, but without the tower element. But for the height deviation, this development proposal is intended to meet all of the underlying provisions of the Zoning Ordinance. To ensure that this provision is met, staff offers the following additional comments regarding the site plan that would need to be addressed as part of the building permit submittal.

The Comprehensive Plan examines the downtown area and this property, in particular. The Hammerschmidt property is within the area identified as the recommended boundaries of the Central Business District. The Comprehensive Plan recommends that within this area the Village should continue to encourage commercial, residential, civic and other land uses to meet the needs of the community. This development follows the recommendations of the Comprehensive Plan by providing for a mixed-use residential/commercial development. Should this project proceed, the petitioner will be required to provide the Village with a plat of resubdivision combining the properties into a single lot, which can be approved administratively.

Chairperson Ryan then opened the meeting to the Plan Commissioners.

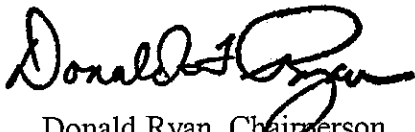
Commissioner Flint noted that the clock tower element is a positive element to the building and the site plan.

After due consideration of the petition and the testimony presented, the Plan Commission found that 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 Report as the findings of the Plan Commission and that granting the planned development is in the public interest and therefore, the Plan Commission recommends to the Corporate Authorities **approval** of PC 06-01, by a roll call vote of 4-0, subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan and building elevations, prepared by Sullivan Goulette Architects, updated January 23, 2006 as well as the landscape plan prepared by Gary R. Weber Associates, Inc., dated December 27, 2005, except as modified by the conditions of approval.
2. The increase in building height shall only be for the proposed clock tower element located on the northwest corner of the building as depicted on the submitted plans. Any height increase above the forty-five feet above grade shall only be for any architectural elements associated with the clock tower and shall not be used as living space.
3. The petitioner shall submit a Plat of Consolidation to the Village for review and approval. Said plat shall consolidate the subject properties into a single lot of record and shall be required concurrent with the building permit submittal.
4. The proposed wall signs shall be of a uniform design, shall not include "box signs", and the wall signs shall be located on the building consistent with the submitted plans. The east elevation shall not include any building identification signage.
5. The final plans for the proposed project shall meet the comments set forth within the Inter-departmental Review Report.

Respectfully,

**VILLAGE OF LOMBARD**



Donald Ryan, Chairperson  
Lombard Plan Commission

att-

c. Petitioner  
Lombard Plan Commission

# St. Charles Road Condominiums

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Village of Lombard, Illinois  
Plan Commission Presentation  
Monday, January 23, 2006

New Urban  Communities

## St. Charles Road Condominiums

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- ❑ 36 Residential Condominiums
- ❑ 10,000 Square Feet Retail/Commercial
- ❑ Parking
  - 42 Surface Spaces (including 2 handicap)
  - 32 Interior Spaces (including 2 handicap)
  - 74 Total Parking Spaces

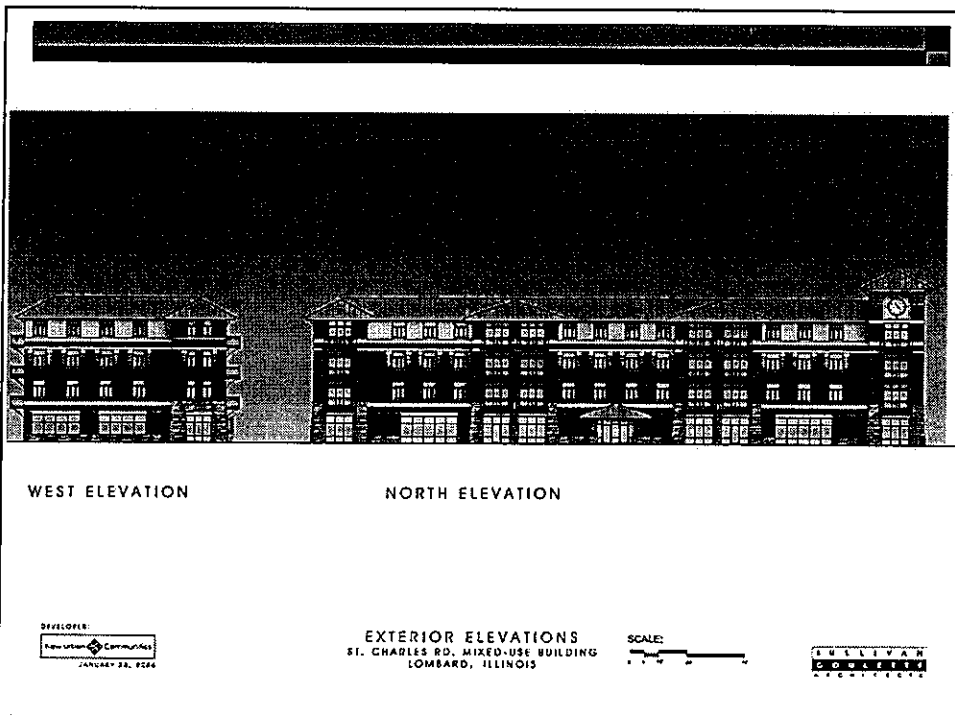
New Urban  Communities

# St. Charles Road Condominiums

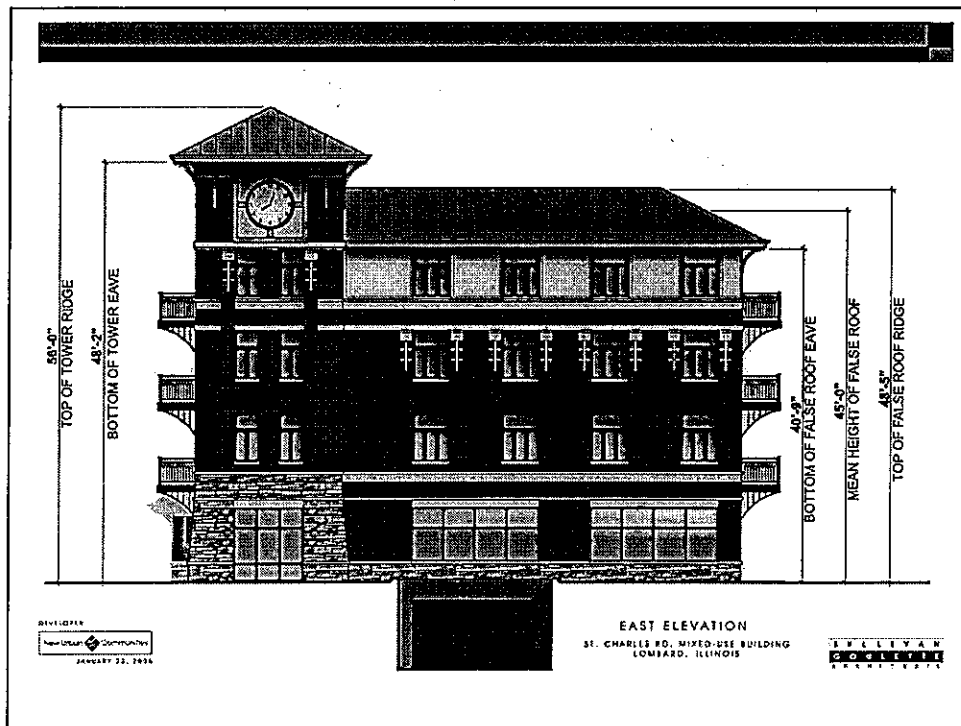
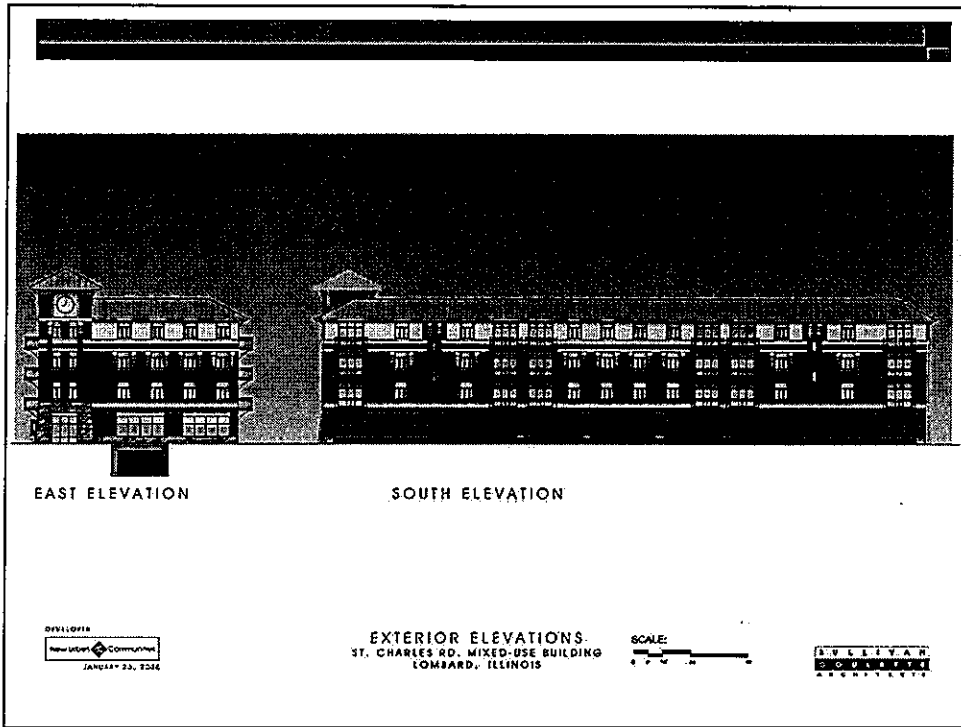
## □ Lot Area

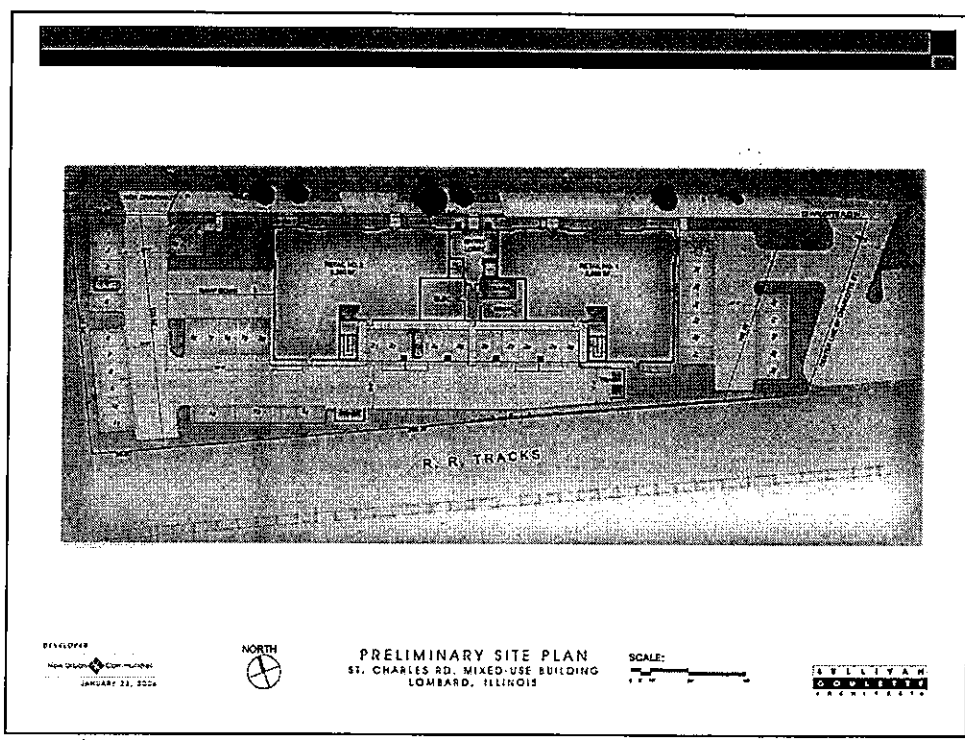
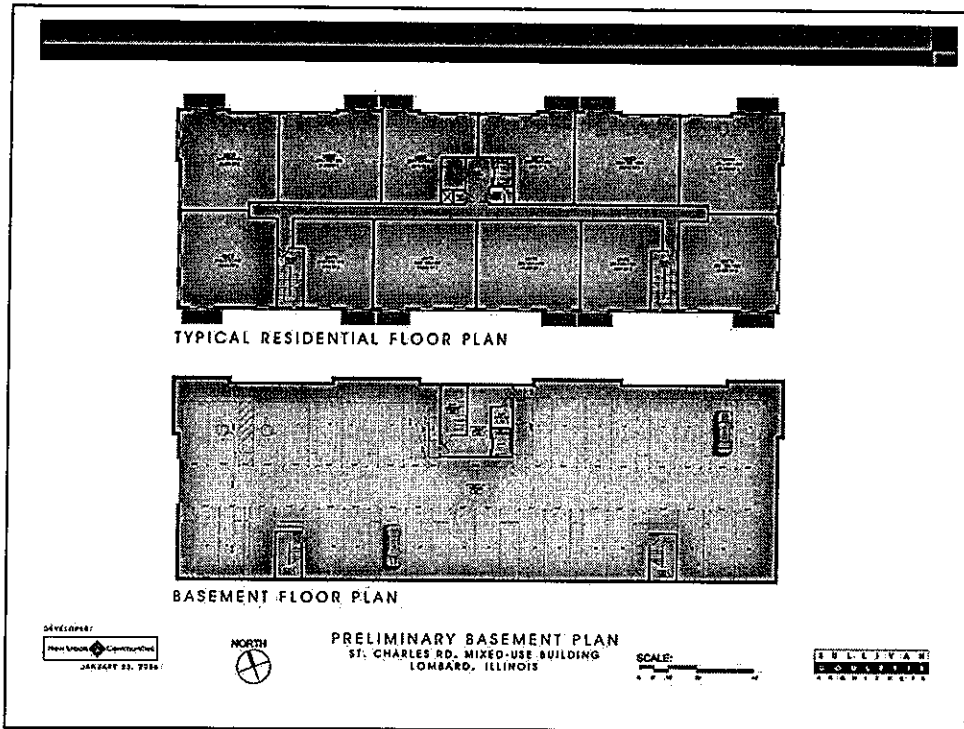
■ Village (Hammerschmidt) Parcel	0.80 ac
■ Bartel Parcel	<u>0.11 ac</u>
Total:	0.91 ac

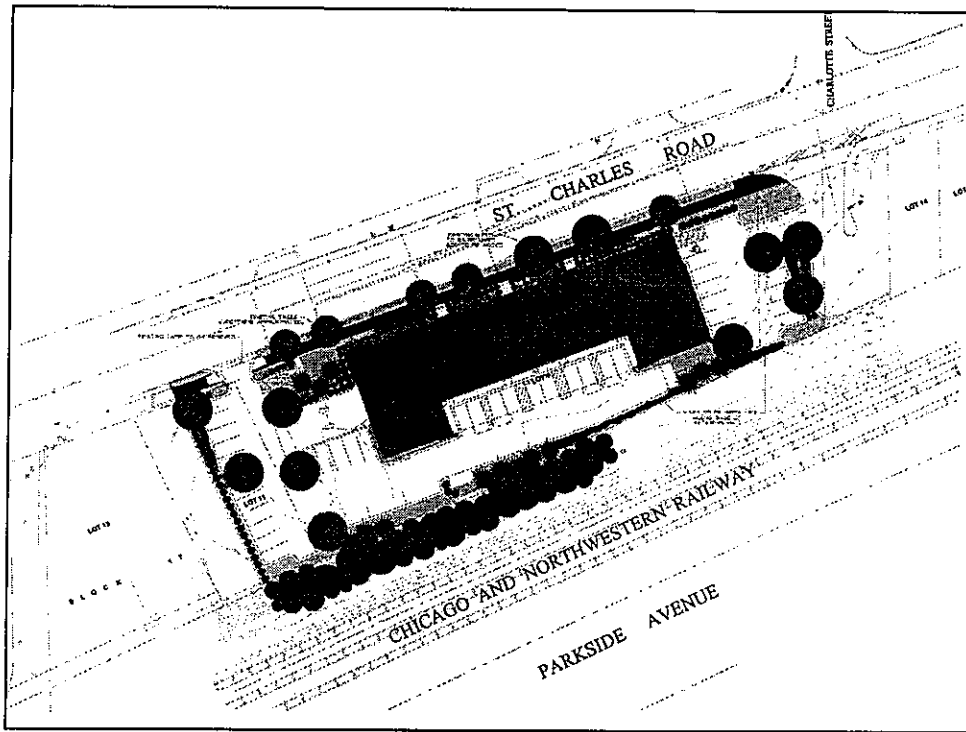
New Urban  Communities











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

TO: Lombard Plan Commission

HEARING DATE: January 23, 2006

FROM: Department of Community  
Development

PREPARED BY: William J. Heniff, AICP  
Senior Planner

**TITLE**

**PC 06-01; 7-37 East St. Charles Road:** The petitioner, New Urban Lombard, LLC, is requesting approval of a conditional use for a planned development, with a deviation from Section 155.416 (G) of the Zoning Ordinance to allow for an increase in building height to fifty-six feet (56') for a clock tower, where a maximum building height of forty-five feet (45') is permitted; all located within the B5 Central Business District.

**GENERAL INFORMATION**

Petitioner: New Urban Lombard LLC  
99 South Villa Avenue  
Villa Park, IL 60181

Property Owners: Village of Lombard (Hammerschmidt parcels)

For 7 E. St. Charles Road:  
Robert L. & Marie E. Bartel  
Bartel Enterprises  
P.O. Box 1328  
Wheaton, IL 60189-1328

Relationship of Petitioner  
To Property: Future property owner under a development agreement  
approved by the Village Board

**PROPERTY INFORMATION**

Existing Land Use: 1 vacant lot and 1 lot improved with a vacant accessory  
garage

Size of Property: Approximately 0.91 acres total

Comprehensive Plan: Recommends Community Commercial, within the Central Business District – Mixed Use Area

Existing Zoning: B5 Central Business District

Surrounding Zoning and Land Use:

- North: B5 Central Business District and B2 General Neighborhood Shopping District (various uses including office, service and retail commercial uses as well as the Lombard Fire Station #1 and a commuter parking lot)
- South: R2 Single-Family Residence District (Union Pacific railroad tracks)
- East: B5 Central Business District; developed as the Hammerschmidt commuter parking lot
- West: B5 Central Business District; developed as a gas/service station (Marathon) with a fast-food restaurant (Dunkin Donuts)

## ANALYSIS

### SUBMITTALS

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

1. Application for Public Hearing, dated December 27, 2005.
2. Plats of Survey for properties, prepared by Gentile & Associates, dated August 9, 2005.
3. Exterior Building Elevations, prepared by Sullivan Goulette Architects, updated January 23, 2006.
4. Preliminary Site Plan, prepared by Sullivan Goulette Architects, updated January 23, 2006.
5. Residential floor plan/basement plan, prepared by Sullivan Goulette Architects, updated January 23, 2006.
6. Preliminary landscape plan, prepared by Gary R. Weber Associates, Inc., dated December 27, 2005.

## **DESCRIPTION**

The vacant property at 11-37 East St. Charles Road (also known as the Hammerschmidt Property) is currently owned by the Village of Lombard. In 2005, the Village negotiated a development agreement for the property with New Urban Communities Lombard, LLC to provide for a new mixed-use multiple-family residential/commercial development. To ensure that the future development on the property would be consistent with the vision of downtown Lombard and the Village's Comprehensive Plan, the agreement set forth specific development plan requirements and included concept building elevations.

As part of this agreement, the Board also directed the developer to provide a clock tower element at the west end of the building as an additional architectural feature. However, the proposed tower element would exceed the maximum height requirements for buildings in the B5 District. As such, the proposed plan is being forwarded to the Plan Commission to consider this element. However, as the Zoning Ordinance requires that any new development within the B5 District that requires a variation to be considered as part of a planned development, the petitioner has submitted for planned development approval with a height deviation. Also, independent of the development agreement with the Village, New Urban has also entered into a contract to acquire the 7 E. St. Charles Road property as well. This parcel, which is currently improved with an accessory garage, will be integrated into the overall project development.

Concurrent with the review of this petition by the Village Board, the Village Board will consider a first amendment to the previously approved development agreement, which will include environmental remediation activities, developer obligations and TIF provisions to facilitate the project redevelopment.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

Private Engineering Services notes the following:

1. The Village will need to approve a variation to allow the proposed development to be tied into a combined sanitary/storm sewer system. A petition must be filed to request this variation. The request should include a discussion of feasibility of discharging into the separated storm sewer at near Main Street.
2. On-site stormwater detention shall be provided.
3. Any existing depressed curb not utilized for future drive access shall be removed and replaced with curb & gutter. Parkway improvements per Village Code (sidewalk, parkway trees and landscaping) shall be required.

## **PUBLIC WORKS**

The Department of Public Works, Engineering Division has no comments regarding the petition.

## **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services does not object to the proposed zoning actions associated with the petition. Detailed comments will be provided upon submittal of detailed building plans.

## **PLANNING**

In 2000, the Village Board granted approval for a planned development consisting of one large, five-story condominium building with commercial uses on the first floor and four residential townhome buildings. All previously granted relief (i.e., conditional use for a planned development, variations, etc.) has since expired on the property as the project was not started within one year of the date of approval. Therefore, any new actions would require new reviews and approvals accordingly.

The petitioner's plan will consist of a more traditional design, with 10,000 square feet of commercial space on the first (street) level. No definitive tenants have been identified for this space at present. Each residential floor (floors 2, 3 and 4) will have twelve residential units, with the units ranging from 860 to 1,250 square feet in size. Parking will be provided at-grade (42 spaces) and in the basement of the building (32 spaces).

## **Compliance with the Zoning Ordinance**

### *Planned Development Request*

Section 155.501 (B)(3) of the Zoning Ordinance requires the creation of a planned development for any property in the B5 District on which a principal building is proposed to be constructed that does not meet the full provisions of the Zoning and Sign Ordinances.

Section 155.501 classifies planned developments as a conditional use and discusses the intent of planned developments. Staff finds that the proposed planned development meets the intent of providing for the following elements:

- *A maximum choice in the types of development available to the public by allowing developments that would not be possible under the strict application of the terms of other sections of this Ordinance.*

The proposed mixed-use residential/commercial concept is in keeping with the Zoning Ordinance provisions. By establishing a planned development, the Village can review individual components of the development to ensure compatibility with the intent of the downtown perimeter area and surrounding neighborhood.

- *A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities;*

The plan would create a unified design that would blend well into the design of the downtown area. The petitioner's architectural design is intended to blend into the established architecture found within the downtown area west of the subject property (e.g., brick masonry with stone accents and pedestrian-friendly streetscape design).

- *An efficient use of the land resulting in a more efficient provision of utilities, streets, public grounds, and buildings, and other facilities;*

The petitioner's plan attempts to optimize the use of the property in a manner consistent with the Comprehensive Plan and/or Village Code.

- *Innovations in residential, commercial, office and industrial development so that the growing demands of the population may be met by greater variety in type, design and lay-out of buildings and by the conservation and more efficient use of open space ancillary to said buildings.*

The mixed-use nature of the development attempts to create efficiencies by linking commercial and residential uses and functions. Moreover, this development can be considered a transit-oriented development (TOD), given its proximity to the train station and the downtown area.

- *A unified and compatible design of buildings, structures and site improvements.*

The development is intended to be fully internally integrated and is designed to be compatible with the surrounding and established land uses and building types found elsewhere in the downtown area.

#### *Height Deviation*

The petitioner is requesting a deviation from Section 155.416 (G) of the Zoning Ordinance to allow for an increase in building height to fifty-six feet (56') for a clock tower, where a maximum building height of forty-five feet (45') is permitted. The additional height relief is requested in order to provide for the proposed clock tower element as shown on the petitioner's



submittals. The petitioner's elevations show that the clock tower is intended as an architectural embellishment to the building and will break up the linear mass of the building. While the plans could be modified with a flat roof to meet the height limitations, both the petitioner and the Village Board expressed a desire to incorporate the tower into the final building elevations.

Staff notes that the increase in height is only intended to provide an additional architectural feature, as opposed to creating additional living space. Staff notes that such relief has been previously supported by the Village Board in the downtown area (e.g., the Elmhurst Memorial Healthcare facility at 130 South Main Street, the Pointe at Lombard project at 218-226 West St. Charles Road). If the height deviation is not desired, the building could be constructed as proposed, but without the tower element.

But for the height deviation, this development proposal is intended to meet all of the underlying provisions of the Zoning Ordinance. To ensure that this provision is met, staff offers the following additional comments regarding the site plan that would need to be addressed as part of the building permit submittal.

1. The west access drive will need to be widened from sixteen feet (16') to twenty-four feet (24'). Parking space #24 should be relocated to a point south of proposed space #31. All other drive aisles shall be twenty-four (24') in width.
2. External lighting shall be provided for the parking lots. The design of any external light poles shall be consistent with the downtown Lombard light design and the adjacent Hammerschmidt commuter parking lot and shall meet the Village's parking lot lighting standards.
3. Signage for the proposed development shall meet Code, unless varied by a future site plan approval application. To ensure compatibility with the proposed elevations, box-signs should be prohibited.

**Conformance with the Comprehensive Plan**

The Comprehensive Plan examines the downtown area and this property, in particular. The Hammerschmidt property is within the area identified as the recommended boundaries of the Central Business District. The Comprehensive Plan recommends that within this area the Village should continue to encourage commercial, residential, civic and other land uses to meet the needs of the community. Specifically, the Comprehensive Plan states that the Hammerschmidt property should be redeveloped for a mix of commercial and residential uses. It also states that a portion of the area might also be used for additional commuter rail parking in association with the Metra train station (as constructed in 2004). This development follows the recommendations of the Comprehensive Plan by providing for a mixed-use residential/commercial development.

**Compliance with the Subdivision and Development Ordinance**

Right now the subject property consists of two separate lots of record. Should this project proceed, the petitioner will be required to provide the Village with a plat of resubdivision combining the properties into a single lot. This plat can be approved administratively.

**FINDINGS AND RECOMMENDATIONS**

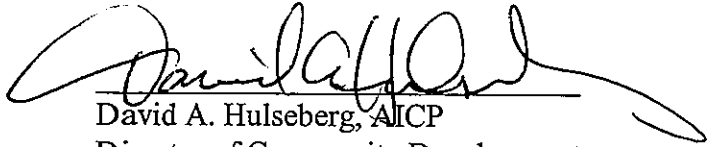
Based on the findings of the Inter-Departmental Review Committee recommends that the Plan Commission make the following motions recommending **approval** of this petition:

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 Plan Commission as the findings of the Plan Commission and that granting the planned development is in the public interest and therefore, I recommend to the Corporate Authorities **approval** of PC 06-01, subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan and building elevations, prepared by Sullivan Goulette Architects, updated January 23, 2006 as well as the landscape plan prepared by Gary R. Weber Associates, Inc., dated December 27, 2005, except as modified by the conditions of approval.
2. The increase in building height shall only be for the proposed clock tower element located on the northwest corner of the building as depicted on the submitted plans. Any height increase above the forty-five feet above grade shall only be for any architectural elements associated with the clock tower and shall not be used as living space.
3. The petitioner shall submit a Plat of Consolidation to the Village for review and approval. Said plat shall consolidate the subject properties into a single lot of record and shall be required concurrent with the building permit submittal.
4. The proposed wall signs shall be of a uniform design, shall not include "box signs", and the wall signs shall be located on the building consistent with the submitted plans. The east elevation shall not include any building identification signage.
5. The final plans for the proposed project shall meet the comments set forth within the Inter-departmental Review Report.

Plan Commission  
Re: PC 06-01  
Page 8

Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "David A. Hulseberg", written over a horizontal line.

David A. Hulseberg, AICP  
Director of Community Development

DAH:WJH

c. Petitioner

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## **Appendix A Response to Standards**

Section 155.103 (F) of the Zoning Ordinance discusses the intent and procedures for conditional use approval. The Ordinance recognizes that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such conditional uses fall into two categories:

- a. Uses publicly operated or traditionally affected with a public interest.
- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

In this case, the proposed development is unique, given the history of development on site as well as its location on a “problem property” in the Village. The site design has attempted to address potential impacts of the development on neighboring properties.

### **Conditional Use Standards**

- a. *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 mixed-use development will meet these provisions.

- b. *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, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The development will occur on a property that previously was utilized for semi-industrial uses and will be consistent with the development trends in the downtown.

- c. *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 proposed development is intended to enhance the overall development of the downtown area in general and the East St. Charles road corridor in particular.

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

The use will connect to municipal utilities. The petitioner will address stormwater management as part of its building permit submittal as referenced in the staff report.

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

The plan meets these objectives.

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

The use serves as an enhancement to the downtown area as the proposed commercial spaces may be an attraction for visitors to the area and is consistent with the retail objectives in the Comprehensive Plan.

- g. *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 use will be consistent with Village Code.

#### **Conditional Use for a Planned Development**

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.*

But for the proposed height deviation, the development plans will comply with the regulations of the B5 District.

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

If necessary, the site will be connected to the Village utility system as referenced in the IDRC comments.

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 identified the mixed-use residential/commercial use as an appropriate use for the site. Therefore it is consistent with the objectives of the plan.

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

The petitioner intends to meet all other provisions of the Zoning Ordinance.

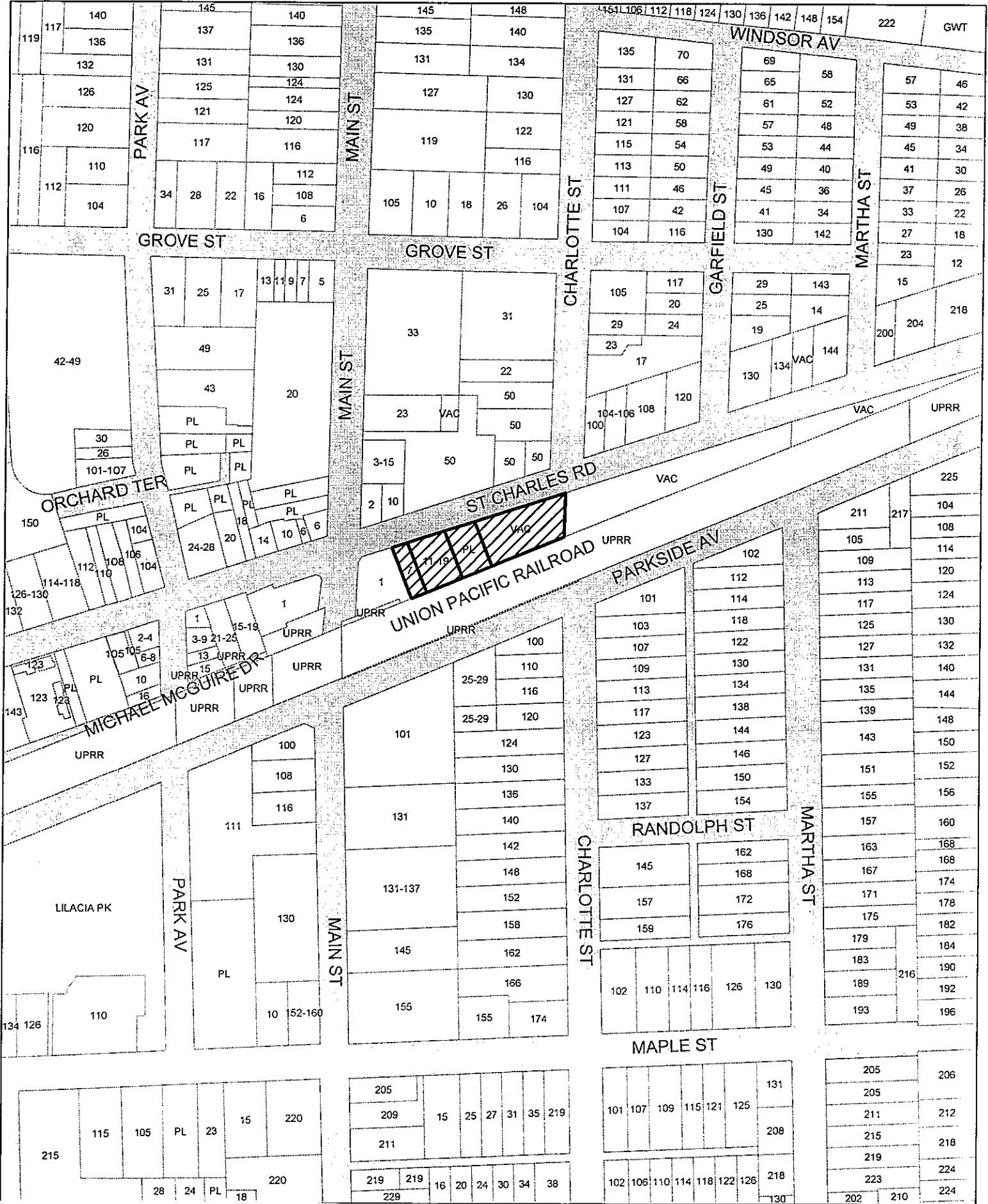
5. *That the streets have been designed to avoid:*
  - a. *Inconvenient or unsafe access to the planned development;*
  - b. *Traffic congestion in the streets which adjoin the planned development;*
  - c. *An excessive burden on public parks, recreation areas, schools, and other public facilities which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

The site plan has been developed to minimize any negative traffic impacts on St. Charles Road. The proposed use will provide for requisite parking on-site. The proposed development will only add one additional curb-cut along St. Charles Road.

# Location Map

## PC 06-01

### 7-37 E. St. Charles Road



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A CONDITIONAL USE  
FOR A PLANNED DEVELOPMENT WITH A BUILDING HEIGHT DEVIATION  
LOCATED IN THE B5 CENTRAL BUSINESS DISTRICT**

(PC 06-01; 7-37 East St. Charles Road; Hammerschmidt Property)

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, the subject property is zoned B5 Central Business District; and,

WHEREAS, an application has been requesting approval of a conditional use for planned development with deviation from Section 155.416 (G) to the Zoning Ordinance to allow for a maximum building height of fifty-six feet (56') to provide for an architectural clock tower element, where a maximum of forty-five feet (45') is permitted; and

WHEREAS, public hearings on such application has been conducted by the Village of Lombard Plan Commission on January 23, 2006 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 petition, subject to conditions; 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 a planned development with a deviation from Section 155.416 (G) of the Zoning Ordinance to allow for an increase in building height to fifty-six feet (56') for a clock tower, where a maximum building height of forty-five feet (45') is



permitted within the B5 Central Business District is hereby granted for the Subject Property legally described in Section 2 below, subject to the conditions set forth in Section 3 below:

SECTION 2: That the ordinance is limited and restricted to the property generally located at 7-37 East St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 2 OF THE ST. CHARLES CORRIDOR REDEVELOPMENT PLAT OF RESUBDIVISION, BEING A RESUBDIVISION OF BLOCK 15 AND BLOCK 16 OF THE ORIGINAL TOWN OF LOMBARD, A SUBDIVISION OF SECTION 5, 6, 7, AND 18 IN TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 2005 AS DOCUMENT NUMBER R2005-083483, IN DU PAGE COUNTY, ILLINOIS; ALSO

LOT 11 AND LOT 12 (EXCEPT THE WEST 28 FEET OF LOT 12) IN BLOCK 17 OF THE ORIGINAL TOWN OF LOMBARD, A SUBDIVISION OF SECTION 5, 6, 7, AND 18 IN TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 9483, IN DU PAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-08-108-005, 009, 011 & 008

SECTION 3: The conditional use set forth in Section 1 above shall be granted subject to compliance with the following conditions:

1. The property shall be developed in substantial compliance with the site plan and building elevations, prepared by Sullivan Goulette Architects, updated January 23, 2006 as well as the landscape plan prepared by Gary R. Weber Associates, Inc., dated December 27, 2005, except as modified by the conditions of approval.
2. The increase in building height shall only be for the proposed clock tower element located on the northwest corner of the building as depicted on the submitted plans. Any height increase above the forty-five feet above grade shall only be for any architectural elements associated with the clock tower and shall not be used as living space.
3. The petitioner shall submit a Plat of Consolidation to the Village for review and approval. Said plat shall consolidate the subject properties into a single lot of record and shall be required concurrent with the building permit submittal.

4. The proposed wall signs shall be of a uniform design, shall not include 'box signs', and the wall signs shall be located on the building consistent with the submitted plans. The east elevation shall not include any building identification signage.
5. The final plans for the proposed project shall meet the comments set forth within the Inter-departmental Review Report.

SECTION 4: That Site Plan Approval authority is hereby granted for the planned development.

SECTION 5: 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 \_\_\_\_\_, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2006.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk