


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

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


 X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Huiseberg, Village Manager 

DATE: July 29, 2010 (B of T) Date: August 19, 2010

TITLE: Proposed Changes to the Lombard Village Code regarding Planning Review Fees

SUBMITTED BY: The Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Economic and Community Development Committee through the Department of Community Development transmits for your consideration an ordinance amending Title 3, Chapter 36 of the Lombard Village Code in regard to creating a new planning review fee schedule for projects categorized as major plats of subdivision and development.

The Economic and Community Development Committee recommended approval of this request.

Staff is requesting a waiver of first reading.

Please place this item on the August 19, 2010 Board of Trustees agenda.

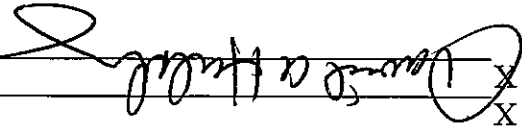
Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X



Date _____
Date _____
Date _____

7/30/10

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: David A. Hulseberg, Village Manager

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

DATE: August 19, 2010

SUBJECT: Proposed Changes to the Lombard Village Code Regarding Planning Review Fees

Attached is a proposed text amendment for Village Board's consideration with regards to creating a planning review fee. This item was reviewed by the Economic and Community Development Committee (ECDC) on April 7, 2010 and June 2, 2010.

Background

Village staff undertook a review of Lombard's development fees for larger commercial planned developments compared to surrounding communities. As a result, staff completed a survey of the 15 surrounding municipalities' fee schedules as they relate to planned developments, map amendments, subdivisions, annexations and conditional uses. Staff has found that the Village of Lombard's fees are either consistent with or slightly higher than the median of our neighboring communities. However, when comparing our fees, particularly for projects categorized as major plats of subdivision and major developments, to Glen Ellyn, Downers Grove, Elmhurst, Oakbrook Terrace, Villa Park and Addison, our findings showed that the Village of Lombard has the lowest overall review fees. As a result, the ECDC recommended creating the following planning review fee:

Proposed Text Amendment to Section 36.21 (J) 3

(3) All major plats of subdivision and major developments, as defined in Title 15, Chapter 15, Section 154.703, shall be subject to the following planning review fee:

- a. A fee of 0.25% of total improvements costs (includes all public and private improvements, exclusive of interior buildout/improvement costs) for the first \$4,000,000 and 0.13% for total development costs above \$4,000,000.
- b. No construction permits shall be issued by the Village until all planning review fees have been paid.
- c. No occupancy certificates shall be issued by the Village until all outstanding planning review fees have been paid.


RECOMMENDATION

The Economic and Community Development Committee recommends that the Village Board of Trustees at their August 19, 2010 meeting approve an Ordinance amending Title 3, Chapter 36 of the Lombard Village Code to create a new planning review. Staff is requesting a waiver of first reading.



MEMORANDUM

TO: William "Bill" Ware, Chairperson
 Economic and Community Development Committee

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

DATE: June 2, 2010

SUBJECT: Proposed Fee Schedule Changes

At the April 7, 2010 ECDC meeting, staff provided a review of Lombard's development fees for larger planned developments compared to surrounding communities. Specifically, staff provided a comparison of 15 surrounding municipalities' fee schedules as they relate to planned developments, map amendments, subdivisions, annexations and conditional uses. Although staff felt our public hearing fees were appropriate, staff recommended creating a new planning review fee that only applies to projects that would be categorized as major plats or subdivision and major developments, as defined in the Subdivision and Development Ordinance. The Committee continued this item to the next meeting to allow staff time to compare our fees to the following adjacent communities:

- Glen Ellyn
- Downers Grove
- Elmhurst
- Oakbrook Terrace
- Addison
- Villa Park

Findings
 Staff has completed a more thorough analysis of its review fees as they relate to the six (6) surrounding communities. Staff applied a hypothetical development scenario based on the Lombard Crossing Commercial Planned Development to the analysis. The following is a summary of the results

| Municipality | Public Hearing Fee | Planning Review Fee | Difference | Notes |
|--------------|--------------------|---------------------|---------------------------|--|
| Lombard | \$6,300 | \$0 | N/A | This fee is much higher than normal because of the high number of code deviations. |
| Glen Ellyn | \$12,600 | \$0 | \$6,300 more than Lombard | Planning review is assumed in the public hearing fee. |

| | | | | | | | | | | | | | | | | | | | | | | |
|--|---|--|--|--|----------|----------|-----|---------------------------|---|------------------|---------|-----|---------------------------|---|---------|---------|-----|-------------------------|---|------------|---------|--|
| Additional planning review may be required by their planning consultant. | | | | | | | | | | | | | | | | | | | | | | |
| Downers Grove | \$2,775 plus their preliminary engineering review fees (consultant) | Yes. They are included in the overall building permit fees which are approximately \$0.80/s.f. | \$1,475 more than Lombard if you include building permit fees. | For comparative purposes, we looked at the Downers Grove building permit fee schedule and determined that their permit fees are \$5,000 higher than Lombard's permit fees. | Elmhurst | \$11,250 | \$0 | \$4,950 more than Lombard | Planning review is assumed in the public hearing fee. | Oakbrook Terrace | \$9,500 | \$0 | \$3,200 more than Lombard | They have an outside planning consultant that reviews the plans based on their hourly rate. | Addison | \$7,164 | \$0 | \$864 more than Lombard | Planning review is assumed in the public hearing fee. | Villa Park | \$1,650 | Yes and it is based on the cost of construction. Using the Lombard Crossing project as an example, the fee would be \$5,600. |

Based on the above information and when taking into account some of the communities' permit fees, our findings show that the Village of Lombard offers the lowest overall review fees. It is important to note that Downers Grove, Glen Ellyn, Elmhurst and Oakbrook Terrace also collect Park District and School District impact fees. These fees are only applied to residential projects and they can add an additional \$1,000-\$6,000 per unit cost to the permit fees. Although the municipality is not directly benefiting from these fees, they still can add a significant cost to a residential project.

Recommendation

As previously mentioned at the last meeting, staff believes our public hearing fee schedule is appropriate for new developments, map amendments, subdivisions, annexations and conditional uses, however, staff recommends that additional compensation should be provided for planning review time during the building permit and final engineering review process. In particular, staff recommends a new planning review fee that only applies to projects that would be categorized as major plats of subdivision and major developments, as defined in the Subdivision and Development Ordinance. If the committee recommends creating a new fee for planning review, staff offers the following options to consider:

1. *An additional 1% fee based on an engineer's opinion of probable cost. Applying this fee to the Lombard Crossing development, a planning review fee of \$9,270 would be generated. This option appears to be most inline with us breaking even for our time. However, it will not cover our planning time accurately if the project has very little site improvements.*
2. *0.25% of total development costs for a project. Using the Lombard Crossing development, a planning review fee of \$8,642.50 would be generated. At the last meeting, the Committee expressed an interest of capping this fee. Staff would recommend that the cap be a minimum of \$10,000.*
3. *A flat rate based on a sliding scale of total improvement costs.*
4. *A flat hourly rate for planning review time. Staff supports this option the least due to the logistics of calculating and collecting this fee.*



MEMORANDUM

TO: William "Bill" Ware, Chairperson
 Economic and Community Development Committee

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

DATE: April 7, 2010

SUBJECT: Proposed Fee Schedule Changes

Last year, Village staff undertook a review of Lombard's development fees for larger commercial planned developments compared to surrounding communities. As a result, staff completed a survey of the 15 surrounding municipalities' fee schedules as they relate to planned developments, map amendments, subdivisions, annexations and conditional uses (table attached). Staff has provided several potential changes to consider and is seeking the input by the Economic and Community Development Committee.

Findings
 Applying this information to hypothetical development scenarios, the table below shows how Lombard's fees relate to other communities by specific project type.

| Request | Low | High | Median | Lombard |
|---------------------------------------|----------------------|----------------------------|--------|---------|
| 5 acre Commercial Planned Development | \$250 (Glendale Hts) | \$3,000 (Wood Dale) | \$600 | \$850 |
| 5 acre Commercial Map Amendment | \$250 (Glendale Hts) | \$6,500 (Elmhurst) | \$400 | \$850 |
| 10-lot subdivision on 5 acres | \$200 (Carol Stream) | \$7,164 (Addison) | \$825 | \$800 |
| 1 user Conditional Use Request | \$250 (Glendale Hts) | \$2,000 (Oakbrook Terrace) | \$450 | \$600 |

Staff has found that the Village of Lombard's fees are either consistent with or slightly higher than the median of our neighboring communities. However please note that Lombard does recoup other out-of-pocket expenses from applicants for traffic consultants, public hearing notices and attorney review (for most annexation and development agreements).

Current Permit Fee Schedules

Currently Private Engineering Services collects a 1% plus \$500 fee for engineering review. Although significant planning review is occurring at this time, all planning fees are already collected prior to any public hearing. Those fees are supposed to partially cover staff's time and materials for processing the application during the public hearing process. Planning Services Division does not recoup any fee from a project if there was no zoning action associated with the project; even though significant planning review may be provided. The table below breaks down the permit review fees collected in 2008 for Private Engineering Services as they relate to Planning Services fees and hours spent on those projects. Staff choose to use the 2008 fees rather than the 2009 fees since the development activity in 2008 is more an accurate reflection of what to expect in the future:

| | | |
|--|----------|------------|
| Private Engineering Services fees collected in 2008 (based on 11 major projects) | \$41,567 | |
| Planning Services Fees collected for those 11 major projects | \$14,295 | ~500 Hours |
| Total collected in 2008 - \$36,351 This represents 57 cases and over 2,100 permit reviews. | | |
| Total Planning review hours spent on those 11 major projects | | |

Recommendation

Although staff believes our fee schedule is appropriate for new developments, map amendments, subdivisions, annexations and conditional uses, staff recommends that additional compensation should be provided for planning review time during the building permit and final engineering review process. In particular, staff recommends a new planning review fee that only applies to projects that would be categorized as major plats of subdivision and major developments, as defined in the Subdivision and Development Ordinance. If the committee recommends creating a new fee for planning review, staff offers the following options to consider:

1. An additional 1% fee based on an engineer's opinion of probable cost. *This option appears to be most inline with us breaking even for our time. However, it will not cover our planning time accurately if the project has very little site improvements.*
2. 0.25% of total development costs for a project. *This fee would address the issue with option 1; however it may disproportionately generate a fee from a large scale project.*
3. A flat rate based on a sliding scale of total improvement costs.
4. A flat hourly rate for planning review time. *Staff supports this option the least due to the logistics of calculating and collecting this fee.*

PLANNED DEVELOPMENTS

| Request | Lombard | Westmont | Villa Park | Wood Dale | Addison | Glen Elyn | Elmhurst | Downers Grove | Carol Stream | Glendale Hts | Liste | Oak Brook | Itasca | Oakbrook Terrace | Winneton | Hinsdale |
|---|-------------------|----------|-------------------------------------|--------------------------------------|---|-----------|----------|---------------|--------------|--------------|-------|-----------|---|--|----------|---|
| Application for a planned development | \$600 + \$50/acre | \$500 | \$150 residential, \$300 all others | \$3,000 +\$200/condo or lowhome unit | \$245 + <1 ac \$1,791 >1 ac \$3,581 >5 ac \$7,164 | \$2,500 | | \$1,150 | \$600 | \$250 | \$600 | n/a | \$250 25 acres or less; \$400 26-50 acres; \$600 51 acres+ | SF: \$2,000 + \$200/ac; MF: \$2,000-\$300/ ac Commercial: \$2,000 + \$100/ac | \$300 | \$1,050 + \$1,500 escrow |
| Site plan approval (principal structures) | \$500 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | \$275+\$100 escrow |
| Planned development amendment | \$600 | n/a | n/a | n/a | n/a | n/a | n/a | \$1,150 | n/a | n/a | n/a | n/a | n/a | \$500 to \$2,000 +\$150/acre based on use, size, COS issues | n/a | \$450-\$600 escrow |
| MAP AMENDMENTS | | | | | | | | | | | | | | | | |
| Request | Lombard | Westmont | Villa Park | Wood Dale | Addison | Glen Elyn | Elmhurst | Downers Grove | Carol Stream | Glendale Hts | Liste | Oak Brook | Itasca | OBT | Winneton | Hinsdale |
| Map amendment - single-family residence | \$400 | \$500 | \$200 | \$555 (+\$100 if special mtg.) | \$245 + <1 ac \$1,791 >1 ac \$3,581 >5 ac \$7,164 | \$450 | \$6,500 | \$400 | \$400 | \$250 | \$450 | \$750 | \$50 | \$500 | \$250 | \$350 + \$600 escrow |
| Map amendment - all others | \$600 + \$50/acre | \$500 | \$300 | \$555 (+\$100 if special mtg.) | \$245 + <1 ac \$1,791 >1 ac \$3,581 >5 ac \$7,164 | \$450 | \$6,500 | \$400 | \$400 | \$250 | \$450 | \$750 | \$150 multi-lot residential; \$250 others | \$2,000 + \$100/acre | \$250 | \$350 + \$600 escrow |
| Text amendment | \$600 | \$500 | \$150 residential, \$300 all others | \$555 (+\$100 if special mtg.) | \$245 + <1 ac \$1,791 >1 ac \$3,581 >5 ac \$7,164 | \$450 | \$6,500 | \$250 | \$400 | \$250 | \$300 | \$750 | \$50 one-lot residential; \$150 multi-lot residential; \$250 others | \$1,000 | \$250 | \$350 + \$600 escrow \$1,050 + \$1,500 escrow |

| SUBDIVISIONS | | | | | | | | | | | | | | | | |
|--|--|----------|---|-----------|--|---|------------------------------|---------------|--------------|--|---|-----------------------------|--|--|-----------------------------|--------------------------|
| Request | Lombard | Westmont | Villa park | Wood Dale | Addison | Glen Ellyn | Elmhurst | Downers Grove | Carol Stream | Glendale Hts | Liste | Oak Brook | Itasca | OBT | Wheaton | Hinsdale |
| Major & minor plats (preliminary or final) | \$300 + \$50/acre | n/a | \$100/lot residential, \$150/lot all others | \$500/lot | \$245 + <1 acre \$1,791; >1 acre \$3,581; >5 acres \$7,164 | \$3,500 major; \$1,400 minor; \$150 two-lot consolidation | \$450 admin.; \$1,500 others | n/a | \$200 | \$250 + <5 acres \$50; 5-10 acres \$75; 10-20 acres \$125; 20+ acres \$175 | \$100/acre | \$50/lot (min. \$750 total) | \$500 5 acres or less; \$100/acre over 5 acres | \$500 + \$200/acre (\$400 + \$150/acre for amendment) | n/a | \$250 admin; \$450 other |
| Final plats (with preliminary plat approval) | \$300 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | \$200 | n/a | \$100/acre | n/a | n/a | n/a | n/a | n/a |
| Administrative plats of vacation, | \$150+ \$50/lea addl. pege | n/a | n/a | n/a | n/a | n/a | n/a | n/a | \$100 | n/a | \$100/acre | n/a | n/a | n/a | \$100 | n/a |
| ANNEXATIONS | | | | | | | | | | | | | | | | |
| Request | Lombard | Westmont | Villa park | Wood Dale | Addison | Glen Ellyn | Elmhurst | Downers Grove | Carol Stream | Glendale Hts | Liste | Oak Brook | Itasca | OBT | Wheaton | Hinsdale |
| One single-family residential lot* | \$0 (\$200 if withdrawn or denied in last 3 yrs) | \$100 | n/a | n/a | \$245 + \$3,385/acre | \$250 | n/a | n/a | \$400 | \$375 | \$400 (50% refundable if no public hearing) | n/a | \$50 (+ \$100/acre if approved and not already receiving Village utilities) | \$100 w/o annexation agmt.; \$1,000 w/ annexation agmt. or amend. to agmt. | \$350 + extraordinary costs | n/a |
| All others | \$450 | \$500 | n/a | n/a | n/a | \$1,000/acre | n/a | n/a | \$400 | \$750 | \$400 (50% refundable if no public hearing) | n/a | \$25/acre + \$150 multi-lot residential; \$250 others (+ \$350/acre if approved) | n/a | \$350 + extraordinary costs | n/a |

| CONDITIONAL USES | | | | | | | | | | | | | | | | |
|------------------|--|----------|--|--------------------------------|---|--|----------|-------------------------------------|---------------------------------|--|--|--|--|---|---|---|
| Request | Lombard | Westmont | Villa park | Wood Dale | Addison | Glen Ellyn | Elmhurst | Downers Grove | Carol Stream | Glendale Hts | Liste | Oak Brook | Itasca | OBT | Wheaton | Hinsdale |
| | \$600 + \$100/ea addl. | \$350 | \$150 residential, \$300 all others | \$555 (-\$100 if special mtg.) | \$245 | \$550 | \$750 | \$400 residential; \$550 commercial | \$300 residential; \$500 others | \$250 | \$450 | \$750 | \$200 residential; \$300 others | \$500 SF, \$2,000 others (same fees for amend. to CU) | \$250 | \$550 + \$600 escrow |
| OTHER CHARGES | | | | | | | | | | | | | | | | |
| Request | Lombard | Westmont | Villa park | Wood Dale | Addison | Glen Ellyn | Elmhurst | Downers Grove | Carol Stream | Glendale Hts | Liste | Oak Brook | Itasca | OBT | Wheaton | Hinsdale |
| | *\$200 fee required for newspaper publication; \$35 for court reporter; \$100 CU/map amend. Signs; \$1,000 traffic study deposit | n/a | *Deposit for Village- Incurred expenses including photocopies, court reporter, consultants, notifications: Res=\$300+ \$250 ea. continuance; others=\$1,000 +\$250 ea. continuance | n/a | *Fees are automatically increased 5% per year | *\$1,000 deposit required (\$2,000 if variation needed due to constitution) **\$250 workshop fee | n/a | n/a | n/a | \$1,000 deposit; \$50 fee for newspaper public hearing publication, court reporter, public hearing signs | \$50/lot or fee for public hearing signs -- actual cost of newspaper publication fee | *Plus recording fees and other fees/services | *Plus consultant fees + any court reporter fees over \$250 | *plus \$40 public hearing sign, plus actual court reporter and transcript costs | *Escrow covers retarding, court reporter, legal notices, hourly staff & consultant fees | **Hinsdale also charges \$100 for zoning interpretation letters |

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 36 OF THE LOMBARD CODE
IN REGARD TO PLANNING REVIEW FEES**

ORDINANCE NO. _____

WHEREAS, the Village of Lombard has established and maintains a fee schedule, which is found in Title 3, Chapter 36 of the Lombard Village Code; and,

WHEREAS, the Village of Lombard finds that Sections 36.21 (j) of the Lombard Village Code should be amended to include a planning review fee for projects that would be categorized as major plats of subdivision and major developments; and

WHEREAS, the Board of Trustees deems it reasonable to periodically review said Code and make necessary changes pertaining to said Code.

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 Title 3, Chapter 36, Section 36.21(j) is hereby amended to read in its entirety as follows:

(j) Fees for filing plats, for engineering plan review, public improvement inspection and planning review shall be as follows:

(1) Any filing and review of Plats of Subdivision, including Plats of Subdivision, Resubdivision, Consolidation, Easement Dedication, Easement Abrogation or Vacation of a Public Right-of-Way, shall be subject to the following fees:

a. All Administrative Plats of Subdivision and Plats of Consolidation for one single-family residents - \$125.00 for the first page, plus \$50.00 for each additional page.

b. All other Administrative Plats of Subdivision and Plats of Consolidation - \$150.00 for the first page, plus \$50.00 for each additional page.

c. All Minor and Major Plats of Subdivision or Resubdivision (Preliminary or Final) - \$300.00 plus \$50.00 per acre or portion thereof

d. All Final Plats (with preliminary plat approval) - \$300.00.

e. Plats of Easement Dedication, Easement Abrogation or Vacation of a Public Right-of-Way - \$150.00 for the first page, \$50.00 for each additional page.

(2) Engineering plan review and inspection of public improvements shall be subject to the following fees:

a. First engineering review and comments on engineering plan – one percent (1%) of engineer's estimated cost of all public improvements as defined in Title 15, Chapter 15, Section 154.703 of this Code plus \$500.00.

b. Subsequent engineering plan reviews and comments necessary for same project – at cost of time and materials as billed by staff or consultant.

c. Inspection of project improvements – three percent (3%) of engineer's estimated cost all public improvements as defined in Title 15, Chapter 15, Section 154.703 of this Code. Inspections conducted after 5:00 p.m. on weekdays and at any time on weekends and holidays, when available, shall be billed at a rate of \$100.00 per hour with a minimum of one (1) hour charged to the permittee beginning at the scheduled starting time, including no-shows. Said inspection fee shall be in addition to the normal three percent (3%) fee referenced in the first sentence of this subsection.

d. The engineering review and inspection fee for a new single family residence shall be \$125.00 per lot for each vacant lot that is part of a major plat or subdivision and \$360.00 per lot for an infill or teardown lot.

e. No construction permits shall be issued by the Village until all engineering plan review fees have been paid.

f. No occupancy certificates shall be issued by the Village until all outstanding engineering fees have been paid.

(3) All major plats of subdivision and major developments, as defined in Title 15, Chapter 15, Section 154.703, shall be subject to the following planning review fee:

a. A fee of 0.25% of total improvements costs (includes all public and private improvements, exclusive of interior buildout/improvement costs) for the first \$4,000,000 and 0.13% for total development costs above \$4,000,000.

b. No construction permits shall be issued by the Village until all planning review fees have been paid.

c. No occupancy certificates shall be issued by the Village until all outstanding planning review fees have been paid.

SECTION 2: 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.

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2010.

Brigitte O'Brien, Village Clerk

ATTEST:

William J. Mueller, Village President

Approved this _____ day of _____, 2010.

Absent: _____

Nays: _____

Ayes: _____

Passed on second reading this _____ day of _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on first reading this _____ day of _____, 2010.

Ordinance No. _____
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