

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 Mulherin, 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.

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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 Ciechna, 8400 S. Lakeside Drive, Downers Grove, noted that she lives in the Brookeridge 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.

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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 conflicts 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 façade. 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.

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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 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. 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 abut 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. Mulherin 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 Olbrysh 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.

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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

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