

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: February 21, 2007 (BOT) Date: March 1, 2007

TITLE: PC 06-27: 101-125 S. Main Street (DuPage Theatre)

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above referenced petition. The petition requests that the Village take the following actions on the subject property, located within the B5 Central Business District. (DISTRICT #4)

1. Approve a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
 - b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape. Approve a conditional use for a planned development with the following variations and yard from 10 feet to 5 feet;
 - c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);
 - d. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
 - e. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;

- f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping;
- 2. Approve a conditional use for outdoor dining; and
- 3. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

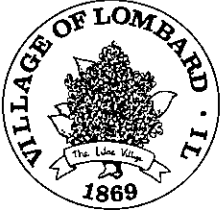
The Plan Commission recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

| | | | |
|--------------------|-----------------|------|-----------------|
| Village Attorney X | _____ | Date | _____ |
| Finance Director X | _____ | Date | _____ |
| Village Manager X | <u>D.A. Acb</u> | Date | <u>01/02/09</u> |

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 *DCH*

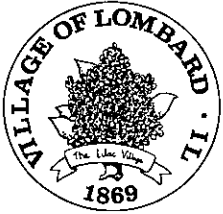
DATE: March 1, 2007

SUBJECT: **PC 06-27: 101-125 S. Main Street (DuPage Theatre)**

Attached are the following items for Village Board consideration as part of the March 1, 2007 Village Board meeting:

1. Staff Executive Summary;
2. Plan Commission referral letter;
3. Supplemental discussion memorandum;
4. IDRC report and addendum report for PC 06-27;
5. An Ordinance granting approval in part of a conditional use for a planned development with variations and deviations, subject to conditions. The Ordinance specifically excludes any relief from the Village's parking regulations. Furthermore, the Ordinance reflects the vote for approval at the February 19, 2007 Plan Commission meeting and does not include the comments made after the final vote was taken.
6. Plans associated with the petition.

Please let me know if you have any questions on the aforementioned materials.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DH*

DATE: March 1, 2007

SUBJECT: PC 06-27: 101-125 S. Main Street (DuPage Theatre) – Executive Summary

Staff offers the Village Board members and the public with the following executive summary relative to the DuPage Theatre project. The summary attempts to synthesize the issues raised within the IDRC staff reports and through the public hearing process. Staff notes that the review and discussion focused upon six general areas, as follows:

Building Elevations/Architectural Elements

Both staff and the Plan Commission offered a number of comments regarding the building design and the architectural elements as part of the public hearing process and in separate meetings with the petitioner. As noted on page 3 of the IDRC Amended Report #2, the petitioner did provide revised elevations that incorporated some but not all of the suggested changes. However, the petitioner respectfully disagreed with the suggestions to modify the storefronts along the north elevation, brick colors, mullions or signage locations, as the petitioner believes that incorporating those changes would be detrimental to the retail component. The Plan Commissioners expressed concerns regarding the omission of many of their suggestions at the February 19, 2007 meeting.

East Elevation

While the location of the proposed east building wall meets code and does not require setback relief, the Plan Commission and public comments raised concerns regarding the overall impact of the building on the adjacent single-family residential properties. Pages 4 through 8 in the Plan Commission referral letter to the Board included the public comments regarding the overall building bulk along the east side of the property.

Building Height

Related to the east elevation, a number of residents voiced their objection regarding the requested building height relief. The petitioner noted that the relief was needed to make the project economically viable. Staff requested additional details regarding the need for the height relief. As noted on page 4 of the IDRC Amended Report #2, the petitioner attempted to show a 45-foot high building by including a partial through section on the building elevations, but deemed this option unacceptable. Staff advised the petitioner that this exhibit was not an adequate representation of a 45-foot high building, as the Zoning Ordinance would still consider the building as a 48-foot high structure. To date, none of the submitted elevations have met the B5 District's 45-foot height requirement.

Parking

Significant public discussion included concerns regarding the theater operations and its parking impacts, the location of off-street spaces and general concerns regarding adjacent on-street parking. The Plan Commission ultimately recommended denial of any parking relief associated with the petition. If this request is denied, the petitioner will be obligated to enter into a parking agreement with a neighboring property owner or the Village to provide for at least 37 additional parking spaces to satisfy the minimum ordinance requirements (see Agenda Items IX (A.) and IX (B.)).

Stormwater

At the November 20, 2006 Plan Commission meeting, staff stated that the Subdivision & Development Ordinance requires that preliminary engineering is required to be submitted as part of the petition and that the Plan Commission cannot recommend approval of the petition with completion of preliminary engineering.

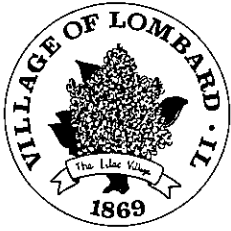
The petitioner provided staff with three different methods to meet the stormwater detention requirements. The first two options were not deemed to be feasible. The third option would provide for a basement detention vault underneath the commercial portion of the building. Staff noted that the design of the facility is not really consistent with the intent of Village Code, as it is not within a traditional outlot, does not provide for easy access for maintenance purposes and does not serve a secondary purpose. Staff also noted general concerns regarding the construction methods that would be need to make the design feasible. While State Statutes permit outlots to be vertical in nature, staff believes that the Village Code did not envision such designs. Staff believes that the underground outlot provision is a policy issue that the Board should seriously address as staff does not support this design methodology. While the petitioner noted six Chicago area locations that have such facilities, staff represents that those projects and/or locations are not readily comparable to this development. Staff prepared the attached table noting the locations and general information pertaining to the other facilities.

Pages 5-8 and Appendix A in the IDRC Amended Report #2 provides an additional discussion of this topic. Village engineering staff notes that the design can be constructed. There is no available information on the soil bearing capacity to determine how this system would need to be designed. Further, the long term maintenance responsibility burdens future property owners, whereas other design systems can be replaced more easily.

Plan Commission Recommendation & Conditions of Approval

The Plan Commissioners expressed several concerns pertaining to the overall project as proposed. However, in consideration of the petition, the Commissioners voted 4-0 to recommend approval of the petition in part, with the requested parking relief being denied. This recommendation is subject to the ten conditions noted within the IDRC report as well as two additional conditions. Staff is providing the Board with the attached memorandum entitled "PC 06-27: 101-125 S. Main Street (DuPage Theatre) – Additional Discussion" pertaining to the recommended condition number 12.

| Building | Detention Location | Size/Volume | Design Features | Problems | Comments |
|--|---|--|---|------------|--|
| Lombard Shopping Center (Lombard) | Under strip mall at 621? E. Roosevelt | Waiting to hear back from Mr. Lindley on the particulars | Waiting to hear back from Mr. Lindley on the particulars | None known | Spoke to Dev. Eng in Evanston. They have several other structures with under-building detention. The engineer felt that the most similar was a condo complex that had detention under a parking garage, which is then under several stories of condos. This system is also new, so no history to report. |
| Sherman Plaza Mixed Use Center (Evanston) | Under 12-story parking garage – similar in size to proposed vault | ~1 AF | Waterproof lining, water stops, backflow prevention, overflow deliberately into parking garage so owner sees the problem | None known | |
| Edward Hospital Parking Structure (Naperville) | Under northern parking deck of Hospital campus | hold 8 to 10 AF | Piers support parking deck, basin is a dirt bottom "basement" that has a concrete channel running through it. Basin has overflow structure to prevent any water from reaching the bottom of the first floor support members. Basin is bermed around the outside, allowing for ample venting. Also has built-in stairs for access and opening large enough to fit Bobcat for future maintenance (as it has a dirt bottom). | None known | |
| St. Mary of Goslyn School (Downers Grove) | Under classrooms of the school -- basically a basement Under building (box store) in newer mall area – Mr. Morley is checking on more details. | ~1 AF Mr. Morley is checking on more details. | Could not recall the particulars as it is over 25 years ago. Vented. Suggested a type of warning panel that would alert to a high water level (blocked restrictor). Water proofed with liner, thinks it was spray on type. | None known | |
| Shops at One Orchard Place (Skokie) | Under parking garage, which is under condo building. | 0.1 AF | This is a StormTrap system that is set on a concrete slab. The slab is independent of the building structure. Slab has water stop around seams, building footings are below the slab. Unit is lined with polyliner | None known | Small Volume as the requirement is basically to hold the rooftop water. Rep is sending other projects that may be closer in size and still in same type of location. |



VILLAGE OF LOMBARD

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March 1, 2007

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

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

Village Manager
William T. Lichter

"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."

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

Subject: PC 06-27; 101-125 S. Main Street (DuPage Theatre & South Lot)

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 B5 Central Business District:

1. Approve a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
 - b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
 - c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);
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 - f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping;
2. Approve a conditional use for outdoor dining; and
3. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 20, 2006. Richard Curto, CEO of RSC & Associates, 265 Brookside Road, Barrington, Illinois, presented the petition.

Chairperson Ryan verified that the building features such as the brick colors and the features had not been submitted to staff prior to this meeting and were not included in their packets. Mr. Curto answered yes. Chairperson Ryan indicated that whatever is presented tonight the Commissioners will not make a final decision on because we want staff to have a first review of it so that we can then also review any portions beforehand. Mr. Curto indicated that he understood.

Mr. Curto continued by indicating that he would have Daniel Coffey do the presentation and should there be any questions or comments, he would be available to answer.

Daniel Coffey, Architect, 233 S. Wacker, No. 5750, Chicago began with the individual plans. There have been minor changes relating to the height variance and materials and colors which were given to staff but weren't given as materials, but rather as copies of materials.

Referring to a diagram, he presented the ground floor plan and indicated access points and noted that this is in conformance with the traffic studies by KLOA. Parking is one-story down from grade, the mezzanine one story up from grade and he noted the location for on grade parking with several surface spaces off of an access way. He also noted where the receiving would be located.

The number of parking spaces that are provided are in conformance with the requirement for residential, retail and for visitor parking. The variance pertaining to the parking for the theater, which is the subject of a lease being secured for that space. He located elevator locations, fire exits, and storage units.

Referring to the mezzanine, he noted it was slightly off of dimension to the older second floor of the old DuPage Theater building. He then described the parking layout. The retail parking and visitor parking is essentially at grade as well as the handicapped spaces.

The functional areas of the new building will be for retail uses. Tucked inside of the L and located similarly, but not exactly the same, is the new 299-seat black box theater, the stage that serves it, the dressing room and support spaces that serve it, and the public restrooms. This all will be part of the conveyance by RSC to the eventual operator of the theater.

The original lobby will be restored, but basically all of this is new construction. Visitors can come up the elevators to the next level which is the second floor of the basic complex. These are all individual units wrapped around the older building with a landscaped courtyard in between both of the areas. The theater is slightly taller than the rest of the space, the residential portion of the older commercial building of the DuPage Theater is in between these two levels. Six loft units are proposed in this location. The northeast building and the lofts are served by an elevator which is another entrance from Parkside. Upstairs the other elevators are all linked in a corridor system that goes through the whole complex. The third and fourth floors are essentially identical but are elevated above the courtyards and other roofs. There will be one floor below grade of basement parking, another floor that is basically at grade, and then a mezzanine floor to fulfill the rest of the parking requirement. The below grade and mezzanine ceiling heights are seven feet clear and the ground level has a clear ceiling height of eight feet and two inches to accommodate handicapped van vehicles. So this is compressed to its minimum, and then on top of which then sits the three residential floors.

He noted that the reason for the requested variance from 45 to 48 feet has to do with this mezzanine as well as with the developer's intention to do high quality residential and have nine-foot clear ceiling heights. If they do the addition of that height dimension, the three residential levels with nine-foot ceiling heights, the structural dimensions that are needed just to support the roof, along with a little bit of slope in the roof, they end up with a high point at the roof of 48 feet.

He stated that he investigated trying to get extra parking located elsewhere on the site, but there really isn't anything on the site that's not used already for parking, for retail use or for the theater. The ability to put parking spaces underneath the theater or loading dock is both an economic hardship and also physical hardship. They are going to provide the stormwater retention underneath the building. This is an efficient structural parking deck situation where

they stack on top of each other and it necessitates the extra couple of feet with nine-foot ceilings that creates the 48 foot height.

He then referred to the material sample board. Staff was provided with these bricks as color copies. He received some bricks in their office today and he put them on the board to present it to the Commissioners tonight. Basically there are three colors that will be the primary elements of the building. The tan brick actually looks darker but it is actually the color of the terra cotta on the brick work that's on the old theater. The residential portions of the building on Main Street are set back from the edge by an extra five feet. They will have a nice little terrace where people live, and it will give a little bit more animation to the streetscape when people are out there.

He referenced the first workshop session with the Plan Commission that included exterior building elevations with flat arches in some of the architectural treatments at the top as well as some flatarched windows. Discussing it further with staff, there was a suggestion that was not preferred here in Lombard, so we eliminated those elements, as depicted on a submitted drawing. The ones that are handed out to the Commissioners are exactly the same as this board, which simplifies the overall composition a little bit.

Small added pediments were added at the corners of the building. At the workshop session, he presented a 3-D fly-around and drive-by which he intended to show to the Commissioners, but he does not have any projection equipment. But he has each of the three dimensionalelevations. He stated that at that workshop session, he was requested to make sure that all the adjacent properties were accurate in height and that's been done. He then referenced the building elevations showing the change from the flat arches.

With the 48- to 45-foot height variance, he said that the nine-foot ceiling height is fundamental to the marketing program for the quality of condominium unit that we are trying to sell.

Chairperson Ryan asked if anyone had any questions of the petitioner. Hearing none, he asked if the Commissioners had any questions of the petitioner.

Commissioner Olbrish asked if the architect can explain the differences between the submitted drawings because they all look alike.

Mr. Coffey noted that they are all very similar except for the window lines and the pediments.

Chairperson Ryan referenced the sidewalk in front and on the Parkside side of the storefronts and asked if that was the actual width that will be available.

Mr. Coffey noted that is what is on the survey. They are not changing it.

Commissioner Burke stated that as far as schemes are concerned, he liked the middle one a whole lot better than the top one, and he thinks that the minor variance may be required to take those peaks-- it would be easy to approve that. He then inquired about the brick and awning materials.

Mr. Coffey noted that sometimes the retailers like to have a choice.

Chairperson Ryan then opened the meeting for public comment. He asked that the comments be limited to the items that are in the purview of the Plan Commission.

Speaking in favor of the petition were:

Deborah Dynako, 125 S. Craig Place, thanked the Commissioners for giving her the opportunity to discuss the DuPage Theater Redevelopment Project. She said that she is grateful that the project has come this far as the DuPage Theater Arts and Cultural Center will bring great things to our community, but to get to this point, considerations by the Commission must be made. There are variances that are being requested that are needed to make this venture a resounding success. In the scope of an unprecedented \$40 million project, one which will act as

an economic engine to spur further development in the downtown restaurant and retail industries as well as attract people from all around to the unique arts venue, these few variances, in particular the three-foot variance in the height, should not hinder the forward progress of this project. Village staff has spent countless hours with RSC and Dan Coffey & Associates working to make the DuPage Theater Redevelopment one that positively benefits the entire community. Many variances such as those being asked for have been granted for the developments around our downtown area. The variances requested are not without precedent and in this case are warranted because they will add so much to our downtown's ambiance and economy.

Virginia Lippig, 512 S. Park Road, Lombard, stated that she wanted to thank the supporters, the petitioner and staff for their work on this petition. This project is for the future of downtown Lombard, and for our children. When she sees these drawings, what they're doing and what the Commissioners are considering, she is thankful to everyone because she knows they are making the right decision.

Kevin Fitzpatrick, 348 Lewis Avenue, Lombard, thanked the Commissioners for allowing him to speak on behalf of this project, and for their important service to the Village. The supporters limited their presentation to three speakers in the spirit of the rules and to help the Commissioners get through this a little bit quicker. This developer has exhibited a spirit of cooperation from the start of this process. He has seen a lot of different proposals prior to this time, and this one was furnished with an original list of 21 areas of concern by the Village Board, and at least four more subsequent to that time. Each of those concerns seemed to have been addressed satisfactorily enough so that the process could move to this body for consideration. The issue that seems to have the greatest concern is a height variance of three feet. He strongly urged the Commissioners to approve this variance and send the proposal to the Village Board with a positive recommendation.

He said that a three foot variance, up against an ordinance limit of 45 feet in height, seems to be within the range of why the Village has a process to introduce and approve variances in the first place. He has watched structures, even including homes and garages, receive variances that might seem to have a detrimental effect on their neighbors and the immediate neighborhood around them than this proposal ever could. He has looked carefully at the setbacks behind the neighbors immediately to the east. He said the plan is very respectful of that particular issue the whole time. He cannot see how varying by three feet would really affect the quality of their life.

This project is in downtown Lombard, which belongs to all of us. The stakes are a little bit higher here. He has witnessed a losing business formula in our central commerce district for decades now. He said there have been some wonderful businesses here, and there are some that require more massive commerce to survive. Conservatively it takes a half a million dollars to start up a retail business in about a 2,500-square foot space. One needs to recoup that investment in the first five years to make it work financially. Many downtown businesses have not been able to reach a second anniversary because the environment of our downtown works against them. Butterfield Road and North Avenue are vital to the Lombard economy. He would argue that no less vital is our downtown as it has a much more direct impact on the real estate value of the community. The heart of any municipality is its downtown. People choose to live close to their downtown. People choose to be more distant from malls or industrial areas. This project brings over \$40 million to our downtown and the Village cannot afford not to have it. It is by far the most important initiative for downtown in its history. As far as density goes, if the Village is not dealing with density in our downtown, the Village has a much bigger problem than that if we are. He urges a positive recommendation. He also agrees with Commissioner Olbrysh on the fact that the Village really does have to seriously take a look at parking downtown. He said he would personally volunteer to serve on any body that really seriously decides to confront that issue on its own merit.

Chairperson Ryan then opened the meeting to those against the proposal. Those speaking against the petition include:

Bob Difino, 166 S. Charlotte Street, Lombard, stated that he is here tonight with his wife and six children. He understands that when one lives in close proximity to Main Street that one has to expect some measure of increased traffic and parking on the street, and the neighbors already got our fair share of that on Charlotte Street. On the south end of the block, the Methodist Church has a shortage of parking. On Sundays and some weeknights they are parking on the block. It's very amicable, but it is street parking nonetheless. On the north end, his neighbors have

overflow commuter parking because there is a shortage of commuter spots. When there are latecomers for the train, they have no choice but to park on Charlotte or miss their train. Also, every day Monday through Friday between four and six, they get a heavy dose of cut-thru traffic. People trying to avoid the already congested intersections at Main and Parkside and Main and Maple are cutting through down Charlotte. It's pretty heavy now and it's getting worse. Ever since they shut down the left-turn lanes on Route 53, it's gotten increasingly worse. His neighbors are no strangers to these issues of parking and traffic as they are living with it right now.

One of the selling points of the black box theater is it's a multi-purpose facility and it could be used during the day for meetings, parties and other activities. He asked when those activities take place during the day and the commuter lots are filled, where are the patrons going to park? They are going to park on Charlotte Street. He is basing this comment on historical fact when the theater was operational. He said he grew up on Charlotte. Any time there was a halfway decent movie, Charlotte Street handled the overflow parking from the theater lot. He sees no reason why it won't be any different now. The Village could talk about putting a parking restriction in, but that just penalizes the residents on the block who have family and friends that want to come and visit them, so that really isn't a solution. He believes the drive entrance on Parkside is going to be the preferred ingress and egress avenue for not only condominium dwellers, but also for restaurant patrons. It looks to be about 199 parking spots out on residential Parkside Avenue, and of course they are going to avoid the light at Main and Parkside like everyone else, and they're going to head down Charlotte and Martha Street. This would combine street parking and cut-thru traffic and 30-plus children on the 100 block of Charlotte Street right now. It's not a very good situation from a safety standpoint, and certainly if he was moving into the area he wouldn't want to buy on that block.

The biggest problem with this project is the density. If it were reduced to a more reasonable development size that mirrors some of the other ones currently going up in Lombard, a lot of these problems and issues just go away. But right now it looks like ten property owners are going to be directly impacted by the height of this building and the landscape variance that's requested and the height variance that's requested. Three feet in height and five feet in landscape buffer is huge when one talks about a building this dense and this large being placed next to their backyard where their deck and pool is located. He would challenge anyone to show him another residential development that is this dense that is adjacent to homes in an R2 residential area. If the petition is approved, it sends a dangerous message to residents that they are not going to be protected by codes. It also sends messages to other petitioners for developments in the future who also want their variances to be granted as well. He thanked Mr. Curto and Mr. Coffey for putting their plan together. Mr. Coffey answered one of his concerns when he said that they are running out of places to put things, and Mr. Difino would suggest that's because the building is too large for the property. He asks the petitioner just to adhere to the codes.

Mary Ann Eastman, 110 S. Charlotte Street, raised concerns with the parking. They don't want to provide for any parking for the theater which also raises the question if they are adhering to the ADA requirements for parking for handicapped. Are there enough handicapped parking facilities for whatever is going to be put in the building? She knows the petitioner said three feet is just a little bit more than what's being asked, but as it stands right now, the height of the theater is more toward Main Street. The petitioner is talking about 48 feet going all the way to the back of the property which is going to make a bigger difference than just three feet more than what's in the front of the theater now. Plus, the petitioner is asking for only three feet in back, and she thinks it's five feet in front. The petitioner is also asking for an outdoor cafe or seating out there which is going to affect the foot traffic that is there. She has lived on Charlotte Street for over 20 years. The neighbors still have a problem with commuter parking. The plan is taking away a lot of commuter parking spaces. Commuters are going to end up on their street. They have a lot of children on their street, and they want to see them protected. Having traffic exit toward our area is not a good idea.

Ms. Eastman stated she is still worried about whether the theater is even going to make it. The theater in Arlington Heights, which was also about the size of the DuPage Theatre, has now been taken over by the Village. She heard the petitioner mention something about providing for some type of flooding protection because right now, the adjacent viaduct floods when it rains. She is also concerned with where this water is going to go since she lives in back of the theater.

Mary Ohanian, 148 S. Charlotte Street, is against the fact that there isn't going to be parking for the theater. As a parent who goes places, she wants to be able to conveniently park. She said she wants this theater to be successful, and the inability to find parking in the area would make it unsuccessful. The goal is to have parking so families can go park there, get to the theater and enjoy it. She raised concerns about the people who are working there- if there isn't parking for these people, they are going to be parking on the streets. She opined that parents are not going to want their teenage kid who works there walking three blocks away at night.

Beth Komperda, 22 S. Martha Street, Lombard read a note from her husband. They have been hoping for a quality project at this location for years. As a resident of Martha Street, she is very concerned about the density of this project and the ability of the Village to control traffic flow and congestion. She said there are 120 homes between Parkside and Maple and Charlotte and Craig, which is the same number of condominiums that are going to be going up in that spot. Even though the number of residences of condos won't be the same, there will still be a lot of people there, as much as the three block area of where she now lives. They all have a nice place to park, but all those cars are going to go somewhere. Her concern as a resident is that they're going to spill into our neighborhood. She said all it takes is a freight train to send all the people going from the Grace Street crossing down our way to scoot under the viaduct. Years ago when the Village closed the Park crossing, all that traffic came down Main Street. So, there is a bottleneck all the time. It's like putting a thousand gallons of water down a tiny little drain - it just backs up. When one adds all the cars going to work and the store, there are going to have problems. They are going to use her neighborhood to get to where they need to go. She thinks having downtown shops and a theater is great. Adding 120 units on top of the theatre demand is going to cause us a great problem. Shops close. The people go home. They don't come back till morning, but those residents live there and are coming and going all the time. She has lived in the area for 40 years. She has ten neighbors who have lived there for 40 years. The neighbors really do deserve some priority. When the Commissioners make these decisions for improving our town, they need to balance what the town gains versus what these long-time residents will lose. Residents invested time and money and emotion into making our properties wonderful, and she does not want to look at an extra foot of brick so a new resident can have nine-foot ceilings. She likes that setting sun in the west. She urges the Commissioners to maintain a balance when they are making this decision. Let the people who are really the heart of the town matter a little bit more than the people that want to draw who may more or less be transients staying there buying a condominium and moving on when they need a big house. But they're leaving the adjacent residents behind and they're going to leave their traffic woes with us as well.

Bradley Janisch, 109 S. Charlotte, Lombard, thanked the Village and the Planning Commission for the opportunity to hear the residents concerns in relation to the proposed developments within the downtown area. He is very proud to call himself a resident of Lombard. However in the recent past he has had concerns in relation to the proposed developments within the downtown area. He is willing to make concessions in the interest of our community. However, he believes that in order to rejuvenate the downtown area, our Village needs to take into consideration a plan that acts as a catalyst for change, specifically with relation to the DuPage Theater project. If this is the intent, this initiative must be the lynch pin of a comprehensive plan that is well thought out and takes into consideration the residents of our Village above all else. He is here tonight not as an expert on the proposed changes within the plan for the Commission, but as a voice of concern on behalf of the residents most greatly impacted by these changes. While he is personally willing to concede to several of the items up for debate, he is not willing to concede to the safety of his family, nor the safety of his neighbor's families. If inadequate parking is provided for the residents, guests, patrons of the shops and the black box theater, parking, and most importantly traffic, is likely to be affected dramatically in the surrounding areas including the streets of Charlotte and Martha. With many young children in the neighborhood, who play in the front yard, sidewalks and streets and considering the possibility of impaired visibility due to inadequate parking compounded by increased traffic flow, these factors spell out the potential for disaster for the families of this area. An economic hardship as referred to by RSC should not result in the hardship of the safety for the residents who currently will be funding this project through the TIF. He is somewhat disheartened to hear some concerns as it relates to the height of the building. It's the residents who ultimately will be affected by that who should ultimately make the determination whether or not it is a true hardship on themselves. He asked that the Village and its residents and RSC place themselves within the shoes of my neighbors and my family and consider the very real concerns had with their family's safety

John Brust, 426 W. Maple Street, Lombard, is the owner of the property at 135 S. Main Street, the Brust Funeral Home which is immediately adjacent to the property. He stated that this is the second time he has come and talked to the Commission about this property. Some may recall that he was here in 1996 and in 1997. He is speaking against the variances. When the theater was going, he always had problems with parking in downtown. He does not wish to be set against his neighbors, and he does not wish to have to tow cars if visitors come to the theater and they have no place to park and they park in his lot. He needs the parking for his business. With a debt of 37 parking places for the theater as well as the density of this project is going to put him against a lot of people if the theater goes well. He mainly uses the business parking in the morning before his patrons go to funerals and mass, and in the afternoon and evening he has visitations. He does not see where the 37 parking places are going to come from in downtown. He often is searching for 37 parking places because he does not have enough himself, and he has no variations as far as parking goes.

Mr. Brust stated that the back of his property, 135 S. Main Street, 131 S. Main Street and the back of their property is the old creek bed. Those who have grown up in Lombard remember the creek bed. The viaduct was originally for a creek bed, and that goes around the back of that property goes then through what is now the Elmhurst property cut into the corner of St. John's and ends up over by Ash Street. He does not think by putting that size building along the back line of the property is going to help anybody's stormwater retention. The theater always used to flood. He is very concerned that stormwater retention will be adequately maintained. He is not against condos next to us. When he was proposing to develop the property, the Village said the side yards and back yard for our project were non negotiable. He asked for a height variance himself. He proposed 40 condos for that parcel, and was turned down because the Plan Commission said it was too dense. Forty condos was too dense. This is 120 condos, and at that time, of course, there were still apartments in the theater and the theater was still going. He does not wish to be bad neighbors, but he wants them to be held to the exact same standards that he was held to. If he couldn't do it, he doesn't know that they could, and he is very concerned with the parking and storm water retention.

Blake Bandusky, 168 S. Martha, stated that he is a life member of the Lombard Historical Society. He was appointed to and served seven years on the Lombard Historic Commission. He has 20 years experience as a licensed architect, is a member of the American Institute of Architects, and is a principal in one of the world's leading engineering and architectural firms. For much of his time in Lombard, the property at the theater has been vacant, nearly vacant, or decaying very seriously. He said that residents witnessed the first closing in the late 80's, the battle to get the National Historic Register status, the second closing, the Big Idea proposal, threatened demolition, pipe dreams, and now what seems to be a last desperate attempt. He wants everybody to know that this is a process that we have to go through. These things are all negotiable. They are all design problems and they can be met head on. This project can be made to work for that site, and if it can't, everybody in the room will understand why. He has campaigned for this issue long before many at the meeting thought of living in Lombard, worked in Lombard, or worked for Lombard. The property is very dear to his heart. He noted that the audience has heard from passionate people on both sides; homeowners and concerned individuals and all their opinions need to be considered. He would like the Commissioners to consider the following and take this to debate to the least common denominator. He believes this project is too tall, too dense, and too close to the residential property line. The rendering is gorgeous, aside from some aesthetic concerns, but the fact is that the building is too tall over an existing very high theater marquis. He asked the audience to walk over to 25 E. Parkside and imagine as one looks toward the sky a 4 four-story 50-foot tall building with that wall existing near the property line and ask if they would be happy with this. The back of the theater fly area is very tall, but it's shorter and it's further away from that property line, and one will understand the difference between the two heights. He lives two blocks east of the site. He will see the back of a four-story 50-foot tall building every day. And whether one questions the aesthetic of that front elevation, it is the rear elevation that raises serious concerns. The back elevation is one neighbors haven't even seen yet. That's what these people will be living with every day. He could easily afford to live anywhere we wanted to, but he stays committed to Lombard because he loves the neighborhood character and scale, the downtown, the old house that he restored, and the historic downtown area has become home.

He believes the Village has allowed projects to be built that are of such poor design quality that its charm is being seriously diluted. The petitioner is a developer. They're used to being pushed back on. The Village has to learn to push back on them. Only the best projects are a result of give and take. In the case of the theater, the proposed team is comprised of architects and developers, and each of those playing developer in its own right. The Village

has to make sure that their challenge is to make this the best project it can be. Variances should be considered, but he thinks three and-a-half stories is absolutely the highest that it should be. He suggested that the tallest part of the building be toward the commercial area and let the building taper down toward the back. A plan for offstreet parking is a necessity. Anybody who has been to the Lilac Parade and has lived through the parking, the Village blindly allows people to park on both sides of the street, and when one lives there, it's a still twoway street, but cars are trying to get through on that. It's going to be no different when the theater is full or if there is a premiere or the opening of a play. The Village does not take concern to make sure the traffic situation is monitored on a regular basis. The Lilac Parade is evidence of that. As far as elevations go, he said when he was on the Historical Commission, the Commission pushed many times to review projects like this. Use that Commission as a resource. They should have the opportunity to review each and every one of these elevations. They should be the authority on what gets built. Residents should not be placed in a desperate situation forced to make a decision that gives away the farm in variances, accepts inferior aesthetics, and compromises the quality of life of these people who are our own neighbors.

Gary Anderson, 140 S. Charlotte, lives directly east of the subject property. He referenced a letter submitted by his wife giving some opinions and thoughts on the variances that are being requested. He would like to start out saying that he and his wife are not opposed to the redevelopment of the subject property as it is long overdue. He has lived in his house for 20 years, and there really hasn't been much change in the property behind his home in that time. He spoke before the Plan Commission on December 11th, 1996 regarding a proposed development on the vacant parcels which at that time did not include the DuPage Theater property. That proposal was for a six-story condominium project. The Commission recommended not to approve zoning variances at that time. He then reiterated a few comments that the Commissioners made regarding the project at that time. "The proposal was too dense and too much was being put on the lot," by Commissioner Olbrysh. "The concept was good, but the density was too intense," Commissioner Zorn. "The main problem is the size of the building, and that it will dominate the streetscape," Commissioner Kramer. Commissioner Sweetser applauded the efforts of the developer to bring development to downtown, but indicated that the standards had not been met. Commissioner Kramer stated that the petitioner admitted part of the hardship was economics. Any hardship was self-induced. Commissioner Kramer also stated that the proposed building would have a strong negative impact on residential properties to the east. So ten years later, and there is still no development of the property. Now a new proposal for the development is on the table for consideration, but again, the developer is asking for some rather significant variations. He believes the Commissioners were correct ten years ago to deny the variations for that development, and he believes the current variations requested should be denied for the same reasons, mainly variations no matter how they read and the concept of creating value is stated time and again by the developer as just an effort to reap additional profits in making the project a little bit taller and a little bit bigger and a little bit closer to the edges of the property. The proposed development will have a strong negative impact on the residential properties to the east, especially if the variations are granted. The value of the homes to the east will surely be diminished by the presence of a 120 unit condominium behind their yard. As he stated in the letter to the Commissioners, he really doesn't have a problem with this development or any other development, he requests that any development that is approved be held to the existing zoning requirements and not be given any variances that will increase the density and size of the project.

Rose Grumstrup, 291 E. Washington, stated that she has lived in Lombard for over 20 years. She is very concerned over the development of this property and the traffic situation. That is her main concern aside from the height of the buildings that are being built up and down Main Street. She is hoping that there are some other traffic plans in effect rather than just building this and keeping it a two-lane each way. She is not sure what the plan is and she hopes that they won't just put this new building up and not have any plan for the traffic as it is. She said that she works on the north side of Lombard and traveling through there now early in the morning with the train traffic, it's pretty congested. She is hoping that there are some real good decisions that are made before this project is put forth.

Chairperson Ryan then provided time for the petitioner's rebuttal.

Mr. Coffey noted that ADA requirements are completely fulfilled with respect to the project. There was discussion about stormwater management. They anticipate completely complying with the County and other codes and that the situation will be substantially better than what exists there today.

The traffic consultant was hired by the Village to study this project and had indicated that traffic and circulation on and off the site was not a serious concern based on their expert knowledge.

The theater seating of less than 300 seats is less than a third of the number of seats that used to be there when it was a larger movie theater. So comparisons of theater to theater are not really accurate based on the past just because the quantities are so much larger.

The other item to be considered is that they are not really requesting any change in the allowed density of retail or residential. They do have all of the parking on the site for both of those two uses. There is a lease which will be secured prior to approval by the Village should they approve this and prior to our going forward with anything related to the project, and that lease is to secure parking for the theater specifically.

Chairperson Ryan noted that there was a question as to the theater hours and if it would be open during the day.

Mr. Curto noted that the theater hours will be established by the organization that ends up operating it, which would be the non-profit. It's very unlikely that there will be much that goes on in the theater during the day, although from time to time there will be some functions. If there is some theater activity, one could typically see the schools dropping children off at the theater for matinee-type plays or activities. Typically they will be delivered by the school system bus which will drop them off in front of the theater, typically on Main Street or Parkside. They will drop them off inside the site or right off the street in a very safe manner, so there won't be a lot of cars parking as was referenced.

Chairperson Ryan stated that the question was offered during the day there is no parking allocated for the theater, where will those cars or buses go?

Mr. Coffey stated that the Village has the power to approve which entity takes occupancy of the theater. As part of that negotiation the Village can indicate their acceptance of operating hours and those kinds of things.

The expectation related to daytime activities is very limited, and if it was children-oriented and related to the schools. What typically occurs, the bus goes someplace far away, the teacher calls with plenty of time to get the bus back right to the front door and go from there. He would expect the Village to have restrictions on the times that this theater can operate in the daytime.

Chairperson Ryan asked about the rear elevation.

Mr. Curto noted that they have many elevations available in their computer for consideration and was shown at the workshop session. It slightly changed from that, but the intention was not to be exactly like the front because it doesn't have retail, but to have a variation in the articulation to give it a little bit of visual interest.

Chairperson Ryan closed the public comment period of the meeting. He noted that additional comments can be provided at the next meeting when the Plan Commission will meet again. With regard to the elevations, we had talked about the alternate scheme of the middle one, is that the 48 feet? Mr. Coffey stated the roof is still 48 feet so the parapet would add three feet.

Commissioner Burke asked if the top elevation requires an additional three-foot variance. He noted that it's a very small section of the building and actually adds some architectural detail. William Heniff, Senior Planner, noted that the way the Zoning Ordinance calculates the height of the building is based off the roof, so parapets themselves wouldn't require additional zoning relief for the parapet itself. So additional relief for a 51 foot building height would not be required - it would be considered a 48-foot high building.

Mr. Curto noted that the reason they put the middle section with the peaks is that they thought it was a comment or suggestion made by some of the members to show a little bit more peaked roof.

Chairperson Ryan asked if all the requests that they asked for at the workshop were made and submitted. Mr. Heniff noted that they have included some of them. As was noted earlier in the presentation, staff has not seen the latest version of the elevations until tonight. Staff hopes to continue to work with the petitioner to incorporate the elements and some additional design schemes that address some of the concerns that are being raised tonight and address some of the staff's concerns as well.

Chairperson Ryan asked staff for a comparison of what the Commissioners have asked for versus what was presented. He would also like a to-scale streetscape as well as behind and views of it, actual views compared to the heights and everything else so that we can really get a true flavor of the density.

Going through the plans, Chairperson Ryan asked if most of the one bedroom units are about 880 square feet. Mr. Coffey said yes.

Chairperson Ryan then asked how that compares to the two projects that are going up on Ash. He is concerned about sale-ability because this project is 120 units versus 40, and 10 in the other building. He asked if this would be strictly condominiums and not rentals. Mr. Curto stated that was correct. They will be sold to individuals as condominiums. They will be all surveyed and platted for sale. They ranged the floor area anywhere from roughly 740 square feet on a one bedroom to say 950 square feet that could be a one bedroom/den, and then two bedrooms would be 1050 or 1100 square feet. The purpose in having a mix of bedroom sizes, is that there aren't too many one-bedroom units available. There are a lot of single people and couples just starting out. From an affordability standpoint one would want to provide enough range of product including some three bedroom units which are fairly large for some of the empty-nesters. That's typically what we have done from a marketing standpoint. The market really drives the product mix and size. For example, some of the smaller projects that are potentially being talked about here could be fairly large units, if they were 2,000 square feet each, the price of those would be \$450,000.00, half a million dollars. But when they want to have a diverse product mix, that's what is done typically. They have no studios planned.

Commissioner Olbrysh asked about the price range of the product mix going from one bedroom up to three. Mr. Curto noted that the one-bedroom smaller than 800 would be roughly about \$195,000.00. A two-bedroom approximately 1,100 square feet would be \$275,000.00. Some would be less, some would be larger. A three bedroom would obviously be more than that.

Chairperson Ryan asked how that compares in size to others in the business district. Mr. Heniff indicated that it is comparable.

Chairperson Ryan asked if there were any other questions or any other items they would like to see for the next meeting.

Commissioner Sweetser referred to the three foot height variance and asked if it was possible during construction to go down three feet more and try to make it work that way. It may be impossible or totally undesirable. It is a small difference but one that appears large to some of the community. Mr. Curto answered that they have tried to reduce it everywhere they could. Handicapped parking needs to be aligned with the ground floor. It could go down and the retail could go down, but then somewhere it doesn't match up with the street so that's the problem that occurs. They have a very skinny structure which also then has the lighting and the sprinkler system. They trimmed down just about everything they can to get the nine feet that's good for the marketplace here, it's good for the community as well as for the developer to keep the nine foot, which is pretty much standard these days. They need the extra three feet.

Commissioner Olbrysh referred to the previous workshop and thought that when the Commissioners were looking at that and were comparing the one-story brick building with the four-story, the two were going to be more integrated better as far as colors, et cetera. And now here the plan shows a stark white two-story which doesn't look as if it belongs with the four story, and he thought it would be a better integration between the two as far as brick work.

Mr. Coffey stated that the renderings came up whiter than he would want them to.

Commissioner Olbrysh indicated that it sticks out. Mr. Coffey stated that this is the color of the terra cotta and of the brick work. When they come back, they will match it. Commissioner Olbrysh confirmed that the Commissioner would be looking at a truer color. Mr. Coffey indicated that the way the computer does it, sometimes it gets brighter than ideal. It's literally these three colors, and they are not quite so stark. Commissioner Olbrysh asked if that was for all the buildings. Mr. Coffey answered yes.

Chairperson Ryan asked if anyone had any questions of the new evidence that was just presented by the petitioner. Hearing none he requested the staff report.

Jennifer Backensto, Planner II, indicated that staff has prepared a report regarding the petition and that is submitted for the record in its entirety. Staff has copies available for anyone who wishes to see that. She then summarized six key points. There were nine basic pieces of relief that were requested as part of this petition. Staff is recommending approval of three, approval of three with conditions, denial of one, and additional information to make a recommendation on the other two pieces.

The variations staff is recommending approval of are to allow a four foot front yard setback along Parkside. Staff generally believes this is appropriate to maintain the existing building setback that the current theater has right now. This is something that frequently staff does support as long as it is not encroaching further into the yard. One of the other elements that staff is supporting is the conditional use for outdoor dining. This is something that is specifically mentioned in the Comprehensive Plan as something the Village would like to see throughout the downtown. The zoning encourages it, and, in fact, they could do outdoor dining as matter of right, but the conditional use for outdoor dining removes the need to submit a new permit every year for the same businesses having tables in the same places. By staff's calculations, there's about 12 feet adjacent to the building along the Main Street side that will permit outdoor dining and still maintain a sidewalk area for pedestrians traveling through. The other element staff is recommending approval of is site plan approval authority to the Lombard Plan Commission. This would allow any proposed signage variations for the individual businesses to be brought before this Commission for review. They have to go before this Commission and the Village Board.

Staff is recommending approval with conditions of all of the variations associated with landscaping. This includes the five-foot transitional landscape yard along the eastern property line abutting those houses on Parkside and Charlotte, variation to eliminate the transitional landscaping improvements, and a variation to eliminate the perimeter of lot shade trees. The conditions staff is recommending would require the petitioner to make a cash payment to all of the adjacent property owners to allow them to install landscaping on their properties if they choose to do so. The Village would not force the owners to make any of those improvements. This is a way that the situation has been dealt with in the past in the downtown area.

Variations were granted for the Big Idea Plan Development completely eliminating the landscape yard. Also, there - and the Walgreens Planned Development and more recently The Point at Lombard where the area was reduced to one foot. At The Point of Lombard, the developer was installing the landscape improvements on the adjacent properties, and for The Big Idea Development there was a cash payment, so staff is recommending that something similar be used in this case. Staff is recommending denial of the requested variation for the parking spaces for the theater. Staff realizes that there are some parking difficulties within the downtown. They are providing all of the required residential parking, all the required retail parking, so this variation is strictly for the theater. The petitioner has represented that they will be able to provide off-site parking, which is permitted by code, on a nearby parking lot. If they are able to secure an off-site parking arrangement, no variation is even necessary because they will be providing it basically across the street. In the event the variation isn't approved or that agreement is not reached, staff is recommending it be denied. Staff is requesting additional information before making a recommendation on the conditional use for a planned development and the deviation for a 48-foot high building. We are requesting a statement confirming the stormwater detention and drainage capabilities of the site.

Staff would like to look in more detail at the building cross-section that was presented here this evening. Staff would also like to know about the proposed materials for the residential balconies, trim elements and light fixtures that are going to be visible to the residents abutting the eastern property line. Staff would like to see the ground floor plan

revised to redistribute the parking spaces. Right now the ratio of residential to commercial parking bays is one off. The number of parking spaces doesn't need to change, just the allocation needs to switch by one in order to be in compliance with code. Staff would also like information on the eight-foot high solid fence along the southern 405 feet of the east property line. This is one of the required transitional landscape improvements. Staff did receive information that the developer is considering parking with a stacking system for the underground residential parking. Staff would like to have some more information about lighting on the perimeter drive aisle. And finally, staff would like some more information regarding the nature and type of the rooftop garden plantings as well as how those will be accessed by the residents. Staff also did hire a consultant to perform the traffic study which is included within the staff report.

Javier Millan, Senior Consultant with KLOA, Inc., was retained by the Village to review and do comments on the site plan. Ms. Backensto gave the Commissioners a revised traffic study. Mr. Millan stated there were only two minor revisions to the traffic study. One was including a discussion on the proposed site traffic generation, which is Page 6, regarding the trip generation for the commercial portion of the development. He made a disclaimer that typically the retail portion of a development of this type typically doesn't generate that much traffic in the morning; however, they assumed that it was going to generate the same amount of traffic as it would generate in the afternoon, so we're actually doing a very conservative scenario. The other revision was a typographical error in the conclusions section of the report which said the access drive should have two lanes south, when in essence it's one lane in and one lane outbound. Those were the only changes to the original that the Commissioners received.

Based on the review, KLOA found the following: The development as proposed will provide two full ingress/egress access points, one on Parkside and another off Main Street. Based on the trip generation rates published by the Institute of Transportation Engineers, which is the normal standard used for traffic studies, the development will generate less than 170 total trips, in and out, during the A.M. and P.M. peak hours. In the highest hours it's going to be roughly 150, 160. The rest of the days it might generate, 40-50 cars in the highest hour. This new traffic was added to the existing traffic volumes and analyzed to determine how well the intersections will operate with the addition of site traffic.

Based on the analysis, all of the intersections along Main Street as well as Parkside Avenue operate and will continue operating at acceptable levels of service. It's typically like a grade scale like in school; A, B, C, D. We have E and F. If one is at an F, it is failing just like in school. In this case, the intersections are operating at B. In the future Mr. Millan thought one of the intersection legs during the peak hours goes would go to C, which is still acceptable. The lowest acceptable is an E, and typically one wants to stay in D, no lower than that. The development meets the parking requirements in terms of residential parking as well as retail parking. In his opinion, although no parking is provided for the theater, it's been KLOA's experience that activities for the theater typically tend to occur outside of the peak hours. Outside of those peak hours, there are areas in which parking becomes accessible to the public. That accessible parking to the public can be used for theater; however, KLOA agrees with the Village that parking should be provided for the theater in addition to that public parking that is available.

Chairperson Ryan asked if the study was dated in June of 2004 and if that was prior to the no-left turn on Route 53. Mr. Millan asked if he was talking about the counts they gathered. Chairperson Ryan answered yes. Mr. Millan stated that all left turns were already in place. Mr. Heniff stated that he believed so. Mr. Millan indicated that he is a resident of Lombard, so he does remember when those left turns were not allowed.

Chairperson Ryan stated that he wanted to make sure and asked that staff verify. Mr. Millan stated that he agreed but was 99 percent positive that was already in place.

Chairperson Ryan asked if the petitioner or the public have any questions of the staff report.

Blake Bandusky, 168 S. Martha Street, asked what the flow rate was out of this site between the hours of 5:00 P.M. and 6:00 P.M. and if Mr. Millan has taken into consideration the queue line going west on Parkside which is usually up to Charlotte, so if one is making a turn to go west. He is curious on how one is going to get into that lane to proceed west. Mr. Millan answered that during the P.M. peak hour, once again this is in the highest hour which is what he mentioned, 5:00 to 6:00 or 4:30 to 5:30, the highest hour in the evening they have a total of 150 vehicles.

That's according to ITE, 85 in and 75 out. There are two access drives, so those are going to be split. In terms of the queue, he analyzed this using a simulation model, so they get to actually see how far those vehicles will back up. Once he ran it, he tried to look at recreating what's happening out there. There are certain times in which the traffic does back up, but for the most part, it clears. When it clears, one has the opportunity to actually make the left into the access drive. They did take a look at that, but once again they have to also take a look at whether traffic clears or not.

Mr. Coffey stated that he agreed that the numbers that were used were very conservative. He noted that KLOA did not subtract out the parking that currently exists on the site to further diminish that 75 and 85 out, and those kinds of things. Mr. Millan answered no because those vehicles are still in the area.

Mr. Coffey stated that here are 50 or 60 cars or whatever that are on the site affecting the in and out today which aren't subtracted out from that projected in and out on the site per se. He does not disagree either way.

Chairperson Ryan stated that the meeting was open to the Commissioners for comments and questions.

Commissioner Sweetser commented about the parking. She certainly couldn't agree more with the denial of the Village, and clearly this concern is reflected in a lot of the comments that she heard. She will be very interested in learning about the lease and what that means and where that is and how it can be used; in other words, crossing Main Street might be an issue, it might not. Until she knows specifics, she supposes it is difficult to speculate or discuss it further except that it is a major concern. In terms of the neighborhood, one way that other towns, villages, cities control this is not to limit parking in general because that harms the residents, but rather have permits saying that there is nobody without a permit allowed to park in certain hours. For example, in Chicago, it's two hours before an event at Soldier Field until two hours after, whatever it might be that would alleviate the residents' concerns and allow them to not be hampered by overflow parking, because even with additional parking, there may be some additional overflows. She would like to limit that to the extent possible.

Regarding flood water, she heard staff ask for a guarantee of sorts and whether that's been achieved or not, it certainly should be. She would also be interested in knowing whether the measures that are required and certainly seems to have been abided by other developments in the area have actually accomplished what they are supposed to. In other words, has flooding been abated or avoided and to the extent that it needs to be, not that that's a guarantee for this site, but it certainly might be telling as far as the efficacy of the relations. In terms of some of the other issues that were mentioned, in the interest of making sure that we are talking apples and apples or apples and oranges for people who may not have had a chance to read the staff report, this petition is for 101 to 125 S. Main Street and the density is per code; is that correct? Mr. Heniff answered yes.

Commissioner Sweetser indicated that the height they are asking for a variation from 45 to 48. The other area that was mentioned in some of the testimony was at a different address, and she is not sure whether it's 131 or 135 S. Main Street. The 1996 staff report for PC 96-30 requested approval of the variations from the Zoning and Subdivision and Development Ordinances to increase the maximum height of the building from four stories to six stories. Not three feet, but two whole stories, and then some other things; to not provide offstreet loading berth, reduce the drive aisle and setback for the required sidewalk. So she would just like to make sure she is differentiating the requirements, the ones being asked in each case as not being apples and apples.

Commissioner Olbrysh agreed with Commissioner Sweetser. Parking is a critical issue. He is favorably disposed to this type of project. He has some concerns, but he thinks we do need an entertainment center and the condos. But, for the downtown area to survive, there is going to have to be some other means for parking; be it a garage, putting up a garage. The other problem the Village has downtown is that it is basically one street. Take a look at Elmhurst, take a look at Villa Park, Wheaton. The Village is limited with what can be done, but he would be very curious with what they come back with respect to the stormwater detention. They said they meet code, but that concerns him because the project is taking up a lot of land over here. And with flooding problems before, he wants to make sure that there will not be additional flooding problems. Regarding density, while he may not like it, they meet code. Where they're asking for a variance is for building height. He has a concern about that because just looking at how

much space they are taking right now. The other thing that he has not seen is really some good elevations of the east side of the building because if he lived on Charlotte, he would like to see exactly what he will be facing.

Commissioner Burke commented about the parking. When the petition comes back, he would like to see the detailed plan. Unfortunately for the petitioner, the part of that detailed plan includes the Village's management of the theater, and he does not know how that gets coordinated because the key part of that is how the theater is going to be used. He has heard in the staff report the theater is referred to as a black box theater. That brings a vision in my mind that it's a spartan-type facility; however, when he reads other publications describing the theater, it's described as a state-of-the-art theater. That denotes a whole different thing to him where he sees 300 people every night on one and he sees 100 people, three nights a week on another. So the parking issue has to be explained in detail. In the staff report it references a parking lot. It states in the staff report that commuter parking spaces are available after 3:00 p.m. To him that sounds kind of arbitrary. He lives on that street, there are cars there until 7:00, he does not know how one determines that this block of 50 or 37 cars is going to be gone at 3:00 P.M. He thinks the plan should be very specific, and entails some description of how the theater is going to be used. He understands that's a difficult thing for the petitioner to provide. With regard to the density on the project, staff gave us a report - it was a density comparison of other densities. Ms. Backensto answered that was from the petitioner.

Commissioner Burke asked about the range noting one was 87 units per acre. He wants to clarify Park West Condominiums is built on 0.1 acres? Ms. Backensto answered that was correct. It is an extremely small property.

Commissioner Burke questioned that it was a tenth of an acre? It says commercial space available is 4700 feet. That's about a tenth of an acre. Mr. Heniff answered that in that particular case, the size of the property and the size of the building is almost one in the same. Commissioner Burke questioned if it was a zero lot line. Mr. Heniff answered yes.

Commissioner Burke referred to the setback and confirmed that there was not a variance being requested for the setback to the building. Ms. Backensto stated that was correct.

Commissioner Burke asked about the variance in regards to the transitional landscape yard. In the staff report it talks about having a cash donation made to the residents. He personally would much rather see a comprehensive plan and a homogeneous landscape plan for the back of those yards rather than a cash payment which some residents will use, some residents won't. He thinks if we're looking at how the transition yard is going to project in both directions. He thinks some kind of plan would be much better than a hodgepodge solution to the issue.

Commissioner Flint concurred with the previous Commissioner's comments. He thinks it's critical we look at the east elevation and how that impacts the residence. He agrees with the parking issue and stormwater comments. On the height restriction, he knows they have allowed variations on height. And there are ways of minimizing the impact with hiding heights, creating a terrace effect, setback, dropping off some units to try to minimize the impact, so it maybe looks like a building that's in compliance, but it's really an additional story. There are ways of treating that architecturally to make that impact not as critical. He is looking for the petitioner to come back with modified elevations and looking at that east elevation.

Commissioner Sweetser asked about the terms of the mitigating impact on the terrace piece. If the space isn't to be lost, what is the possibility of building over the theater part? Has that been precluded because of structural issues or other issues? Mr. Coffey answered yes - it is a weak structure so it couldn't add any more weight to it. Commissioner Sweetser indicated that she be in favor of some kind of way to mitigate a 48-foot straight wall.

Chairperson Ryan concurred with Commissioner Sweetser because one looks at all these different renderings, and the one middle one we are at least gives a little break. The Village has been talking for ten years about the corner that's supposed to bring back the Village and it just looks like barracks almost. He just wants to see something change to make it look attractive. His concern is because of the density that we don't end up with 100 vacant ones or turn them into apartment buildings. And if it's not something that's attractive and drawing people to it, they have got to do something to make that corner really stand out and make it the start of the downtown area. With regard to the traffic and the parking, he is also concerned about the contract that is being talked about and where they are going to

park because he believes there is a limit. Visitors are not going to walk three blocks to a commuter lot. The petitioner has to come up with some plan that's more feasible and doable because visitors aren't going to walk two or three blocks to a parking spot when they can park on a side street and be around the corner from it. So something's got to be looked at there.

Commissioner Olbrysh questioned the parking. If this project goes forward, the Village also has to be concerned about what's going to happen during construction, and what was just brought to our attention is that the DuPage Theater lot is supposed to close December 1st. That's a couple weeks, or less than that. And his understanding is that right now the DuPage commuter lot next to the DuPage Theater has 91 spaces. Mr. Heniff stated it was 73. Commissioner Olbrysh confirmed that it will be shy— is the Village is going to provide parking at four different lots? Mr. Heniff answered yes.

Commissioner Olbrysh asked if it would be assigned spots, or do people have to drive around and find what's available? Mr. Heniff indicated that they would not be assigned. Commissioner Olbrysh felt that it would create a problem trying to catch a train and trying to find-- Mr. Heniff stated that for clarity purposes, that's a temporary situation while they are removing the back portion of the theater property. Commissioner Olbrysh asked for a time frame as to what temporary meant. Mr. Heniff answered a couple of months. Commissioner Olbrysh confirmed that all but ten spaces would be provided for. Mr. Heniff answered yes.

Commissioner Olbrysh recommended that if the Village is going to do this probably a sign would be better. He could envision somebody trying to catch a morning train going from lot to lot to find out what's available, especially since there will be ten fewer spaces in the commuter lot. He asked if this is going to be put on the windshields. Mr. Heniff answered yes.

Commissioner Burke stated that he liked the elevation and thought it looked nice and confirmed that there was no detention currently on-site. Mr. Heniff indicated that the petitioner has shown an area in which they are proposing a vault system. The building, however-Commissioner Burke asked if that was on site now. Mr. Heniff answered yes.

Commissioner Burke stated that if they develop the building, they will have to meet the Village ordinances and County ordinances for flood control. Mr. Heniff agreed. Commissioner Burke stated that those ordinances are in place for a reason. He doesn't think there is a whole lot of work that the petitioner has to do to come back. Mr. Heniff indicated that staff has asked the petitioner to prepare preliminary engineering so staff knows the manner in which they are planning to address it so there is a comfort level and staff can make whatever recommendation if it was ultimate approval. Commissioner Burke asked if it would have to be approved by the Village engineer during the permit process. Mr. Heniff answered that it would.

Chairperson Ryan stated that they are waiting to see the preliminary so they can either make a recommendation as we do in other plans beforehand. The final, yes, definitely has to be final engineering, but preliminary, that's what they're looking for right now. Commissioner Burke confirmed that they were just looking for information on the concept. Mr. Heniff stated yes - how much are we storing on-site, whether that meets the code provisions, and how it would be routed out to the existing structure by the property.

Commissioner Burke questioned if they were asking for a variation or relief for that. Mr. Heniff answered no. If they do need relief, that would be required by the Village as well as the DuPage County Board.

Commissioner Olbrysh questioned the underground vault and its proximity to Main Street. Mr. Curto explained where it would be located underneath the retail. Commissioner Olbrysh stated that they haven't seen any details on that. Mr. Curto explained that they will meet the stormwater requirements because they are required to do so.

It was moved by Commissioner Sweetser, seconded by Commissioner Burke, that the petition be continued to the December 18, 2006 meeting. The motion carried by a 4-0 vote. This petition was ultimately continued to the February 19, 2007 meeting.

February 19, 2007 Meeting

Vice Chairperson Flint reconvened the public hearing for this petition on February 19, 2007. Richard Curto, CEO of RSC & Associates, 265 Brookside Road, Barrington, Illinois, asked what format his presentation should follow. Vice Chairperson Flint stated that he should cover anything that had not been discussed at the November meeting.

Dan Coffey, Daniel P. Coffey Architects, 233 S. Wacker, No. 5750, Chicago gave an overview of the digital presentations. He showed a fly-over view of the project and noted there were two kinds of brick on the residential portion. The new retail will be brick and terra cotta to match the existing building. He then presented views of the project from the perspective of a vehicle traveling eastbound on Parkside then northbound on Main Street. He noted that at the previous meeting the Plan Commission had requested them to improve the accuracy of the depiction of the shapes and heights of the surrounding building. This was done to an accuracy of within one to two feet. The Plan Commission had also asked what the neighboring single-family residents would see. In his backyard view, he faded out the trees to show winter conditions. That view shows what the transitional landscaping might look like as well as the fence between the single-family properties and the roadway.

Commissioner Sweetser asked if the structure shown on the far north end of the backyard view was a house. Mr. Coffey stated that it was.

Commissioner Sweetser asked if the perspective was supposed to be from the rear of the houses. Mr. Coffey stated that it was and clarified the assumed line at the back of the houses.

Mr. Coffey stated that small changes had been made to the previous elevation including peaks, mullions, and the fence.

Commissioner Sweetser stated that she would like to see the fence on the flyovers. Mr. Coffey reviewed his first presentation and indicated where the fence was.

Commissioner Burke asked if the transitional landscaping and fence were new. Mr. Coffey stated that they were.

Commissioner Burke asked if the mature trees shown in the yards were existing. Mr. Coffey stated that they were and that he had used Google Earth software to place the trees.

Commissioner Burke asked how far the trees are from the building. Mr. Coffey estimated that they were about 75 feet away.

Mr. Coffey then passed around the materials board as well as a sample light fixture and samples of the limestone sills.

Mr. Curto stated that Reis Kayser of RSC & Associates would discuss the stormwater issue. Mr. Kayser, 721 Lenox Road, Glen Ellyn, stated that they had looked at several alternative stormwater solutions for the project and the area in general. Initially they had looked at paying a fee in lieu of providing detention, but the burden would have remained on the viaduct. He gave a number of examples of other projects where underground storage had been used including the Sherman Plaza project in Evanston, St. Mary's School in Downers Grove, The Shops at Old Orchard in Skokie, 1727 S. Michigan Avenue, Edward Hospital's parking structure in Naperville, and one in Lombard at 645 E. Roosevelt that had been built 20 years ago. They had taken pictures of the one in Lombard and there were two to three inches of silt on the bottom, but it was still functioning well. He stated that this approach is not new and it will be designed correctly. He is confident that it is a sound system. There are no problems with odor affecting the occupied space above. It is a concrete basement built as a storm structure. It will be well-ventilated, work entirely on gravity, and hold the entire 100-year storm event. There will be outside access through a manhole and it will alleviate existing storm water problems on the property.

Commissioner Olbrysh asked if the detention would be underneath the new retail along Main Street. Mr. Kayser stated that it would be. The floor will have positive drainage and a controlled release into the storm sewer.

Commissioner Sweetser stated that there was the potential for a great volume of water to be released at once. Mr. Kayser stated that in case of such a situation there is a built-in gravity outflow at the north end of the property to a catch basin along the curb.

Commissioner Sweetser asked how the outflow would keep up with the inflow. Mr. Kayser stated that if the vault is filled beyond capacity the water will flow into the street. He added that the vault will hold the 100-year storm event.

Mr. Curto clarified that the property at 645 E. Roosevelt was not part of incorporated Lombard when it was built.

Vice Chairperson Flint then opened the meeting for public comment.

Gary Anderson, 140 S. Charlotte Street, stated that he had previously spoken and written against this project as it has not met the standards for variations. To do so, they would need to demonstrate hardship, have a need other than for financial gain, and not have a detrimental impact on the surrounding properties. He does not see any indication of hardship here, especially with regard to the requested building height and setback variations. Both of those requests are needed to increase the size of the building, which is strictly for financial gain. He stated that this building would not increase the property values of the surrounding homes and asked the Plan Commission to not forward this petition with a recommendation of approval.

Vice Chairperson Flint asked if there was anyone else that had any questions or comments on the petition. Hearing none, he then requested the staff report.

Jennifer Backensto, Planner II, indicated that the Plan Commission continued the public hearing for PC 06-27 in order to allow the petitioner to provide additional information regarding the development proposal and/or modify their plans accordingly. This report is based upon a review of the supplemental information provided by the petitioner and addresses the areas identified by the Plan Commission members, staff, and/or the public where additional information was requested.

Ms. Backensto summarized the changes on the new building perspective and elevations. No changes have been made to the storefronts along the north elevation, brick colors, mullions or signage locations. Staff obtained permission from two adjacent property owners to take pictures from their backyards. These pictures were used to create composite images that give a rough idea of how the proposed development would appear from the adjacent properties. The images of 136 S. Charlotte and 140 S. Charlotte were included as part of the petitioner's submittal.

The materials board perspective still shows outdoor dining in front of the new Parkside Avenue storefronts, but there is less than five feet between the building and the property line. Any outdoor dining proposed on the public right-of-way would not be covered by the conditional use and would be subject to an annual administrative permit with no public hearing necessary. The shared balconies on the north, east, and south elevations will be physically divided between the units, unless two adjoining units are combined.

The petitioner has attempted to show a 45-foot high building by including a partial through section on the building elevations, labeled "Unacceptable Alternate Mansard Roof Option." This alternative maintains a 9-foot high ceiling clearance within the residential units, but the roof height remains unchanged at 48 feet. To date, none of the submitted elevations have met the B5 District's 45-foot height requirement.

At the July 2006 workshop session regarding the DuPage Theatre development proposal, the petitioner presented a three-dimensional video depiction of the proposed development. The petitioner noted to staff the following issues relative to the new presentation:

1. The proposed building heights were "eye-balled" without actual scaling of adjacent structures. The petitioner believes that the rendering is accurate within one to two feet.

2. The locations of the trees that are shown on the presentation were derived by using *Google Earth* aerial representations. They stated to staff that they believe that this approach provides a fairly reasonable depiction of the existing vegetation surrounding the subject site.
3. Staff notes that the depicted number of street parking spaces along East Parkside may not match the existing or proposed parking layout proposed at this location.

At the November 20, 2006 Plan Commission meeting the Plan Commissioners expressed a desire to see how stormwater detention would be addressed as part of the development. In response, the petitioner has submitted a series of stormwater plans that have been reviewed by the Private Engineering Services Division and Bureau of Inspectional Services. The petitioner's initial plan proposed a vault detention system to be provided below the proposed new retail portion of the building south of the theater. In review of this plan, staff noted that the conceptual plan is not feasible due to the fact that it pumping is not acceptable and the detention system must drain by gravity only. The petitioner then proposed a vault system to be located underneath the proposed east drive aisle. Upon review of this proposal, staff noted that the proposed vault would conflict with a water main also proposed to be located within the same area. This plan did not meet the detention requirements of Lombard or DuPage County. The petitioner's latest stormwater plan would provide for underground storage as part of the building foundation beneath the new retail portion of the building along Main Street. The Private Engineering Services Division and Bureau of Inspectional Services have both reviewed the proposed concept plans and their comments are listed within the staff report. The petitioner's responses to these concerns, as well as staff's comments on these responses, are attached to the staff report as Appendix A. The proposed conceptual stormwater detention system meets the necessary legal requirements, but there are a number of construction issues that will need to be addressed as part of the final engineering for the project.

The petitioner has prepared a preliminary landscape plan for the rooftop garden areas showing proposed plant materials. At the November 20 meeting, some members of the Plan Commission expressed a preference for a homogenous transitional landscape plan. Staff has received comments from only one adjacent property owner who would be impacted by this requirement. That property owner stated that a cash payment would be preferable to a homogeneous plan in that it would allow them to install landscape improvements that are suited to their tastes and individual properties.

Staff also supports the concept of a cash payment that would be made to the Village within sixty days of the petitioner closing on the property. The Village can then disperse the funds to the adjacent residences accordingly. In this manner, transitional landscape improvements could be installed and beginning to grow as early as spring 2007. In 1999, Big Idea Productions was required to make a \$42 per linear foot payment to the owners of the adjacent residential properties. Adjusting this number for inflation brings it to \$50.80 per linear foot, or \$3,048 for most of the adjacent property owners (\$50.80 x 60 feet).

Staff continues to recommend denial of the requested parking variation as an offsite parking agreement should be reached by the petitioner. At their January 18, 2007 meeting, the Board of Trustees considered a lease agreement with the Elmhurst Memorial Healthcare outpatient facility across the street from the subject property. Their intent was to lease 40 spaces from the facility to meet the code requirements, but the terms of the lease were deemed unacceptable by the Board of Trustees. The petitioner has provided information on the proposed vehicle lifts/stackers. The lifts would allow a resident to stack two cars within one traditional parking space, provided there is a clear ceiling height of at least nine feet. The most recent site plans show that up to 60 lower-level parking spaces could accommodate these lifts. Staff recommends that a condition of approval be added to ensure the ability for these lifts to be installed and operated.

The Plan Commission had inquired as to whether or not the downtown traffic counts performed by KLOA in the summer of 2004 had occurred prior to the no-left-turn restrictions on Route 53. Upon review, it appears that the no left turn signs were installed during the winter of 2001-2002.

External lighting is shown on the west elevation storefronts. This lighting will not be installed on the north elevation. For the residential portion of the building, a sample lighting fixture has been provided.

Staff recommends that a condition of approval be added that would prohibit internally illuminated box or cabinet-style signage. As with numerous recent developments, staff believes that any future wall signs should be in scale and harmony with the design concept of the proposed project. Tenants should be encouraged to have their signage represent the unique and special qualities of their store through creative designs.

With respect to the marquee sign, the petitioner will be proposing a new marquee sign that generally replicates the existing theatre sign. However, they have expressed to staff that the new sign may also include a vertical identification sign element as well. Should the petition be approved, the petitioner will be able to submit the new marquee sign plan at a later date for review and approval as part of a Site Plan Approval application.

Attached as Appendix B is a spreadsheet showing the status of proposed, under construction, and recently built condominium and townhome projects within the Village.

Ms. Backensto concluded by stating that staff recommended approval of the project, subject to the ten conditions noted in the staff report.

William Heniff, Senior Planner, added that he had passed out two sample motions for the Plan Commissioners for either approval or denial of the petition.

Commissioner Sweetser stated that the proposed development has a lot of potential, but she has numerous concerns that she has expressed in previous meetings. The petitioner has been surprisingly resistant to the Plan Commission's suggestions. Although she has tried to understand the petitioner's requests, she is not satisfied that this petition has met the necessary requirements. Reducing a setback from 30 feet to four feet is for financial gain, and the project cannot afford to not provide parking. She was struck by the number of errors in the rendering, which doesn't represent attention to detail. She stated that she expects more from a petitioner.

Commissioner Olbrysh stated that this development would be a welcome addition to the downtown, but he has two concerns: detention and parking. He stated that underground detention costs more and he assumes that those costs would be borne by the occupants of the building. He noted the comments from the Bureau of Inspectional Services on p. 8 of the staff report and asked if the petitioner would have any problem addressing them.

Mr. Kayser stated that the proposed detention system would be very low maintenance as the water will be relatively clean. It will have positive drainage, making it almost selfcleaning. The vault will be designed to meet all requirements. They have confirmed that there is sufficient space and the system will physically work, but the technical design will be done by their engineering consultants.

Mr. Olbrysh stated that the proposed building is taking up a lot of land, and their options are limited due to the size of the building. He stated that they need convenient parking and asked what the petitioner will do in the event that the project is approved and the parking relief is denied.

Mr. Curto noted that this is a public-private partnership and the financing has been worked out. They had brought forward a proposal for 40 parking spaces at Elmhurst Hospital, but Elmhurst required a 120-day notice period in the event that they need the parking for their facility. They would hope that if that occurred there would be other options available. He understands that Elmhurst cannot grant a "forever" easement. After the Village Board stated that the 120-day notice was unacceptable, Elmhurst offered a 180-day notice. This option is still out there, and there is another option to lease 37 of the adjacent commuter parking spaces. He noted that with downtown theaters, there is typically not parking immediately adjacent to the building.

Commissioner Burke agreed that the project does have a lot of potential. The Plan Commission had been very clear that they wanted to see a definitive plan for parking. With regard to the underground storage, he does not feel

qualified to say if it is a viable solution. Although it seems problematic on the surface, the Village Engineer should decide if it is appropriate. He is most troubled by the views from the adjacent properties and the composite photos had a tremendous impact on him. As with the St. John's project, the impact in the neighborhood is unbelievable. The photos show a corner unit with floor-to-ceiling glass that looks into someone's backyard. The building is too close to the residences and too obtrusive. At this point, there are still a lot of loose ends.

Commissioner Olbrysh stated that both the parking and detention problems are due to the size of the building. If the building were smaller, they could provide additional parking and possibly have an easier stormwater solution. He is in favor of the development and feels it is a good-looking building, but it is large. If approved, parking will not be very convenient.

Vice Chairperson Flint stated that, as an architect, he understands the proposed stormwater concept. The petitioner is proposing a very big, very tall building in the backyards of the adjacent residents. It would be desirable to somehow scale the building back, but the project still needs to work economically. He is torn because he supports the theater and wants it to work, but he is disappointed that the issues have not been addressed as the Plan Commission had requested.

Commissioner Sweetser suggested that two additional conditions be added to those within the staff report:

11. Stormwater detention shall be approved by the Village Engineer and shall be subject to rigorous scrutiny, and
12. The building setbacks shall be at least 80 percent of that required by the Zoning Ordinance.

Mr. Heniff clarified that condition no. 12 would apply to part 1, letter "d" of the petitioner's request.

It was moved by Commissioner Sweetser, seconded by Commissioner Olbrysh, that the petition be forwarded to the Village Board with a recommendation of approval, subject to conditions. The motion carried by a 4-0 vote.

Respectfully,

VILLAGE OF LOMBARD

Stephen Flint, Vice Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DAH*

DATE: March 1, 2007

SUBJECT: **PC 06-27: 101-125 S. Main Street (DuPage Theatre) – Additional Discussion**

After the public hearing portion of the meeting closed relative to PC 06-27 – the DuPage Theatre petition, additional discussion was offered relative to condition #12 that was included within the recommendation of approval by the Plan Commission. Specifically, the condition included a requirement that the developer shall meet at least eighty (80) percent of the required setback of the underlying district. However, that condition was tied to the relief enumerated within zoning request 1(d) included within the petition, which pertained to the front yard setback along Parkside Avenue. While this discussion is not included within the motion of approval of the petition, staff stated that the discussion would be shared with the Board members as requested by the Plan Commission.

Plan Commission Discussion

David Hulseberg, Assistant Village Manager/Director of Community Development, stated that he was at home watching the petition on television and that there was an issue that caught his attention. He stated that condition #12 that Commissioner Sweetser placed on the recommendation of approval provided for a minimum setback of 80 percent of the underlying yard requirement. As written, this condition would only apply along all of Parkside Avenue. He sought a clarification as to where this condition would be in effect. William Heniff stated that the intent of the relief in the request is to hold the existing building line along Parkside at four feet (4'), so if the condition applied to the Parkside elevation, it would require the building to be placed twenty-four feet (24') off of the north property line.

Commissioner Sweetser stated that her intent was to address the east property line. Mr. Hulseberg stated that if the intent was to move the building off of the east property line, the condition of approval would not apply and have no effect. Mr. Heniff stated that the condition would preclude any new construction activity from up to twenty-four feet (24') from Parkside Avenue.

Commissioner Sweetser noted that the submitted plans denote a twenty-three foot, six inch (23'6") drive aisle plus five feet (5') for transitional landscaping along the east property line, but

the plans did not denote the dimension for the bump out (bay windows and/or balconies). Mr. Hulseberg reiterated that the motion that was made is confusing and recommended that it be amended because it applies along Parkside Avenue and not along the east property line.

Commissioner Burke asked if this item was open for discussion. The issue is that the pictures depict the building from the backyards and the motion gave the impression that it was to make the building move further west off the property line.

Mr. Hulseberg stated that the motion as written did not do what the Commissioners it to do. If the intent was a setback of eight (80) percent of thirty feet (30'), the proposed condition is moot, as it already meets that standard. Commissioner Sweetser stated that the condition was not intended for Parkside. If the drawings had indicated the measurements of the overhang along the east property line, it would have made the issue clearer. Mr. Hulseberg noted that no part of the building is closer than twenty four feet (24') off of the east property line.

George Wagner, Village Counsel, stated that the public hearing was closed and many of the audience members were gone. He recommended that the motion go forward as is and have this issue clarified at the Board of Trustees level.

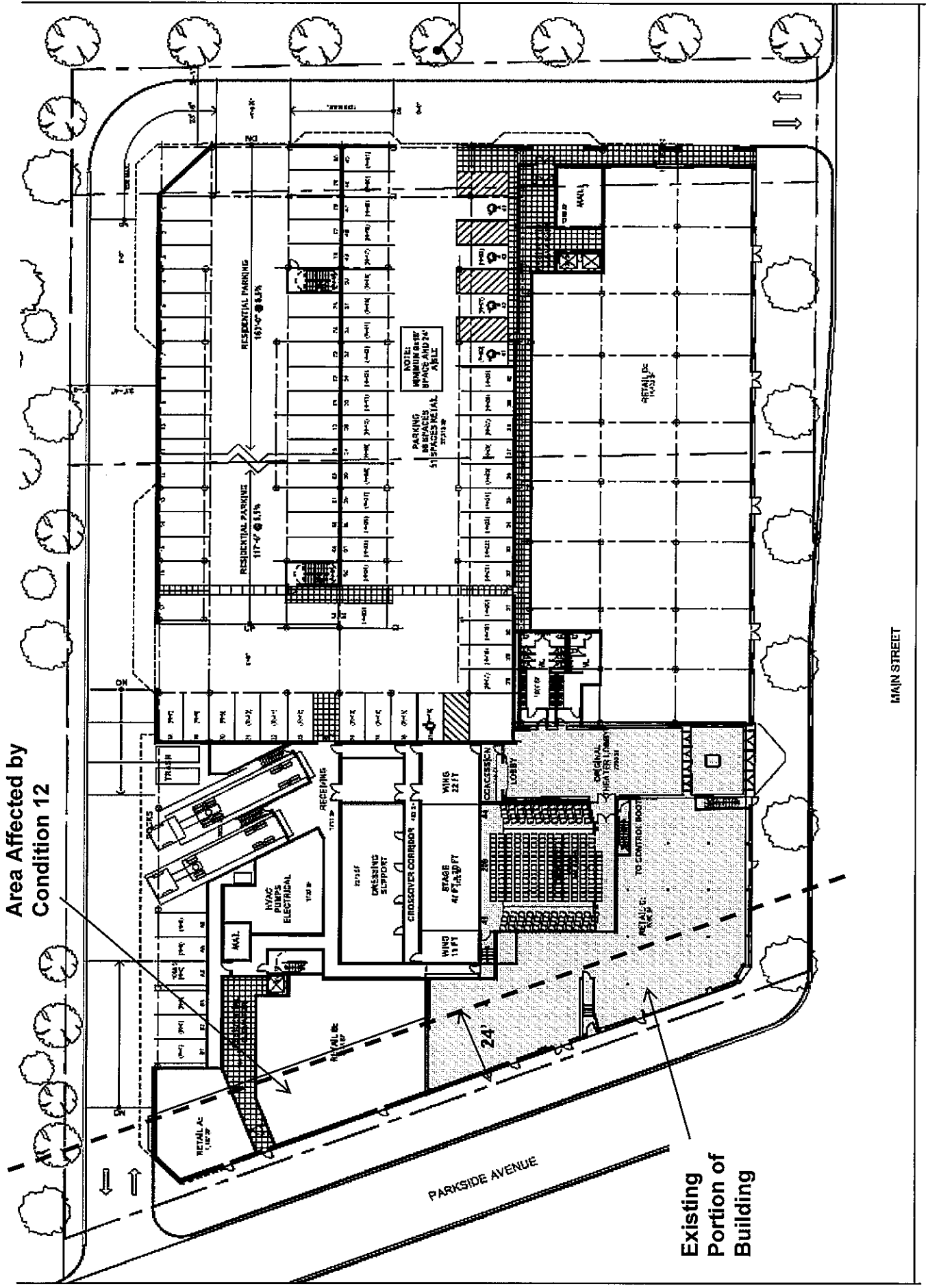
Commissioner Burke stated that he is not sure that his vote would be the same based on this discussion. They did not have a site plan in their package and he thought they were moving the building further to the west. Mr. Hulseberg stated that this comment will be transmitted to the Board of Trustees.

Staff prepared the attached exhibit that depicts what the building footprint would look like if condition number 12 was adopted by the Board as recommended for approval by the Plan Commission.

RECOMMENDATION

Staff notes that condition number 12 would modify the building footprint, the exterior elevations and the overall scope of the project. If the Board believes that condition number 12 should be included as part of the Ordinance of approval, staff recommends that the petition be remanded back to the Plan Commission for further review and the petitioner should be directed to prepare revised exhibits to reflect compliance with condition number 12. However, as noted above, the intent of the Commissioners was not to change the building setbacks along Parkside Avenue. Therefore, based upon this discussion, if the Board votes to approve the project, staff recommends that condition number 12 not be added within the conditions of approval.

Area Affected by Condition 12



Existing Portion of Building

MAIN STREET

PARKSIDE AVENUE

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT
STAFF REPORT NUMBER TWO - AMENDED

TO: Lombard Plan Commission

HEARING DATE: February 19, 2006

FROM: Department of
Community Development

PREPARED BY: Jennifer Backensto, AICP
Planner II

TITLE

PC 06-27; 101-125 S. Main Street (DuPage Theatre & South Lot): The petitioner requests that the Village take the following actions on the subject property, located within the B5 Central Business District:

1. Approve a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
 - b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
 - c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);
 - d. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
 - e. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;
 - f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping;
2. Approve a conditional use for outdoor dining; and
3. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

GENERAL INFORMATION

Petitioner: RSC & Associates
180 N. LaSalle Street, Ste. 2626
Chicago, IL 60601

Property Owner: Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

Relationship of Petitioner to Property Owner: Proposed Project Developer

PROPERTY INFORMATION

Existing Land Use: Vacant theater and temporary commuter parking lot

Size of Property: Approximately 2.26 acres

Comprehensive Plan: Recommends Mixed Use Medium Density Residential & Commercial
(Central Business District-Mixed Use Area)

Existing Zoning: B5 Central Business District

Surrounding Zoning and Land Use:

- North: Union Pacific Railroad
- South: B5PD Central Business District Planned Development; developed as Brust Funeral Home
- East: R2 Single Family Residence District; developed as single-family homes
- West: B5 Central Business District; developed as various commercial & residential uses

ANALYSIS

SUBMITTALS

This report is based on those documents filed on with the Department of Community Development and included as part of the initial report for PC 06-27. In addition, this report includes the following additional items:

1. Building Elevations, prepared by Daniel P. Coffey & Associates and dated January 3, 2007.
2. Floor Plans, prepared by Daniel P. Coffey & Associates and dated January 3, 2007.
3. Materials Board and Building Perspective, prepared by Daniel P. Coffey & Associates and dated November 20, 2007.

4. Plat of Survey, prepared by Gentile & Associates and dated December 18, 2007.
5. Samples of the limestone sills, balcony lights, and aluminum window trim/balcony material.
6. Preliminary Landscape Plan, prepared by David R. McCallum Associates and dated December 11, 2006.
7. Storm Sewer Calculations, prepared by Manhard Consulting and dated December 28, 2006.
8. Stormwater Site Plan Drawing, prepared by Manhard Consulting and dated February 7, 2007.
9. Information on proposed Harding Steel, Inc. car lifts.
10. Video presentation, prepared by the petitioner (this item is intended to be shown at the February 19, 2007 meeting).
11. Photographs and photo illustrations showing views from 136 & 140 S. Charlotte Street.

DESCRIPTION

The Plan Commission continued the public hearing for PC 06-27 in order to allow the petitioner to provide additional information regarding the development proposal and/or modify their plans accordingly. This report is based upon a review of the supplemental information provided by the petitioner and in consideration of the testimony made a part of the public hearing record at the November 20, 2006 Plan Commission meeting. Specifically, the report addresses the areas identified by the Plan Commission members, staff, and/or the public where additional information was requested.

Building Elevations

Changes on the new building perspective and elevations show:

- terra cotta and brick on the storefronts to match the original commercial building;
- removal of peaked roof elements and extension of red brick portions above storefronts;
- Indiana limestone sills;
- windows that reflect unit locations;
- added peak on the north elevation; and
- modifications to the northernmost peak on the west elevation.

No changes have been made to the storefronts along the north elevation, brick colors, mullions or signage locations. Those changes, which were suggested by the Plan Commissioners and communicated through staff, were intentionally omitted from the rendering. After further review of these issues, the petitioner felt that incorporating those changes would be detrimental to the retail component and respectfully disagreed with those suggestions. Staff is disappointed with the petitioner's decision as we believe those changes would improve the aesthetics of the building and improve its compatibility with the neighborhood. However, staff also recognizes that taste is a subjective matter.

Staff obtained permission from two adjacent property owners to take pictures from their backyards. These pictures were used to create composite images that give a rough idea of how the proposed development would appear from the adjacent properties. The images showing orange construction fencing represent 136 S. Charlotte, and the others represent 140 S. Charlotte (both included as part of the petitioner's submittal).

The materials board perspective still shows outdoor dining in front of the new Parkside Avenue storefronts, but there is less than 5 feet between the building and the property line. Any outdoor dining proposed on the public right-of-way would not be covered by the conditional use and would be subject to an annual administrative permit (no public hearing necessary).

The shared balconies on the north, east, and south elevations will be physically divided between the units, unless two adjoining units are combined.

The petitioner has attempted to show a 45-foot high building by including a partial through section on the building elevations, labeled "Unacceptable Alternate Mansard Roof Option." Staff advised the petitioner that this exhibit was not an adequate representation of a 45-foot high building. This alternative maintains a 9-foot high ceiling clearance within the residential units, but the roof height remains unchanged at 48 feet. To date, none of the submitted elevations have met the B5 District's 45-foot height requirement.

Video Presentation

At the July 2006 workshop session regarding the DuPage Theatre development proposal, the petitioner presented a three-dimensional video depiction of the proposed development. At the workshop session, the Plan Commissioners questioned the relative heights of the proposed structure as well as the adjacent buildings. The Commissioners noted that they wanted to ensure that any depictions of this nature accurately reflected the proposed conditions for the project. In response, the petitioner modified the presentation to attempt to address this issue. The presentation was modified to provide an updated view of the redevelopment plan as well as providing additional detail to the adjacent structures. The petitioner noted to staff the following issues relative to the presentation:

1. The proposed building heights were "eye-balled" without actual scaling of adjacent structures. The petitioner believes that the rendering is accurate within one to two feet.
2. The locations of the trees that are shown on the presentation were derived by using *Google Earth* aerial representations. They stated to staff that they believe that this approach provides a fairly reasonable depiction of the existing vegetation surrounding the subject site.
3. Staff notes that the depicted number of street parking spaces along East Parkside may not match the existing or proposed parking layout proposed at this location.

Stormwater

At the November 18, 2006 Plan Commission meeting the Plan Commissioners expressed a desire to see how stormwater detention would be addressed as part of the development. This request was also made by staff and requested by members of the public. In response, the petitioner has submitted a series of stormwater plans that have been reviewed by the Private Engineering Services Division and Bureau of Inspectional Services.

Stormwater Plan #1:

The petitioner's initial plan proposed a vault detention system to be provided below the proposed new retail portion of the building south of the theater. In review of this plan, staff noted that the conceptual plan is not feasible due to the fact that it would not satisfy the DuPage Countywide Stormwater and Floodplain Ordinance, Article 9, Section 15-114, Subsection 8c, which states that "all outlet works shall function without human intervention or outside power and shall operate with minimum maintenance." Pumping is not acceptable and the detention system must drain by gravity only.

In addition, this plan left unresolved questions regarding the following Ordinance requirements that should be addressed in order to assess feasibility:

- Article 9 Section 15-114, Subsection 8b states that "storage facilities shall be accessible and easily maintained."
- Article 9 Section 15-114, Subsection 8f states, in part, that "storage facilities shall provide an overflow structure and overflow path that can safely pass excess flows through the development site..."
- Article 10, Section 15-133, Subsection 4 states, in part, that "maximum flow depths on new parking lots shall not exceed one foot during the base flood condition and shall be designed for protection against physical damages. Flood hazard in parking areas below the base flood elevation shall be clearly posted." Therefore, the emergency overflow of the detention system must be within one foot above the lowest point of the parking area and signs would have to be posted.

Stormwater Plan #2:

In response to the above concerns, the petitioner then proposed a vault system to be located underneath the proposed east drive aisle. Upon review of this proposal, staff noted that the proposed vault would conflict with a water main also proposed to be located within the same area. This plan did not meet the detention requirements of Lombard or DuPage County and would have required variations from both entities.

Stormwater Plan #3:

The petitioner's latest stormwater plan would provide for underground storage as part of the building foundation beneath the new retail portion of the building along Main Street. The Private Engineering Services Division and Bureau of Inspectional Services have both reviewed the proposed concept plans and their comments are listed below. The petitioner's responses to these concerns, as well as staff's comments on these responses, are attached to this report as **Appendix A**.

Private Engineering Services Division comments

As presented on the submitted schematic, the stormwater detention system for the above captioned project would store the 100-year storm event in a 9-foot high concrete vault with a 6-foot storage area that would be located underneath the southwest corner of the building. The vault would drain via gravity through a water quality unit to a restrictor/overflow structure and finally into the Village stormwater system. The petitioner for this project represented that this vault would be incorporated into the structural foundation of the building. The Private Engineering Services Division has the following comments as this concept moves forward:

1. It is important to note that no other detention structure permitted by the Village is underneath a building or any other type of permanent structure. The use of the “outlot” for stormwater detention facilities is intended to provide the Village full, unimpeded access for inspection and, as necessary, maintenance of the structures. While this design meets the current Village Code requirements and could be constructed, staff is not supportive of such structures that are located underneath large, permanent structures. A review of this section of the Village Code is warranted to ensure that this type of system is not allowed in the future without all other possibilities exhausted and all up-front design issues resolved.
2. There are many unknowns in the overall design of such a basin/vault. Staff has only seen the conceptual layout of this plan, and to date, staff is not aware of any actual design for the structure itself. A critical issue will be the geotechnical information, which should be acquired and reviewed by the structural engineer prior to this concept moving forward.
3. Based on the findings of a geotechnical report, the construction costs could vary significantly. The petitioner shall identify if the vault is integral to the structure of the building. The petitioner shall also present how building settlement will affect the design.
4. Stringent requirements from the building department to ensure water proofing and safety will also result in extra costs for this structure. The petitioner shall provide an initial cost estimate for this stormwater plan, and balance the cost against the cost for the other stormwater mitigation plans previously discussed for this project, including off-site storage in a neighboring lot, etc.
5. The petitioner shall provide the intended life of such a structure with a detailed maintenance schedule that outlines the inspection and maintenance activities such as when the waterproofing would need to be amended or replaced, how cracking can be fixed, etc.
6. The building association will own and maintain this structure directly – provide language that will be included on a plat, which clearly designates the responsibility for funding for the inspections and maintenance of this system.

7. The vault shall have adequate access from outside of the building so that inspectors and maintenance and repair equipment do not have to enter the building.
8. Provide any additional insurance requirements that would be placed on the building association as a result of having this system under the building.
9. Provide the plan for overflow surcharging when the receiving Village storm sewer is at capacity.
10. Provide a list of sites within DuPage County where this concept has been used in the past and to what success.
11. The developer has met with the County (with no Village representative present) to obtain the County's support for this concept. The attached email from Clayton Heffter, the Stormwater Permitting Manager for DuPage County, outlines that the plan conceptually meets the Countywide Stormwater Ordinance; however, the Village has the final authority in approving the plan.
12. A registered structural engineer shall provide a certification of compliance for the constructed vault.
13. The plan shows "PROPOSED ROW." After talking with the design engineer, this is meant to be the actual, existing ROW.
14. The plan lists 1.35 AF total volume of storage. Scaling from the plan and using the provided 6' height of water in the vault, the storage would be closer to 1.83 AF. After speaking to the design engineer, this difference is made up by the intent to slope the floor of the vault to the outlet, as well as account for potential columns that may pass through the vault, however, neither of these points are represented on the plan.
15. No vertical scale is provided on the plan and profile. It appears that the vault will be approximately 9' in height; please have the petitioner confirm the total height.
16. The north arrow is not correct.
17. Typo on the plan and profile Bottom = 691.4, not 791.4
18. Typo on west invert of existing manhole 963.71 is likely 693.71.

Bureau of Inspectional Services comments

The proposed location for the underground storm water detention is possible under the building code but several concerns will need to be addressed.

1. The piers supporting building load from above will need to be isolated from the bottom slab of the detention stormtrap. In addition the design should include a membrane-covered wall/sleeve around the piers to allow water to rise up on to the wall with no risk of water leaking between the slab/pier connection and undermining the foundations.
2. An access door large enough to provide entry to conduct regular inspection of the membrane must be provided.
3. The plan submitted points to the outside of the stormtrap wall to have a plastic liner/membrane installed. The liner will need to be installed on the inside of the structure as well as around the pier sleeves. The outside of the stormtrap will require typical below grade waterproofing to be installed.
4. Soil borings will be required as part of the soil engineer and structural engineers submittal. It should be noted that a large sand deposit was discovered running north to south approximately 50' east of the property. We have no record of how wide this deposit goes or if there is any active water flow through it. The engineer will need to investigate this before submitting any of the foundation designs.
5. The structural engineer's design will need to include epoxy coated rebar reinforcement at the stormtrap and concrete mix design consistent with a structure having salt water exposure since some of the water from parking areas will be discharging into the structure.
6. Water proofing will need to be installed on the underside of the floor above the stormtrap to prevent moisture transfer into any finished space above.
7. It should be noted that this type design will require maintenance at a higher cost than typical construction due to its location under the building and the sharing of foundations between the stormtrap and the building above.

Landscape Variations

The petitioner has prepared a preliminary landscape plan for the rooftop garden areas showing proposed plant materials.

At the November 20 meeting, some members of the Plan Commission expressed a preference for a homogenous transitional landscape plan. Staff has received comments from only one adjacent property owner who would be impacted by this requirement. That property owner stated that a cash payment would be preferable to a homogeneous plan in that it would allow them to install landscape improvements that are suited to their tastes and individual properties.

Staff also supports the concept of a cash payment that would be made to the Village within sixty days of the petitioner closing on the property. The Village can then disperse the funds to the adjacent residences accordingly. In this manner, transitional landscape improvements could be installed and beginning to grow as early as spring 2007. In 1999, Big Idea Productions was

required to make a \$42 per linear foot payment to the owners of the adjacent residential properties. Adjusting this number for inflation brings it to \$50.80 per linear foot, or \$3,048 for most of the adjacent property owners (\$50.80 x 60 feet).

Parking Variation

Staff continues to recommend denial of the requested parking variation as an off-site parking agreement should be reached by the petitioner. At their January 18, 2007 meeting, the Board of Trustees considered a lease agreement with the Elmhurst Memorial Healthcare outpatient facility across the street from the subject property. Their intent was to lease 40 spaces from the facility to meet the code requirements, but the terms of the lease were deemed unacceptable by the Board of Trustees.

The petitioner has provided information on the proposed vehicle lifts/stackers. The lifts would allow a resident to stack two cars within one traditional parking space, provided there is a clear ceiling height of at least nine feet. The most recent site plans show that up to 60 lower-level parking spaces could accommodate these lifts. Staff recommends that a condition of approval be added to ensure the ability for these lifts to be installed, stating that the parking garage lower level shall have a clear ceiling height of no less than nine feet and adequate electrical supplies shall be installed to allow for the operation of the lifts.

Traffic Study

The Plan Commission inquired as to whether or not the downtown traffic counts performed by KLOA in the summer of 2004 had occurred prior to the no-left-turn restrictions on Route 53. Upon review, it appears that the no left turn signs were installed during the winter of 2001-2002.

Lighting/Photometrics

External lighting is shown on the west elevation storefronts. This lighting will not be installed on the north elevation. For the residential portion of the building, a sample lighting fixture has been provided.

Signage

Staff recommends that a condition of approval be added that would prohibit internally illuminated box- or cabinet-style signage. As with numerous recent developments (including The Pointe at Lombard, Amcore Bank/Highlands of Lombard retail strip center, Walgreens, VLand-Highland/Roosevelt) staff believes that any future wall signs should be in scale and harmony with the design concept of the proposed project. Tenants should be encouraged to have their signage represent the unique and special qualities of their store through creative designs.

With respect to the marquee sign, the petitioner will be proposing a new marquee sign that generally replicates the existing theatre sign. However, they have expressed to staff that the new sign may also include a vertical identification sign element as well. However the final design of the sign has not been completed to date. Should the petition be approved, the petitioner will be

able to submit the new marquee sign plan at a later date for review and approval as part of a Site Plan Approval application.

Other Items

Attached as **Appendix B** is a spreadsheet showing the status of proposed, under construction, and recently built condominium and townhome projects within the Village.

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested conditional uses, deviations, and variations included as part of the petition comply with the standards required by the Lombard Zoning Ordinance and granting the public planned development is in the public interest; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of PC 06-27, subject to the following conditions:

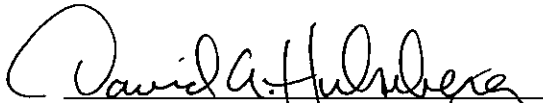
1. The petitioner shall enter into a development agreement with the Village setting forth the terms and conditions for development on the subject property.
2. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.
3. The development shall be constructed in compliance with the plans submitted as part of this petition. Any modification to the petitioner's plans shall be considered a major change to the planned development.
4. In the event there are any conflicts between the building elevations and the interior building layout, the exterior building elevation shall control. If required by interior changes of layout, the aesthetic, compositional and material concepts illustrated in the approved elevation drawings will be adhered to.
5. No box- or cabinet-style wall signage shall be permitted.
6. No parking relief shall be granted.
7. The parking garage lower level shall have a clear ceiling height of no less than nine feet, with adequate electrical supply provided to serve each lower level parking space.
8. Lighting on the residential portion of the building shall be shielded so that all illumination is directed toward the building and away from adjacent properties. Lighting provided for the drive aisle shall not project higher than eight feet above

grade level. Parking structure lighting shall be directed downward and shall not cast a glare onto adjacent properties.

9. An 8-foot solid beige PVC or similar fence shall be installed along the eastern property line, subject to the approval of the Director of Community Development.
10. In lieu of transitional landscaping improvements, a cash payment of \$50.80 per linear foot shall be paid to the Village within 60 days of the petitioner's acquisition of the property and prior to the issuance of any building permits. This cash payment shall be allocated amongst the adjacent property owners to the east of the subject property, based upon the length of the shared lot lines.

Furthermore, the Plan Commission recommends that site plan approval shall be granted for the subject property.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

Appendix A

**Petitioner's Responses to Stormwater Concerns
Submitted February 12, 2007**

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

Private Engineering Services Division Comments

1) It is important to note that no other detention structure permitted by the Village is underneath a building or any other type of permanent structure. The use of the “outlot” for stormwater detention facilities is intended to provide the Village full, unimpeded access for inspection and, as necessary, maintenance of the structures. While this design meets the current Village Code requirements and could be constructed, staff is not supportive of such structures that are located underneath large, permanent structures. A review of this section of the Village Code is warranted to ensure that this type of system is not allowed in the future without all other possibilities exhausted and all up-front design issues resolved. As such, how is it envisioned that the Village will be able to access and/or inspect the proposed vault to ensure that it is operating properly?

Access to the underground detention vault will be provided by hatches or doors and ladders as well as some ceiling mounted inspection lights to provide easy access from outside of the building. These access locations will be located adjacent to the fire lane on the south side of the building. This will provide unrestricted access to the vault by the Village.

It should be noted that several detention options have been explored on this project. Specifically, providing underground detention in the fire lane with “fee-in-lieu” to satisfy the balance of the detention requirement was proposed. This was not deemed feasible due to the 30’ watermain easement required around the building which precluded the placement of the underground detention.

A second option of providing off-site detention on the neighboring properties was also explored. RSC did meet with the owner of the adjacent property. However, no agreement was reached.

A third option of providing no detention on site with a “fee-in-lieu” contribution was also explored. However, given the historic flooding issues at the Main Street viaduct, we believe, along with staff, that it is prudent to provide some detention on-site to attenuate the flow below existing conditions.

2) There are many unknowns in the overall design of such a basin/vault. Staff has only seen the conceptual layout of this plan, and to date, staff is not aware of any actual design for the structure itself. A critical issue will be the geotechnical information, which should be acquired and reviewed by the structural engineer prior to this concept moving forward. Has there been any engineering design plans created that provide additional detail as far as how the vault system would be designed and/or integrated into the overall building design?

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

The structural system has not been engineered for this project. We will obtain soil borings once there is clear direction on how we will proceed with the stormwater issue.

This is a circular argument - basically it is difficult for direction to be provided to move forward with this concept without knowing the full extent of the design conditions.

3) Based on the findings of a geotechnical report, the construction costs could vary significantly. The petitioner shall identify if the vault is integral to the structure of the building. The petitioner shall also present how building settlement will affect the design. How will settlement affect the final design of the building?

The vault is designed the same as a basement. The building and vault structural design will be integrated. The live load of vault when filled and empty will be considered in overall design as well as lateral loads.

4) Stringent requirements from the Building Department to ensure water proofing and safety will also result in extra costs for this structure. The petitioner shall provide an initial cost estimate for this stormwater plan, and balance the cost against the cost for the other stormwater mitigation plans previously discussed for this project, including off-site storage in a neighboring lot. If it is determined that the final engineering costs for the project impact the ability to economically develop the project as proposed, how would you envision addressing the stormwater detention issue? What is the estimated cost for providing stormwater in this manner and does it fit into your pro forma?

RSC is working with Bovis Construction on determining the incremental building costs associated with the detention vault. If this method is determined to be cost-prohibitive, RSC in conjunction with Bovis, will explore additional “value engineering” concepts such as storing a portion of the detention on the roof (equal to required snow loading) and/or increasing the bounce on the detention to reduce the footprint size.

5) The petitioner shall provide the intended life of such a structure with a detailed maintenance schedule that outlines the inspection and maintenance activities such as when the waterproofing would need to be amended or replaced, how cracking can be fixed, etc. Can you provide estimates an/or details as to what this on-going responsibility may be?

The life expectancy of the detention structure would be no less than that of the building structure. Our architect and structural engineers will properly design and detail this foundation and basement structure.

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

Periodic inspections and maintenance will be performed by the condominium association’s management company to verify system performance.

The above is not a detailed inspection and maintenance schedule.

6) The building association will own and maintain this structure directly – provide language that will be included on a plat, which clearly designates the responsibility for funding for the inspections and maintenance of this system. How do you plan to convey the maintenance/ownership responsibility to the future association and future property owners/tenants?

Responsibility for all property maintenance will be held by the condominium association and is funded by association fees as will be defined by the condominium declaration.

7) The vault shall have adequate access from outside of the building so that inspectors and maintenance and repair equipment do not have to enter the building. How do you envision this to be achieved?

Outside access will be provided by a door or a hatch that will be accessible by village inspectors. (see item 1)

8) What additional insurance requirements would be placed on the building association as a result of having this system under the building?

No extraordinary insurance requirements are expected.

9) Provide the plan for overflow surcharging when the receiving Village storm sewer is at capacity. How will this be achieved?

A second overflow pipe capable of passing 2.0 cfs is proposed. In addition, a second inlet structure is proposed in the curb at Parkside and Main. This inlet will act as a third overflow at an elevation 1’ below the theatre F.F.

10) Provide a list of sites where this concept has been used in the past in DuPage County and to what success. How comparable are these sites to the DuPage Theatre project and how do these projects meet the provisions of the current DuPage County Stormwater and Floodplain Ordinance as well as the respective municipal code?

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

The new parking structure at Edward Hospital has approximately 8 acre feet of storage capacity in a basement detention structure. Intech, the civil engineer, said the project was audited by DuPage County after completion and was accepted without exception.

Daniel P. Coffey and Associates, LTD. has experience in designing (with civil and structural engineering consultants) a detention vault recently as part of a mixed use development. The Sherman Plaza Project (located at Sherman Avenue and Davis Street in downtown Evanston), was completed in spring of 2006, consists of condominiums, retail and parking facilities. This project included a 9,000 square foot detention vault located inside the building directly below parking and retail tenant space.

We have been informed and are confirming the following locations:

- 1. The Shops at One Orchard Place, Skokie under the retail structure.**
- 2. Cook County Jail.**
- 3. Oak Brook Terrace project**

As soon as we receive additional information regarding the above projects we will forward to your attention.

The above lists only one and maybe two projects in DuPage County.

11) The developer has met with the County (with no Village representative present) to obtain the County’s support for this concept. Clayton Heffter, the Stormwater Permitting Manager for DuPage County, outlines that the plan conceptually meets the Countywide Stormwater Ordinance; however, the Village has the final authority in approving the plan. Will the plan meet both code provisions and not require any additional relief?

The current plan provides the required detention volume, gravity outlet, emergency overflow pipe, unrestricted access to the village via a manhole outside the building, and an outlet via a vertical subdivision. Based on this analysis, it is our opinion that the plan meets the code provisions and will not require any additional relief.

12) A registered structural engineer shall provide a certification of compliance for the constructed vault. Is this doable?

A structural engineer will design and seal the plans for the vault. What additional certification is being requested?

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

Certification shall state that the vault was constructed per plan.

13) Address/correct the following plan comments:

- a) The plan shows "PROPOSED ROW." After talking with the design engineer, this is meant to be the actual, existing ROW.
- b) The plan lists 1.35 AF total volume of storage. Scaling from the plan and using the provided 6' height of water in the vault, the storage would be closer to 1.83 AF. After speaking to the design engineer, this difference is made up by the intent to slope the floor of the vault to the outlet, as well as account for potential columns that may pass through the vault, however, neither of these points are represented on the plan.
- c) No vertical scale is provided on the plan and profile. It appears that the vault will be approximately 9' in height, please have the petitioner confirm the total height.
- d) The north arrow is not correct.
- e) Typo on the plan and profile Bottom = 691.4, not 791.4
- f) Typo on west invert of existing manhole 963.71 is likely 693.71.

a) The “PROPOSED ROW” actually delineates the ROW which was recently dedicated.

b) The project is currently in preliminary engineering. As such, it is our office policy to provide conservative detention calculations to demonstrate that the volume can be met.

c) The vault is to be approximately 9’ in height.

d) The north arrow will be revised on future submittals.

e) The bottom of the vault is intended to be 691.4.

f) The typo will be corrected on future submittals.

Building Comments

1) The piers supporting the building load from above will need to be isolated from the bottom slab of the detention stormtrap. In addition the design should include a membrane covered wall/sleeve around the piers to allow water to rise up on to the wall with no risk of water leaking between the slab/pier connection and undermining the foundations. How can/will this be achieved?

The building support columns (piers) will be waterproofed with the same material as the walls and bottom slab of the vault if required. It is not anticipated that the columns and slab will be moving independently from each other. When the design calls for a control or expansion joint a typical water stop or other device may be required.

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

2) An access door large enough to provide entry to conduct regular inspection of the membrane must be provided. As the association will have the primary responsibility to address this issue, how will the Village ensure that the association satisfactorily addresses this issue?

The association can be required to provide the Village with an inspection report every 5 years. Since the products used will not be subject to UV, will rarely see any large volume of water, and will have adequate ventilation, it is anticipated that deterioration of the membrane or other products will be insignificant.

3) The plan submitted points to the outside of the stormtrap wall to have a plastic liner/membrane installed. The liner will need to be installed on the inside of the structure as well as around the pier sleeves. The outside of the stormtrap will require typical below grade waterproofing to be installed. How does this requirement impact your plan?

Walls will be water proofed inside vault and outside if required. Columns will be waterproofed inside the vault.

4) Soil borings will be required as part of the soil engineer and structural engineers submittal. It should be noted that a large sand deposit was discovered running North to South approximately 50' east of the property. We have no record of how wide this deposit goes or if there is any active water flow through it. The engineer will need to investigate this before submitting any of the foundation designs. How does this uncertainty affect the project? If it is determined that unsuitable soils exist below the proposed vault area, what is the next course of action?

Soil boring locations and depths will be determined by the approved stormwater detention system. If unsuitable soil conditions are found in the soil borings or certain unforeseen soil conditions were found during construction, we would consult with soil and structural engineers to find an appropriate solution. Any information that the Village can provide regarding adverse soils condition in and around the DuPage Theater site would be greatly appreciated.

5) The structural engineer's design will need to include epoxy coated rebar reinforcement at the stormtrap and concrete mix design consistent with a structure having salt water exposure since some of the water from parking areas will be discharging into the structure. Provide information as to how this will be achieved.

Epoxy coated rebar will be specified for columns, slab and walls of the vault where this is advised by PCA’s design criteria to meet the appropriate ASTM testing methods and any applicable codes.

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

6) Water proofing will need to be installed on the underside of the floor above the stormtrap to prevent moisture transfer into any finished space above. How does this affect the project?

There is no reason that waterproofing should be required on the underside of the floor slab above the vault as no water will ever get to that elevation unless the street is flooded to that same elevation. Ventilation should eliminate any need for a vapor barrier.

7) This type design will require maintenance at a higher cost than typical construction due to its location under the building and the sharing of foundations between the stormtrap and the building above. Has this additional cost been included within the project proforma and is the project still economically viable as proposed?

We disagree that this will require more maintenance than any alternatives other than fee-in-lieu. The cost of this system will likely be less than other alternatives.

8) Will there be a notice on the deed that this stormwater system is being used since it is not customary?

The condominium declaration and survey will define the area, the purpose it serves, and any other requirements the association will have regarding it.

Public Works Engineering Comments

1. The staff report should be incorporated into the Board's approval, as is typical, so that we can formally rely on these issues to be addressed in the permit application.

2. Their comment about the columns and vault slab experiencing the same settlement is doubtful since they will have different loads, but we can work that out the design with the structural engineer.

3. In addition to the structural engineer's seal on the plans and specs, we expect the structural engineer to provide a certification of compliance that the vault had been constructed in according to the design. Such a construction certification from the structural engineer would be a specific requirement of the Board's approval.

Appendix B

Condominium/Townhome Project Update 2/13/07

| Projects Under Construction Recently Completed | Address | Days Approval/LE | Date Sale Began | Number of Units Sold | Number of Units Sold | Number of Units Under Contract | Point of Contact (w/phone #) | Status |
|--|------------------------|--------------------------------|-----------------|----------------------|----------------------|--------------------------------|--|---|
| Lincoln Place | 1 S. Lincoln Av. | 6/5/2003 | 3/10/2004 | 39 | 34 | 0 | Norwood Builders 250 S. Northwest Hwy. Suite 300 Park Ridge, IL 60068 (847) 655-7700 | Ready for occupancy |
| Oakview Estates Phase 1 | 500 E. St. Charles Rd. | 5/6/2004 | 12/28/2004 | 40 | 29 | 0 | Neri Companies 145 S. Northwest Hwy. Park Ridge, IL 60068 (847) 825-9400 | Building 1 ready for occupancy. Detached garages under permit review. |
| Oakview Estates Phase 2 | 400 E. St. Charles Rd. | 5/6/2004 | 12/28/2004 | 40 | 0 | 0 | Neri Companies 145 S. Northwest Hwy. Park Ridge, IL 60068 (847) 825-9400 | Site improvements work will commence in Spring. Construction won't start until Building 1 complete along with initial pre-sales for Building 2 |
| Main Street Place | 229 S. Main Street | 4/1/2004 | 1/7/2005 | 10 | 1 | 0 | Coldwell Banker Real Estate (630)937-1376 | Working on punchlist items; realtor noted increased interest as of 2/2007 |
| Prairie Path Villas | 300 S. Main St. | 1/19/2006 | 7/6/2006 | 36 | 0 | 24 | Gap Development c/o Prudential Preferred Properties (630)915-8494 | Under construction |
| Residences at Fountain Square | 845 E. 22nd St. | 2/5/98 (original PD agreement) | 5/2/2006 | 74 | 0 | 34 | Residential Homes of America Lombard Office 845 E. 22nd Street Lombard, IL 60187 (630)627-2000 | Under construction |
| Residences at Fountain Square | 855 E. 22nd St. | 2/5/98 (original PD agreement) | 5/1/2005 | 74 | 66 | 0 | Residential Homes of America Lombard Office 845 E. 22nd Street Lombard, IL 60187 (630)627-2000 | CO's being issued |
| Yorkbrook Condominiums Phase 2 (aka Yorkbrook Place) | 2030 St. Regis Drive | 12/2004 (PD SPA approval) | 9/1/2006 | 35 | 0 | 0 | Hartz Construction Lombard Sales Office 2020 St. Regis Dr. Lombard, IL 60148 (630)228-3421 | Under construction |
| Buckingham Orchard Townhomes | 615 W. Pleasant Lane | 11/18/2004 | 9/27/2006 | 34 | 5 | 7 | Dearborn Buckingham Group 1775 Winnetka Road Northbrook, IL 60093 (847)881-2560 | Includes both phases of development. Final engineering approved for Phase 1. 368 Buck. COs issued; 356 Buck. Under const.; 369 Buck. - building permit to be applied for 4/2007. |
| Lyonhart Manor Townhomes | 620 W. Meadow Av. | 4/1/2006 | | 25 | | | Lyonhart Homes LLC 1150 Spring Road Oak Brook, IL 60523 | Final engineering to be issued upon receipt of LOC. |
| Grove Park Condos | 27 Grove St. | By right permit issuance. | | 18 | | | Carey Construction 20 Monaco Dr. Roselle, IL (630)529-9781 | Permit review complete. Waiting for additional contractor information & plat of abrogation |
| Hunters Ridge of Lombard | 300 W. 22nd St. | 11/1/2006 | | 60 | | | Kenar Development 1904 Wright Blvd. Schaumburg, IL 60193 (847)352-0100 | Final engineering underway. Addressing administrative issues before proceeding with project. |
| DuPage Theatre Redevelopment | 101 S. Main | | | 126 | | | | Pending Plan Commission/Village Board Consideration |



Nmander140@aol.com

01/05/2007 10:49 AM


To: downerj@villageoflombard.org

cc

bcc

Subject: DuPage Theater Property

History:

 This message has been replied to and forwarded.

TO: Village of Lombard Plan Commission Members

FROM: Nanette and Gary Anderson
140 S. Charlotte

Dear Commission Members:

In December 2006 we gave permission to Jennifer Backensto, Village Planner to enter our backyard at 140 S. Charlotte St. to photograph our view of the DuPage Theater Property in order for her to superimpose the condo building into the picture. Ms. Backensto kindly sent a copy to us. Hopefully, you have received a copy as well. Although it does show the approximate position of the condo building we believe that the "objects are closer than they appear" in the superimposed photograph.

This letter is an invitation for each of the plan commission members to take a few minutes to visit our backyard and compare that superimposed photo with what you actually see. We are confident that you will agree that the condo building will be closer than it appears. Please keep in mind that our property extends 8 feet beyond our back fence.

If you have any questions, we can be reached at 916-4778.

Thank you.

January 13, 2007

To the Lombard Plan Commission:

Dear Commissioners,

We are writing this letter in advance of the January 22, 2007 meeting regarding the proposed redevelopment of the 'DuPage Theater' property. We would like to make a couple points to you as you develop your recommendations to the Village Trustees related to the many requested variances being requested by the developer.

First, we were visited by Ms. Jennifer Backensto, who took pictures from our back yard towards the subject property, and then caused a likeness of the proposed development to be superimposed on the picture, creating what should be our view of the development from our home. We were provided with a copy of that picture, which we believe has been distributed to the commissioners. Our concerns are two-fold; first, the relationship of the development to our home is NOT correctly reflected in the picture. The apparent distance of the proposed building from our home is distorted in the picture. In reality, the building will be closer and certainly more imposing than the picture indicates. We believe our privacy and the privacy of the owners of the rear condos will be compromised. Please don't be misled, our view of the development from the rear of our home will not be pleasant.

Second, as we review the requirements needed for the approval of the requested variances, we believe the developer has failed to meet the requirements for approval. There is no indication that the developer would suffer any hardship if the variances were denied, only a reduction of his profit.

We request that the Plan Commission recommend that the requested variances NOT be granted. Please require this developer, and all others, to build in accordance with existing code.

Thank you for your time and consideration.

Sincerely,

Gary and Nanette Anderson
140 S. Charlotte

Re: PCC-27

Joan Bry
136 S. Charlotte St.
630 495- 3117 630 673-7136

I have been a Lombard resident for the past 23 years, have put 4 children through the Lombard school system, and have enjoyed the Park Districts and all that this town has to offer. I have owned 3 homes on the south side of town, but now that I have only 1 child living at home, I made the decision to move into the downtown area. Less than 2 years ago, I purchased a very quaint 1928 home with a lot of character and a large back yard. This property is directly east of the theatre. Instead of tearing this house down to put up a 4000 square foot house, I decided to spend a lot of money to renovate it, to preserve the charm that goes along with this area. The concerns that I have with this building project besides the congestion and the parking issues are as follows:

There are 6, 20 -30 foot trees just west of my property line. These trees give me privacy and shade when I am relaxing by my large coy fish pond with its waterfall. I am not looking forward to sitting in my back yard with a three story tall condominium development with balconies right behind my fence. I feel that the real value of our property in this area comes not from the house itself, but from the large, secluded back yards that most of us have. What will happen to these trees that are hundreds of years old when the condominium development goes up. Also, with the recent heavy rains that we have had, there has been massive flooding of our beautiful yards, for some over 100 feet, right up to our back doors. The recent figures on real estate sales for the year 2006 have been reported as being 23% below the sales for 2005. With all of the condos being built in this immediate area, who is going to buy all of them, and how will that effect our daily lives?

MEMORANDUM TO: Dave Hulseberg
Village of Lombard

FROM: Timothy J. Doron
Principal

Javier Millan
Senior Consultant

DATE: November 20, 2006

SUBJECT: DuPage Theater Redevelopment
Lombard, Illinois

This memorandum summarizes the results of a traffic impact analysis conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the Village of Lombard. The evaluation is for the proposed redevelopment of the DuPage Theater in Lombard, Illinois. The site is located in the southeast quadrant of the Main Street signalized intersection with Parkside Avenue. The site is currently occupied by the DuPage Theater and some vacant land.

The plans call for redeveloping the site with a 126-unit condominium building, 24,464 square feet of retail, a 300 seat theater with 191 underground parking spaces for the residential component and 51 parking spaces designated for the retail portion of the development. Access to the site will be provided via one full ingress/egress access drive off Main Street approximately 360 feet south of Parkside Avenue and another full ingress/egress access drive on Parkside Avenue approximately 260 feet east of Main Street.

This study was conducted to assess the impact that the proposed redevelopment will have on traffic conditions in the area and to determine any roadway and access improvements necessary to accommodate future traffic volumes on the adjacent roadways.

Existing Conditions

Transportation conditions in the site area were inventoried to obtain a database for projecting future conditions. Three general components of existing conditions were considered: (1) the geographical location of the site, (2) the characteristics of the roadways and traffic control devices in the site area, and (3) the traffic volumes on the roadways.

Site Location

The site, as mentioned previously, is located on the southeast quadrant of the Main Street signalized intersection with Parkside Avenue. The site is bordered to the north by the Parkside Avenue and the Chicago & Northwest Railroad Company. Land uses in the vicinity of the area include single-family homes to the east, the Brust funeral home to the south and retail/commercial land uses to the west. The principal roadways in the vicinity of the site are illustrated in **Figure 1** and described in the following paragraphs.

Main Street is a north-south minor arterial with a five-lane divided cross-section in the site's vicinity. At its signalized intersection with Parkside Avenue, Main Street provides an exclusive left-turn lane, a through lane and a combined through/right-turn lane on both approaches. Main Street has a posted speed limit of 25 mph and carries an Average Daily Traffic (ADT) of approximately 15,500 vehicles.

Parkside Avenue is a two-lane east-west residential street that runs from Grace Street west to its terminus at Elizabeth Street. At its signalized intersection with Main Street, Parkside Avenue provides a combined left/through/right-turn lane on both approaches.

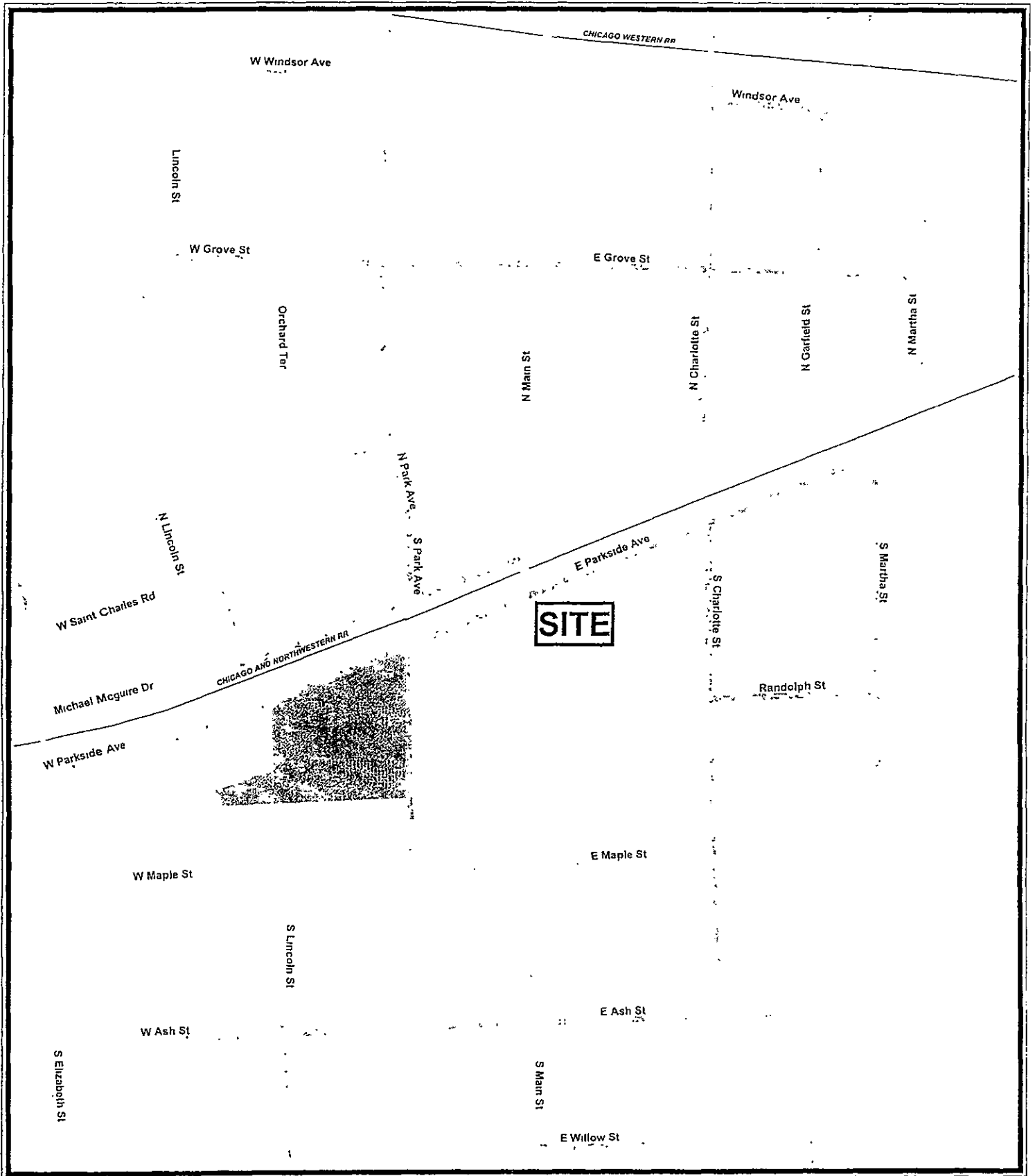
Existing Traffic Volumes

Existing roadway and traffic conditions near the site were documented based on field visits and a previous traffic count conducted as part of the St. Charles Road corridor study prepared by KLOA, Inc. for the Village of Lombard. The manual traffic movement counts were conducted during the weekday morning (7:00 to 9:00 A.M.) and weekday afternoon (4:00 to 6:00 P.M.) peak time periods at the intersection of Main Street with Parkside Boulevard. The counts were conducted on June 2004 (copies of the traffic counts are enclosed in the Appendix). The traffic count data indicates that the weekday morning peak hour occurs from 7:45 AM and 8:45 AM and the afternoon peak hour occurs from 4:30 PM to 5:30 PM. The existing peak hour volumes are illustrated in **Figure 2**.

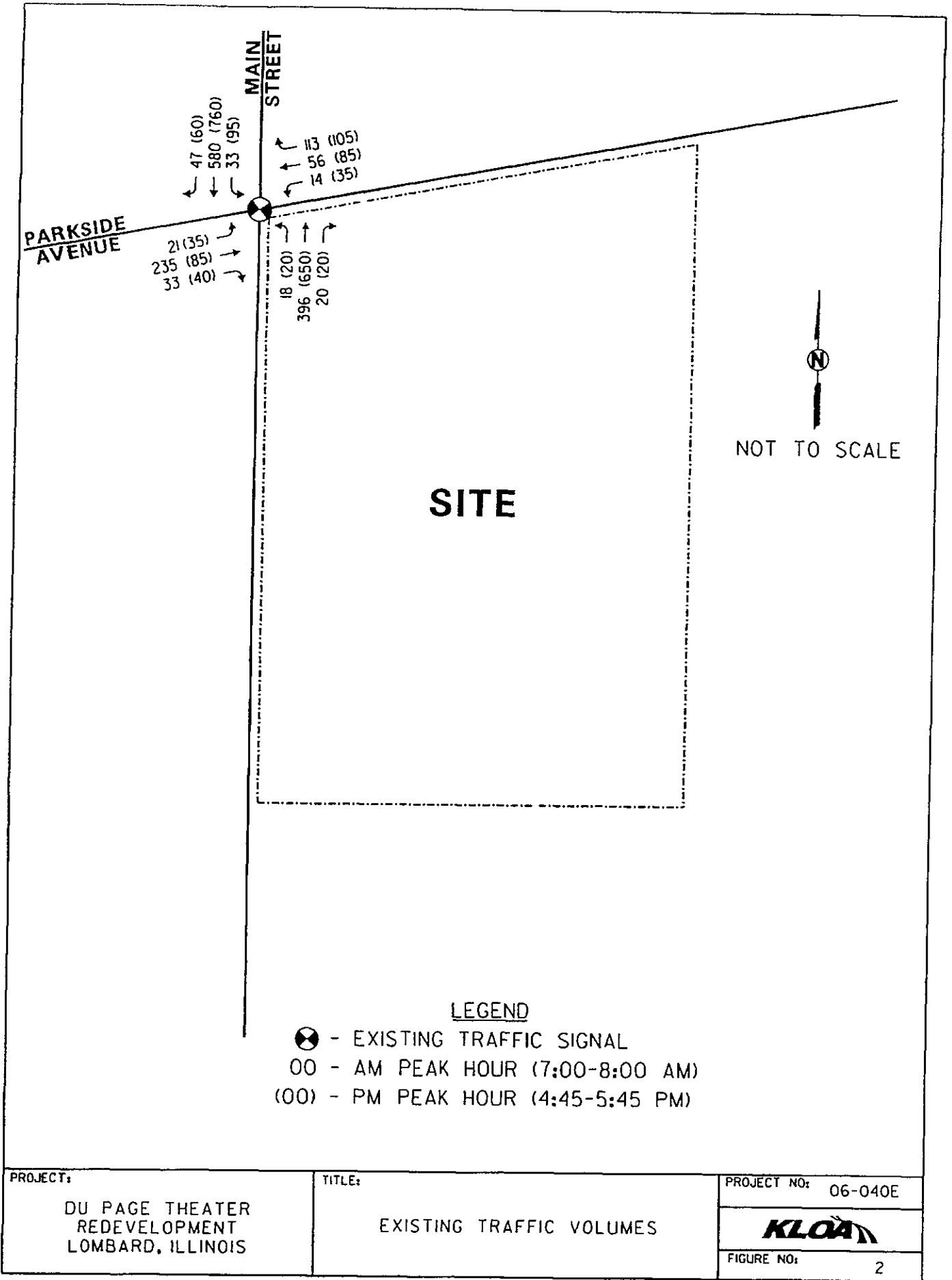
In order to evaluate future traffic conditions on the area roadways and at the proposed access drives, it was necessary to determine the traffic characteristics of the development, including the directional distribution and the volumes of traffic that will be generated by the development.

Directional Distribution

The directional distribution of future site-generated trips on the external roadways is a function of several variables including the operational characteristics of the roadway system and the ease with which drivers can travel over various sections of the road system without encountering congestion. The directional distribution for the proposed development was based on the existing travel patterns as determined from the traffic counts. The directional distribution is shown in **Table 1** and illustrated in **Figure 3**.



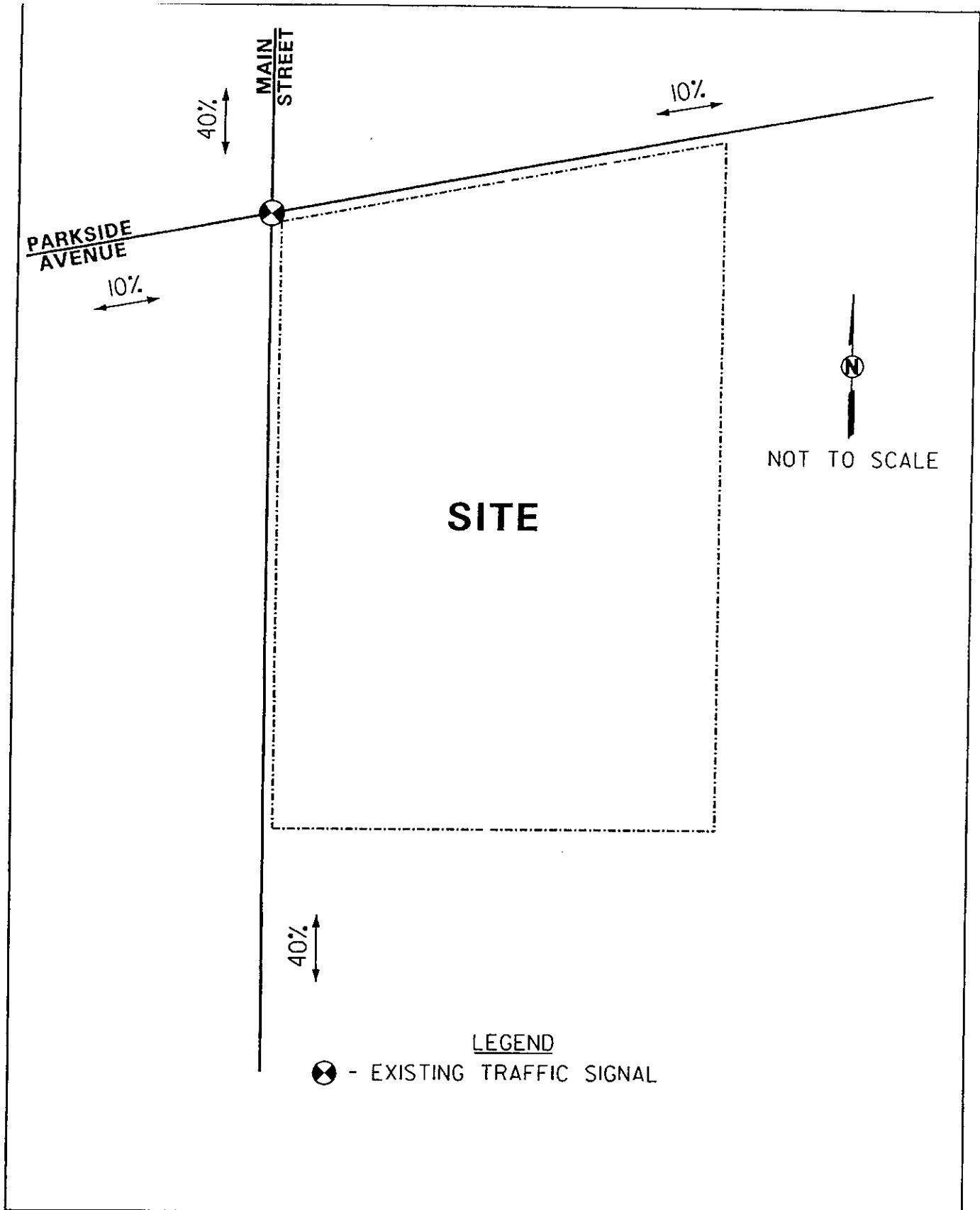
SITE LOCATION



PROJECT:
DU PAGE THEATER
REDEVELOPMENT
LOMBARD, ILLINOIS

TITLE:
EXISTING TRAFFIC VOLUMES

PROJECT NO: 06-040E
KLOAN
FIGURE NO: 2



SITE

NOT TO SCALE

LEGEND

⊗ - EXISTING TRAFFIC SIGNAL

| | | |
|---|--|----------------------------|
| <p>PROJECT: DU PAGE THEATER REDEVELOPMENT LOMBARD, ILLINOIS</p> | <p>TITLE: ESTIMATED DIRECTIONAL DISTRIBUTION</p> | <p>PROJECT NO: 06-040E</p> |
| | | <p>KLOAN</p> |
| | | <p>FIGURE NO: 3</p> |

Table 1
ESTIMATED DIRECTIONAL DISTRIBUTION

| Direction | Percent |
|--|---------|
| To and from the north on Main Street | 40% |
| To and from the south on Main Street | 40% |
| To and from the east on Parkside Boulevard | 10% |
| To and from the west on Parkside Boulevard | 10% |
| Total | 100% |

Proposed Site Traffic Generation

The traffic generation characteristics of any development are based on the magnitude and character of its land use. The proposed development will contain 126 condominium units, 24,464 square feet of retail and a 300 seat theater. The estimates of the peak hour traffic that will be generated by the development were based on the trip generation rates published in the Institute of Transportation (ITE) *Trip Generation Manual*, 7th Edition Land Use Code 230 (Residential Condominium/Townhouse) and Land Use Code 814 (Specialty Retail). It should be noted that no trip generation was calculated for the theater since the activities that would take place on the theater would most likely occur outside the peak hours of traffic and on weekends when traffic adjacent street traffic volumes are much lower than during the weekday peak hours. Table 2 lists the amount of traffic that will be generated by the proposed development during the morning peak hour and the evening peak hour. It should also be noted that these trip generation rates (specially for the residential portion of the development) are very high since they do not take into consideration the proximity to the Metra train station and the fact that the development is located within the downtown area. As such, we are providing a conservative trip generation for this development. Based on information provided by the developer, the retail portion of the development will most likely not be open during the A.M. peak hour and will not generate traffic during the morning peak hour. However, in order to provide a conservative analysis, we assumed the retail portion of the development will generate the same total number of trips during the A.M. peak hour as during the P.M. peak hour.

Table 2
PEAK HOUR GENERATED TRAFFIC VOLUMES

| Land Use | Morning Peak Hour | | Evening Peak Hour | |
|--------------------------------|-------------------|-----------------|-------------------|----------|
| | Inbound | Outbound | Inbound | Outbound |
| Condominium -126 units | 10 | 55 | 50 | 25 |
| Specialty Retail - 24,464 s.f. | 50 ¹ | 35 ¹ | 35 | 50 |
| Total | 60 | 90 | 85 | 75 |

Theater Traffic

Although and as previously mentioned, the theater traffic will be generated outside the peak hours and during the weekends, in order to take into account the potential for an activity to occur within the peak hours, existing traffic volumes were increased by five percent.

Traffic Assignments

The estimated peak hour traffic volumes that will be generated by the proposed development were assigned to the various roadways and access drives serving the development in accordance with the previously described directional distribution. **Figure 4** illustrates the peak hour traffic assignments for the development. **Figure 5** illustrates the combination of existing volumes (increased by five percent and the site generated traffic to obtain total traffic volumes.

Evaluation and Recommendation

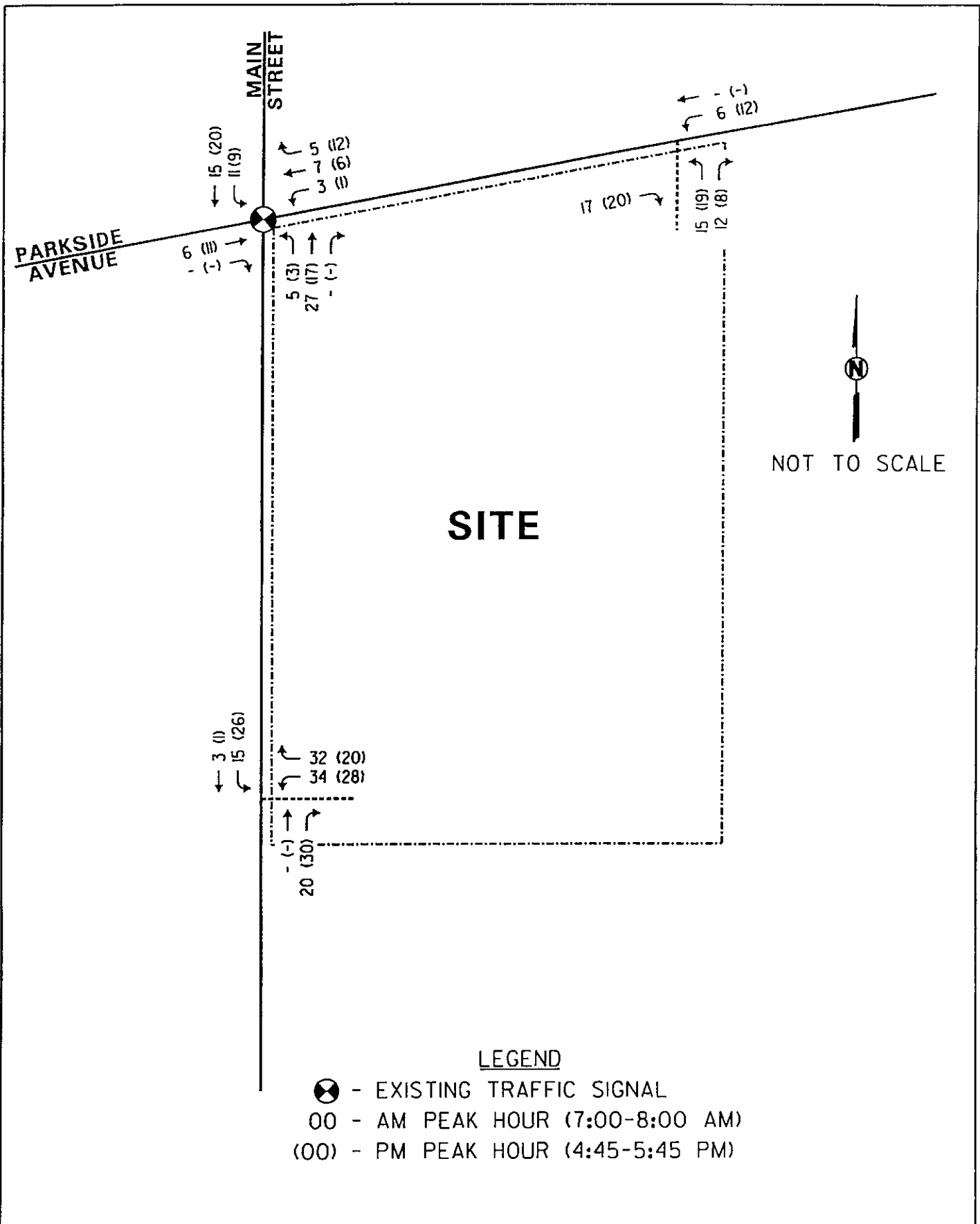
In order to evaluate the impact of the anticipated traffic volumes, the intersection of Main Street with Parkside Avenue and the proposed access drives were analyzed based on the estimated of existing and development generated traffic on the roadway system serving the site. From this analysis, recommendations were developed for site access facilities and roadway improvements.


Site Access

Access to the site is proposed to be provided via a full ingress/egress access drive on Main Street located approximately 360 feet south of Parkside Avenue and another full ingress/egress access drive on Parkside Avenue located approximately 260 feet east of Main Street. The access road off Main Street should provide one inbound lane and one outbound lane with outbound movements under stop sign control. The access drive off Parkside Avenue should provide one inbound lane and one outbound lane with outbound movements under stop sign control. Due to the fact that Main Street currently provides an two-way left-turn lane along the site's frontage and based on the low left-turning movement into the site from Main Street, no additional geometric improvements or widening will be necessary. Based on a review of the projected traffic volumes along Parkside Avenue, no widening or provision of exclusive turn lanes will be necessary to accommodate projected traffic volumes.

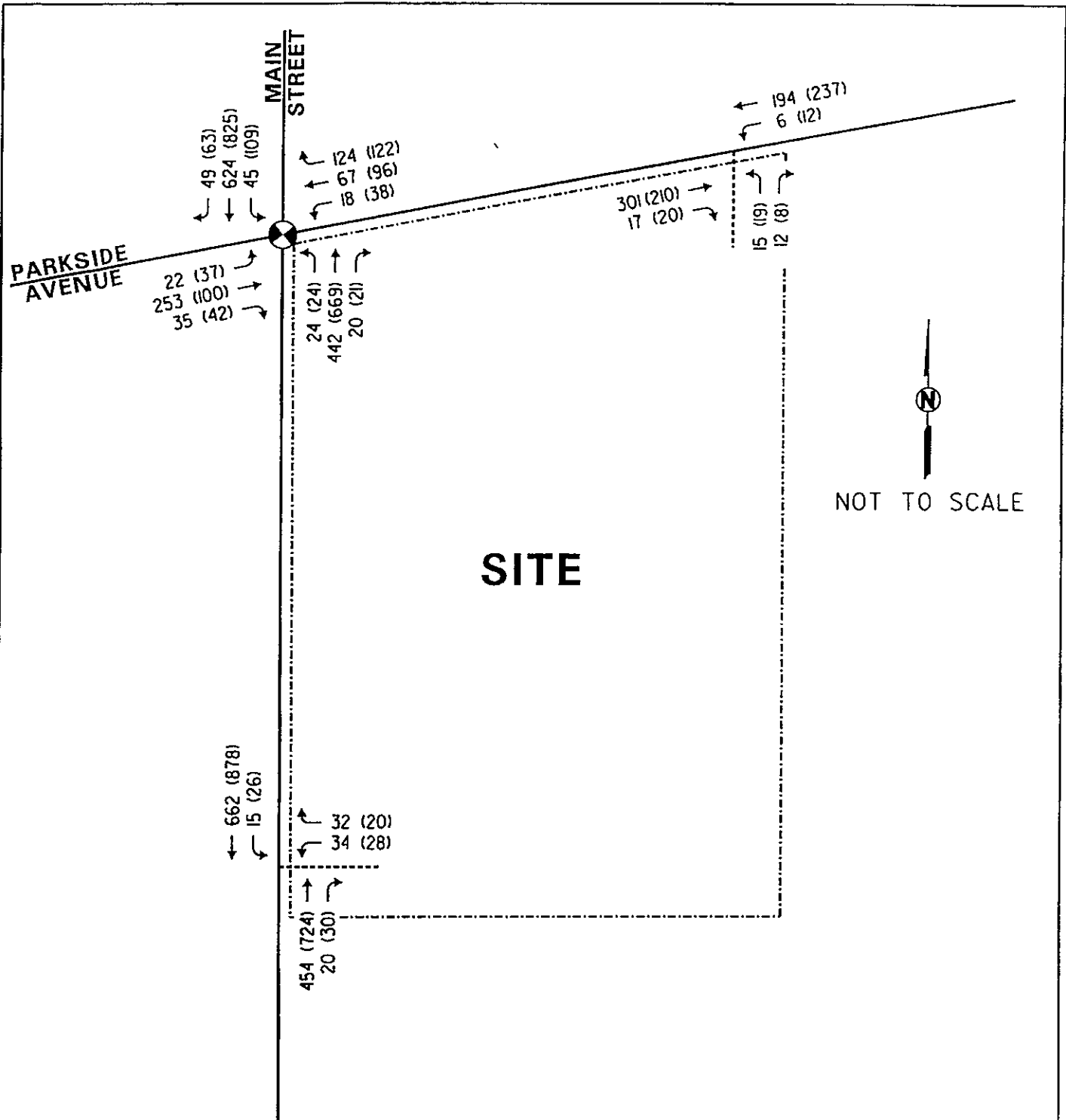
Capacity Analysis

Capacity analyses were conducted at the intersection of Main Street with Parkside Avenue as well as at the intersection of Main Street with the access drive and Parkside Avenue with the access drive under both existing and total projected traffic volumes. The traffic analyses were performed using the methodologies outlined in the Transportation Research Board's *Highway Capacity Manual (HCM)*, 2000.




 NOT TO SCALE

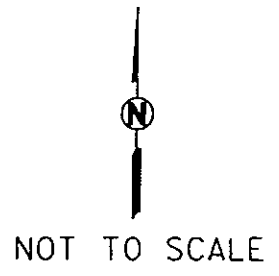
| | | |
|---|-----------------------------------|--|
| PROJECT: DU PAGE THEATER REDEVELOPMENT LOMBARD, ILLINOIS | TITLE: SITE TRAFFIC ASSIGNMENT | PROJECT NO: 06-040E  FIGURE NO: 4 |
|---|-----------------------------------|--|



SITE

LEGEND

- ⊗ - EXISTING TRAFFIC SIGNAL
- 00 - AM PEAK HOUR (7:00-8:00 AM)
- (00) - PM PEAK HOUR (4:45-5:45 PM)



PROJECT:
DU PAGE THEATER
REDEVELOPMENT
LOMBARD, ILLINOIS

TITLE:
TOTAL TRAFFIC VOLUMES

PROJECT NO: 06-040E
KLOAN
FIGURE NO: 5

The analyses for the unsignalized intersections determine the average control delay to vehicles at an intersection. Control delay is the elapsed time measured from a vehicle joining the queue at a stop sign (includes the time required to decelerate to a stop) until its departure from the stop sign and resumption of free-flow speed. This methodology analyzes only intersection approaches controlled by stop signs but considers traffic volumes on all approaches, lane characteristics, and the percentage of heavy vehicles such as trucks.

The ability of an intersection to accommodate traffic flow is expressed in terms of level of service (LOS), which is assigned a letter from A to F based on the average control delay experienced by vehicles passing through the intersection. Control delay is that portion of the total delay attributed to the traffic signal or stop sign control operation, and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Level of Service A is the highest grade (best traffic flow and least delay), Level of Service E represents saturated or at capacity conditions, and Level of Service F is the lowest grade (oversaturated conditions, extensive delays). Typically, Level of Service D is the lowest acceptable grade for peak hour conditions. **Table 3** summarizes the levels of service and delays for the critical intersections under existing and future conditions.

Table 3
INTERSECTION LEVEL OF SERVICE AND DELAY

| Intersection | Morning Peak Hour | | Evening Peak Hour | |
|---|-------------------|-----------------|-------------------|-----------------|
| | Level of Service | Delay (seconds) | Level of Service | Delay (seconds) |
| Existing Traffic Volumes | | | | |
| Main Street at Parkside Avenue ¹ | B | 16.4 | B | 13.5 |
| Total Traffic Volumes | | | | |
| Main Street at Parkside Avenue ¹ | B | 17.3 | B | 14.9 |
| Main Street at Access Drive ² | B | 12.6 | C | 16.3 |
| Parkside Avenue at Access Drive ² | B | 11.9 | B | 11.5 |
| LOS - Level of Service Delay is measured in seconds. ¹ Unsignalized Intersection | | | | |

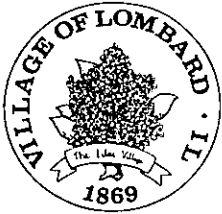
As can be seen from Table 3, the intersection of Main Street with Parkside Avenue is operating and will continue operating at acceptable levels of service. The access drive intersections with Main Street and Parkside Avenue will also operate at acceptable levels of service indicating that the recommended improvements to the access drives will accommodate the future traffic volumes.

Parking Evaluation

The proposed development, as previously mentioned will provide 189 residential parking spaces and 54 retail spaces. This number of parking spaces meets or exceeds the Village of Lombard parking requirements. Although no parking for the theater is required or provided, when activities in the theater do occur, over 600 parking spaces are available to the public within 600 to 800 feet from the theater. Assuming a vehicle occupancy of 3 people per vehicle, this would yield approximately 99 vehicles that would be searching for parking within the immediate area. This demand can easily be accommodated by the available public parking. It should be noted that this assumption does not take into account the fact that many people that visit the Lombard downtown area use the train or walk to it. As such, and based on the above, there will be more than adequate parking around the immediate periphery to serve the theater parking demand.

Conclusion

Based on the preceding analysis, the existing site is well situated with respect to the local roadway system. The access drives as recommended will be able to accommodate the estimated site traffic. No other improvements or widening improvements along Main Street and Parkside Avenue will be necessary to accommodate future traffic volumes.



MEMORANDUM

TO: LOMBARD PLAN COMMISSION
Donald Ryan, Chairperson

FROM: Jennifer Backensto, AICP, Planner II *SB*

DATE: November 20, 2006

SUBJECT: PC 06-27: 101-125 S. Main Street (DuPage Theatre Redevelopment)
Executive Summary

The attached Interdepartmental Review Group Report includes Village staff's review of the proposed development and requested relief. The discussion covers the petition's compatibility with the Comprehensive Plan, Zoning Ordinance, Sign Ordinance, Subdivision and Development Ordinance, and general compatibility with the surrounding land uses.

Although detailed discussions and rationales are found within the staff report, the following table offers a summary of staff's recommendations relative to this petition:

| <u>Action Requested</u> | <u>Staff Recommendation</u> |
|---|----------------------------------|
| Conditional use for a planned development | Additional information requested |
| Deviation to allow a 48-foot high building | Additional information requested |
| Variation to allow a 5-foot transitional landscape yard | Approval, with conditions |
| Variation to allow zero theater parking spaces | Denial |
| Variation to allow a 4-foot front yard | Approval |
| Variation to eliminate transitional landscape improvements | Approval, with conditions |
| Variation to eliminate the perimeter lot shade trees | Approval, with conditions |
| Conditional use for outdoor dining | Approval |
| Site Plan Approval authority to the Lombard Plan Commission | Approval |

Overall, staff recommends that this petition be continued to allow the petitioner to address any issues raised by public comment, Plan Commission discussion, and this report. In addition to any items that may be requested by the Commissioners, staff requests that the petitioner provide the following information for consideration at the next Plan Commission meeting:

1. Plan or engineers statement confirming that stormwater detention and drainage can be accomplished on site;
2. Building cross-section detailing and explaining proposed building heights;
3. Proposed materials for residential balconies, trim elements, and light fixtures;
4. Revised ground floor plan to include:
 - a. Redistribution of commercial and residential parking (total 50 commercial and 190 residential);
 - b. Cut sheet for eight-foot high solid fence along southern 405 feet of east property line;
5. Cut sheet for the proposed parking lifts/stacking equipment;
6. Light standard specifications; and
7. Additional information regarding the nature and type of rooftop garden plantings as well as access to the rooftop garden areas (private vs. common areas).

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT
STAFF REPORT NUMBER ONE

TO: Lombard Plan Commission

HEARING DATE: November 20, 2006

FROM: Department of
Community Development

PREPARED BY: Jennifer Backensto, AICP
Planner II

TITLE

PC 06-27; 101-125 S. Main Street (DuPage Theatre & South Lot): The petitioner requests that the Village take the following actions on the subject property, located within the B5 Central Business District:

1. Approve a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
 - b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
 - c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);
 - d. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
 - e. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;
 - f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping;
2. Approve a conditional use for outdoor dining; and
3. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

GENERAL INFORMATION

Petitioner: RSC & Associates
180 N. LaSalle Street, Ste. 2626
Chicago, IL 60601

Property Owner: Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

Relationship of Petitioner to Property Owner: Proposed Project Developer

PROPERTY INFORMATION

Existing Land Use: Vacant theater and temporary commuter parking lot

Size of Property: Approximately 2.26 acres

Comprehensive Plan: Recommends Mixed Use Medium Density Residential & Commercial
(Central Business District-Mixed Use Area)

Existing Zoning: B5 Central Business District

Surrounding Zoning and Land Use:

- North: Union Pacific Railroad
- South: B5PD Central Business District Planned Development; developed as Brust Funeral Home
- East: R2 Single Family Residence District; developed as single-family homes
- West: B5 Central Business District; developed as various commercial & residential uses

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development:

1. Responses to Standards for Planned Developments, Variations, and Conditional Uses.
2. Kane-DuPage Soil and Water Conservation District Land Use Opinion Application, dated October 16, 2006.
3. Survey of the Subject Property, prepared by McDonough Associates Inc., dated June 30, 1987.

4. Building Elevations, prepared by Daniel P. Coffey & Associates, dated November 8, 2006.
5. Floor Plans, prepared by Daniel P. Coffey & Associates, dated October 23, 2006.
6. Absorption assumptions associated with proposed units (no date).
7. Development schedule dated October 16, 2006.
8. Multifamily density comparison (no date).
9. Proposed brick materials and color renderings (no date).

DESCRIPTION

This petition concerns the proposed redevelopment of the DuPage Theatre property as well as the adjacent vacant lot to the south. The requested zoning actions to create a planned development with relief for building height, setback, and landscaping as well as a conditional use for outdoor dining would allow for the restoration of much of the existing building excluding the auditorium and new construction surrounding the existing building. At its July 17, 2006 meeting, the Plan Commission held a workshop session regarding the zoning issues associated with the proposed redevelopment. The petitioner's responses to the Plan Commission's concerns are addressed within the pertinent sections of this staff report.

Any issues related to the financing or development agreement are not pertinent to the land use discussion and therefore will not be addressed within this staff report, but will be considered as part of future Village Board actions.

Special Note Regarding the Petition: While the Village is the owner of the subject property, the proposal is not the Village's redevelopment plan for the DuPage Theatre. The petition being brought forward is based upon the preliminary plans previously presented to the Village Board by RSC & Associates and Curto & Associates. The petitioner has had numerous meetings with staff and has attempted to address a number of issues raised by the public and the Village Board. The Village Board giving the petitioner direction to proceed with filing an application to the Plan Commission to consider the associated zoning matters pertaining to the project. Staff's role is to review the development plans submitted by the petitioner and offer direction and recommendations to the petitioner, the Plan Commission and the Village Board.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

The Fire Prevention Bureau has the following comments:

- The buildings are required to be fully sprinklered with an alarm and detection system.

- An outside access fire sprinkler valve room is required.
- The Fire Department Connection 'FDC' on the front of the building(s) must be within 75' of a hydrant.
- The Elevator Cab must be sized to accommodate a stretcher in the flat position.
- Additional comments will be provided to the petitioner upon submittal of a building permit application.

Public Works Engineering

Public Works Engineering notes that vehicles of the size shown on the ground floor plan may not be able to back in or pull out of the loading docks without hitting a column, especially if one truck is already at the dock.

Private Engineering

The Private Engineering Services Division has the following comments on the subject petition:

- Engineering plans have not been submitted for review to date. Therefore, staff is not yet able to certify that the proposed development is feasible for construction as shown.
- The development must provide 100-year stormwater detention on the site. This provision has not yet been shown. The detention system shall discharge into the separated storm sewer on Parkside Avenue since the storm sewer on Main Street discharges into a combined sewer. The detention shall drain by gravity only - pumping will not be allowed. A safe overflow path from the detention system shall be designed into the plans.
- In the event that the proposed development cannot meet the stormwater provisions set forth within the DuPage County Countywide Floodplain and Stormwater Ordinance, the petitioner must submit an application to DuPage County for a variation from the County requirements. The DuPage County Board must approve such a variation. Staff strongly recommends that the petitioner commence with their engineering review and schedule meetings with DuPage County staff to begin the review process.
- An easement will be required over the detention system and outflow sewer for the Village to access, inspect and, if needed, repair the detention system at the owner's expense. (Reference the standard easement language in the Subdivision and Development Ordinance).
- The stormwater management design shall include best management practices to remove floatables and 80% of total suspended solids from site runoff.
- Fire hydrants will be required along the east and south sides of the building with a spacing of no more than 150 feet. Therefore, the building shall be set back at least 30 feet from the east and south property lines in order to accommodate the typically required 30-ft wide easement areas. The proposed setbacks are presently narrower than 30 ft.

Planning

Compatibility with the Comprehensive Plan

The Comprehensive Plan calls for this area to be developed with mixed-use medium density residential and commercial uses. The Plan notes the Village's efforts to "encourage commercial, residential, civic and other land uses to meet the needs of the community. It is also the area to which the Village will extend its Downtown Improvement Programs including streetscape improvements, downtown parking and related amenities."

The DuPage Theatre property is not specifically mentioned in the Plan. However, the section of the plan dealing with the Central Business District Mixed-Use Area states that "where new commercial development occurs, multiple-family residential development above the first floor is...encouraged. Multiple family developments should not be permitted below the first floor in this area." (p. 24).

Regarding the project's image and appearance, the Plan encourages the following:

- *Building facades and entrances to streets should be in a traditional downtown manner.* The proposed plan meets this goal.
- *Emphasis on pedestrian access and a pedestrian scale by providing seating areas, signage and traffic control through an overall streetscape design should be provided.* The petitioner's building façade and requested outdoor seating/dining requests attempt to address this provision.
- *Harmonious architectural design with the historic structures in the downtown should be provided.* The petitioner is attempting to meet this provision. However, to fully ensure that this item is addressed, staff is providing additional comments throughout this report.

Compatibility with the Zoning Ordinance

The subject property is located within the B5 Central Business District. Theatres and general commercial retail and office uses are permitted uses within the District. Residences located above the ground floor are also permitted uses. Parking facilities are permitted on the ground floor provided that it encompasses less than fifty percent of the overall ground floor area.

While the B5 District regulations provide a significant amount of development flexibility, such as zero foot setback requirements for most requisite yards, many of these properties require some level of zoning relief, in order to achieve the greatest possible design for the respective development. The following sections discuss of each of the zoning actions requested as part of the petition.

Planned Development Request

Section 155.502 (F)(1) 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 Ordinances. The subject property was

originally granted a conditional use for a planned development in 1999, associated with the Bid Idea office redevelopment project. However, as that plan was never constructed, the original planned development approval lapsed, and a new planned development will be required.

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/theatre 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 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 attempts to create a unified design that would blend into the design of the existing downtown area. Moreover, as a focal point of the downtown area, special consideration should be given to the architectural appearance and site design elements associated with the project.

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

The plan attempts to optimize the use of the property in a manner consistent with other sections of Village Code and in a manner that addresses the impacts of the development on neighboring properties. Where the petitioner's plans differ from section of Village Code, staff offers recommendations to address these concerns.

- *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 downtown area. The developer has expressed desire to provide for stacking parking spaces.

- *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.

By creating a planned development, the petitioner is provided greater design flexibility while providing the Village with a mechanism to review and approve the design elements associated with the petition. Staff can support the planned development concept and companion zoning relief, provided that all other issues noted within this report are satisfactorily addressed.

Height Deviation

The petitioner is requesting a deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet. The existing building will remain at two stories for the existing retail commercial and theatre entrance areas. The new portion of the building will be four stories in height, which is the maximum number of stories permitted by right within the B5 District. This deviation request is similar to the height variation granted for this property in 1999, in which Big Idea Productions was granted relief to increase the allowable height for a barrel roof from 45 feet to 48 feet.

Staff notes that other recent deviations or variations pertaining to increases in height in the downtown and downtown perimeter area were only intended to provide architectural interest, as opposed to creating additional usable space. The most recent height deviations granted in the B5 District are detailed as follows:

| Case Number | Project Name | Relief | Reason for Variation |
|-------------|------------------------------|--------------|-----------------------------------|
| PC 99-16 | Big Idea Productions | 48 / 54 feet | Barrel roof / tower |
| PC 03-30 | Elmhurst Memorial Healthcare | 50 feet | Pitched roof |
| PC 05-42 | The Pointe at Lombard | 52 feet | Architectural tower element |
| PC 06-01 | Hammerschmidt Property | 56 feet | Architectural clock tower element |

In 1996, a petition was brought forth (PC 96-30) requesting approval of the following variations from the Zoning and Subdivision and Development Ordinances:

- a. to increase the maximum height of a building from four (4) stores to six (6) stories;
- b. to not provide the required off street loading berth;
- c. to reduce the minimum width of a drive aisle from 24 feet to 22 feet; and
- d. to reduce the setback for the required sidewalk.

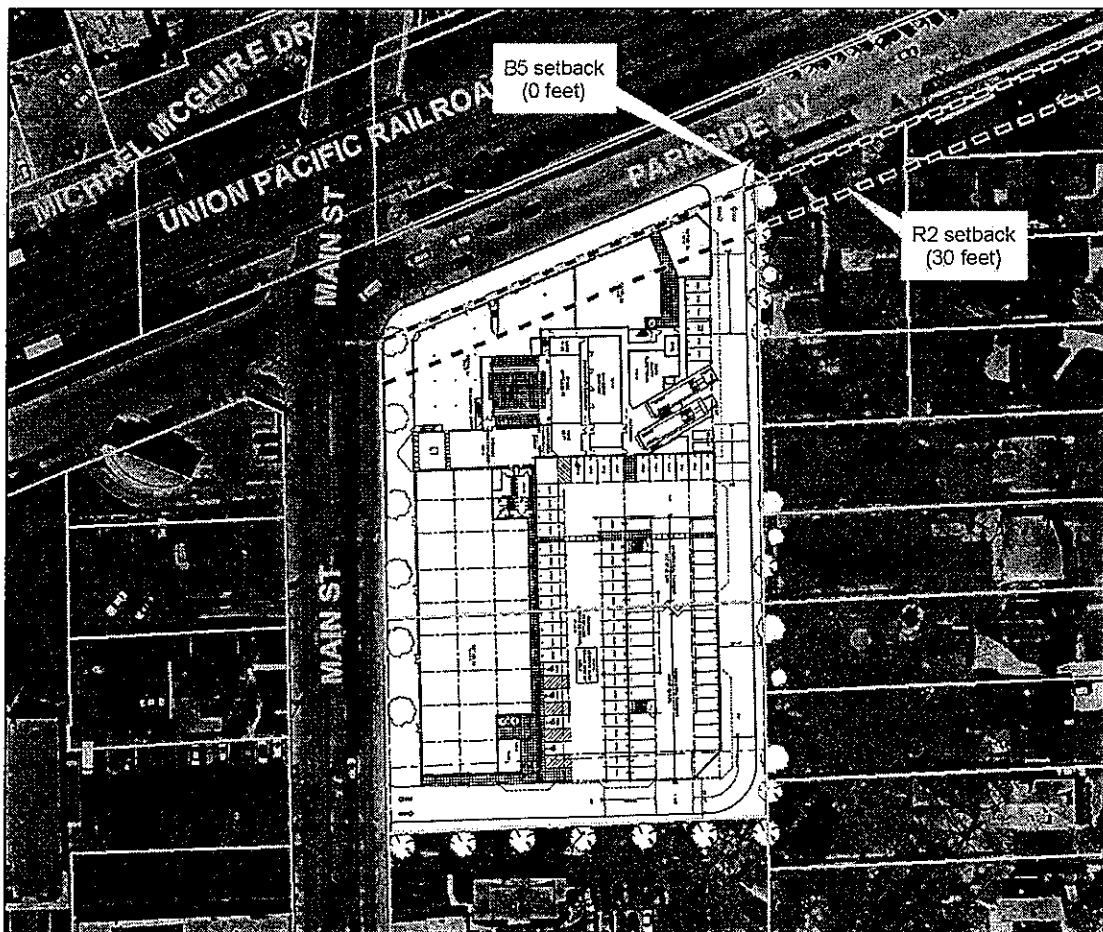
The petitioner noted in their response to standards that the additional height is required in order to ensure that the development is economically viable. However, from a planning standpoint, staff has a number of concerns pertaining to the requested relief. As such, staff recommends that the petitioner develop a cross-section plan denoting the heights of each of the floors and/or parking levels. Staff's concern is to ensure that if relief is considered for the project that it is based upon the physical attributes of the development versus economic considerations.

Planned Development Building Setback (North Lot Line)

The petitioner is seeking a variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet. Currently, the DuPage Theatre is located approximately four feet off the front property line along Parkside Avenue. The development would extend the building to the east and maintain the four-foot building setback.

The B5 District allows buildings to be constructed at a zero setback, or on the property line. The rationale for this regulation is to encourage pedestrian-oriented development, as opposed to strip commercial development with surface parking in front of the building. The petitioner is intending to abide by the recommendation of the Comprehensive Plan and push the building up to the front of the property. However, because the property will be designated as a planned development, it is required to meet the front yard setback of the adjacent R2 zoning district (30 feet).

The three homes to the east are located 30 feet, 30 feet, and 6.8 feet from the Parkside right-of-way, as shown in the image below.



Staff can support this relief, as it is consistent with the objectives of the Comprehensive Plan and the intent of the Central Business District provisions. It also reinforces the pedestrian nature of the development. Lastly, staff also notes that this relief has been previously granted for the downtown Walgreen's (PC 04-07) and The Pointe at Lombard (PC 05-43) developments.

Landscape Variations

There are three requested variations related to landscaping: reducing the transitional landscape yard from ten feet to five feet, eliminating the required transitional landscape yard improvements, and eliminating the required perimeter lot shade trees. A discussion of each individual item follows.

Transitional Landscape Setback (East Lot Line)

The petitioner is seeking variations to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet. The transitional landscape yard is located on the eastern property line adjacent to the R2 District. The encroachment into the requisite yard is intended to ensure that adequate parking and circulation is provided within the development. Staff notes that at present, the required transitional landscape yard is currently non-existent on the subject property immediately behind the theatre building.

Transitional & Perimeter Landscape Improvements (East Lot Line)

The petitioner is seeking variations to allow for the elimination of the required transitional landscape yard improvements and to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of lot line length. The petitioner is proposing a five-foot wide transitional landscaping yard that will be sodded. Rather than attempting to install and maintain the required continuous shrub hedge and shade trees within this five-foot strip, the petitioner is requesting relief from those transitional and perimeter yard requirements.

While staff concurs that it is unfeasible to place the required landscaping within such a narrow area, staff also believes that the adjacent property owners should still have the opportunity to benefit from some type of landscaping. This approach has been taken with previous downtown developments such as The Pointe at Lombard, where the developer will pay for and install the transitional landscaping improvements on the adjacent residential properties. Also, in 1999, the subject property was granted a variation to eliminate the transitional landscape yard and improvements in their entirety, but, as a condition of approval the petitioner (Big Idea Productions) was required to make a \$42 per linear foot payment to the owners of the adjacent residential properties for the purpose of providing transitional landscape improvements on those properties. In this case, staff believes that the Big Idea approach would be a suitable condition of approval. By requiring a pro-rata cash payment to each of the adjacent residential property owners, those property owners will have the option to install landscape improvements of their own choosing as well as an immediate benefit (as opposed to landscaping installed by the developer, which is typically one of the final elements of a construction project to be completed).

Staff offers the following recommendations relative to the transitional yard:

1. As solid eight-foot high uniform fence should be provided along the east property line. Staff suggests that the fence should be constructed on a maintenance-free material (PVC fence is suggested), in a color compatible with the theatre building (beige is suggested).

2. To ensure that adjacent residents are screened from construction activities, the petitioner should be required to provide payment to the adjacent property owners to plant additional landscape planting material. Staff suggests that such a payment should be made to the Village within ninety days of the petitioner closing on property. The Village can then disperse the funds to the adjacent residences accordingly. In this manner, landscape improvements could be accomplished as early as spring 2007.

Parking Variation

The petitioner seeks a variation to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0). Prior to 1999, the Village exempted all non-residential uses within the B5 District from meeting the parking requirements established within the Zoning Ordinance. To address a concern that an inadequate supply of on-site, off-site and on-street parking existed in the downtown and that the exemption would not address future redevelopment activity, code was amended by Ordinance 4693 (PC 99-29). This amendment required B5 uses to provide 50% of the requisite parking for non-residential uses and 100% of the parking for residential units.

Based on the proposed square footages and number of units, the development is required to provide 190 residential parking spaces, 49 commercial parking spaces, and 37 theater parking spaces. Currently, the drawings show 189 residential spaces and 51 commercial spaces. One of the commercial spaces must be allocated for residential use, which will leave 50 commercial spaces where only 49 are required by code. The Zoning Ordinance requires that 9 of the residential parking spaces be unassigned, making them available for visitor parking. These nine spaces are included within the 190 required residential parking spaces.

| | B5 District parking requirements | Required | Proposed |
|---|---|--|--|
| Commercial | 2 spaces per 1,000 sq. ft. | 49 spaces | 51 spaces |
| Theater | 1 space per 8 seats | 37 spaces | 0 spaces |
| Residential | 1.5 spaces per 1- or 2- bedroom unit 2 spaces per 3-bedroom unit | 190 spaces | 189 spaces |
| Subtotal | | 276 spaces | 240 spaces |
| Unassigned Residential (Visitor) Parking | 0.2 spaces for each of 1 st 20 units, .05 spaces per unit for additional units | 9 spaces (included in required residential spaces) | 9 spaces (included in required residential spaces) |

Based upon the table above and in consideration of the code regulations which require B5 properties to provide 100 percent of required parking for residential dwelling units, the petitioner

should amend their parking plan to shift one of the commercial parking spaces for residential purposes.

The petitioner is requesting a variation to eliminate the requirement to provide parking for the theater component of the development. Theater patrons are anticipated to utilize the commuter parking spaces (which are available after 3:00 p.m.) and nearby off-site parking. Earlier this year, the Village approved amendment to the B5 District parking regulations to address off-site parking. The Zoning Ordinance now allows businesses within the B5 District to meet their parking requirements through deeded or leased off-site parking spaces approved by the Village Board.

At this time, the petitioner is negotiating a lease agreement with the Elmhurst Memorial Healthcare outpatient facility across the street from the subject property. Their intent is to lease at least 37 spaces from the facility to meet the code requirements. As this agreement has not been submitted for Village approval to date, the variation request was added to the petitioner's request. However, should such an agreement be finalized and approved by the Village Board, the relief will no longer be necessary. From staff's perspective, staff does not support granting parking relief, as an off-site parking agreement should be reached by the petitioner.

As a related issue, the petitioner is proposing to add vehicle lifts/stackers as part of the development proposal. The lifts would allow a resident to stack two cars within one traditional parking space. While this cannot be used to meet code requirements, it could have practical benefit by decreasing the number of standard parking spaces that are used for resident parking. These spaces could therefore be theoretically used for additional commercial parking purposes. To date, the petitioner has not submitted any design plan for the lifts – staff recommends that if such lifts are going to be included within the project scope that details shall be provided for further review.

As a separate issue, concerns were raised regarding the loss of commuter parking spaces on the subject property should the proposal be approved. Staff notes that the existing spaces were voluntarily created by the Village for commuter parking purposes and were not established to meet a specific parking requirement. As such, the spaces can be removed without any approvals through a zoning public hearing process. However, the Village will continue to seek opportunities for creating additional commuter and visitor parking within the downtown area as has been done with the Hammerschmidt parking lot and the North Park Avenue parking lots.

Conditional Use – Outdoor Dining

While definitive plans for the outdoor dining area would be subject to any future tenants that ultimately occupy the building, a conditional use to allow for an outdoor service (dining) area is included as part of the petition. Staff finds that outdoor dining along Main Street will be a positive addition to the downtown area consistent with the Comprehensive Plan objective of creating a pedestrian-friendly atmosphere.

Site Plan Approval Authority

As part of a planned development submittal, the petition includes a request for site plan approval authority to be given to the Plan Commission. This would allow the Plan Commission to review signage or off-site parking deviation requests or to review and approve minor changes to the development plans should they arise. Staff supports this request, as it would allow the Commissioners to address minor changes in an expedient fashion.

Development Agreement

As part of this project, a companion development agreement will be created and will be considered by the Village Board concurrent with the recommendation from the Plan Commission relative to the public hearing petition. This agreement is not part of this approval process and the Plan Commission lacks jurisdiction to review the same.

Compatibility with the Surrounding Land Uses

The subject property is surrounded by commercial uses to the south and west, single-family residences to the east and the Union Pacific railroad tracks to the north. To ensure that the development meets the provisions set forth in the Comprehensive Plan, is compatible with adjacent land uses, and meets the standards for relief, staff offers a number of comments on the plans. Staff notes that the comments provided below are intended to ensure that the development does not negatively impact adjacent properties.

Building Design/Elevations

The residential portion of the building will incorporate different brick colors and varying setbacks, reducing the apparent bulk of the structure by achieving an effect similar to the City View at the Highlands apartment building. The petitioner also attempted to tie the design of the existing theatre to the proposed addition by carrying the banding and quoins found on the historic theater building through the new commercial portions of the structure. Per the Plan Commission's suggestion, modifications were made to the proposed elevations to remove the arched roof and arched windows to create an appearance that is more consistent with the existing structures within the downtown. Notations on the building elevations showing proposed restorations, replacements, and new construction are also provided.

At the time of the preparation of this report, staff notes that additional scrutiny should be made of the proposed building design and building elevations. The plans should provide additional detail to address more of the prominent building features that would be readily visible from adjacent properties including accent treatments, exterior lighting and balcony elements. A material sample board was not submitted as requested. Staff believes a greater emphasis on the architecture of the building should be made of the property.

Traffic/Loading Operations

The Village has contracted with KLOA, the Village's traffic consultant, to review the petitioner's plan. This report is attached as Appendix A.

Regarding the interior traffic and circulation issues, concerns have been raised about the ability for trucks to adequately maneuver in and out of the dock area. This may require modifications to the support columns for the building.

The trash enclosure and collection operations need to be reviewed. Specifically, the petitioner should ensure that the corral area is properly sized to accommodate the waste generated by the theatre, retail shops and residential units. Moreover, collection operations should also be refined to ensure that these activities do not negatively impact adjacent residents.

Lighting/Photometrics

The petitioner has not submitted lighting plans for either the building itself or for the exterior drive aisles and parking areas. In order that lighting does not create a negative impact on adjacent properties should address the following issues:

1. Exterior lighting for the perimeter drive aisle should be designed so that the exterior lighting is placed on the far side (i.e., the south or east side) of the aisle. The fixtures should be shielded in a manner that prevents light spill onto neighboring properties.
2. A photometric plan should be prepared showing compliance with code.
3. Similar to other higher profile planned developments (Fountain Square, Highlands of Lombard) a light standard specification should be provided for Plan Commission review.

Rooftop Elements

In further review of the plans, staff notes the following:

1. The petitioner is proposing to include rooftop gardens. Staff offers the following issues for consideration:
 - a. Denote the nature of the plant materials that would be proposed for the rooftop garden (i.e., annuals, perennials, shrubs, etc.).
 - b. Identify and depict the access issues for the adjacent residential units – will there be direct access from the adjacent residences to the rooftop gardens?
2. As the plans do not depict any at-grade mechanical units, it is assumed that the HVAC units will be installed on the roof. The petitioner should ensure that the units meet the screening requirements set forth in Section 155.211 of the Zoning Ordinance. Moreover, as space at-grade is limited for the installation of electrical transformers or other necessary equipment, the petitioner should review these items accordingly.

Compliance with the Sign Ordinance

No signage relief is being requested as part of this petition. The B5 District permits businesses to display awning signs, projecting signs, or wall signs based upon the lineal front footage of the

property. The submitted elevations show the proposed wall sign locations and tenants will be required to meet code.

The marquee does not require any zoning relief. If, however, additional theater signage is placed on the building (such as additional signage for the theater or restoration of the former "EAT" sign), the petitioner at that time will need to appear before the Plan Commission to request any necessary signage relief.

Compliance with the Subdivision & Development Ordinance

The property currently consists of two parcels. Code states that development may only occur on a single lot of record. Therefore, a Plat of Consolidation must be submitted prior to the issuance of any building permits. As there are no minimum lot area or lot width requirements in the B5 District, no lot variations will be necessary.

Other Plan Commission Concerns

The Plan Commission previously requested additional information regarding residential density, absorption rates, and analogous examples. This information has been provided in the petitioner's submitted public hearing application. They are projecting sales of one to two units per month, with final occupancy to occur in January 2011.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the response to standards included as part of the petition and the materials submitted to date. Staff believes that the plan could be conceptually supported. However, in order for staff to concur that the petitioner meets the standards for conditional uses and variations, it is necessary to demonstrate that the development is compatible with the adjacent properties. Moreover, staff believes that the enumerated issues to be addressed should be provided as part of the public hearing process, rather than granting approval subject to numerous conditions. This approach will also ensure that the final plans satisfactorily address the concerns of neighboring properties, Plan Commission and/or the Village Board.

As has occurred with other petitions in which outstanding issues remain, staff recommends that the Plan Commission hold the public hearing to provide an opportunity for interested parties to provide their comments regarding the proposal through the public hearing process and that the Plan Commission offer their comments accordingly. However, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending a **continuance** of this petition.

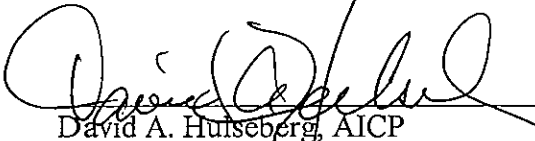
Lombard Plan Commission

Re: PC 06-27

Page 15

I move that the Plan Commission continue the petition associated with PC 06-27 to the December 18, 2006 Plan Commission meeting in order to provide the petitioner the opportunity to satisfactorily address the comments included within the Inter-departmental Review Report and addressed as part of the public hearing process.

Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "David A. Hulseberg". The signature is written in a cursive style with a large initial "D".

David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

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Lombard Plan Commission
Re: PC 06-27
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Appendix A
KLOA Traffic Report

Draft for Review

MEMORANDUM TO: Dave Hulseberg
Village of Lombard

FROM: Timothy J. Doron
Principal

Javier Millan
Senior Consultant

DATE: October 18, 2006

SUBJECT: DuPage Theater Redevelopment
Lombard, Illinois

This memorandum summarizes the results of a traffic impact analysis conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the Village of Lombard. The evaluation is for the proposed redevelopment of the DuPage Theater in Lombard, Illinois. The site is located in the southeast quadrant of the Main Street signalized intersection with Parkside Avenue. The site is currently occupied by the DuPage Theater and some vacant land.

The plans call for redeveloping the site with a 126-unit condominium building, 24,464 square feet of retail, a 300 seat theater with 191 underground parking spaces for the residential component and 51 parking spaces designated for the retail portion of the development. Access to the site will be provided via one full ingress/egress access drive off Main Street approximately 360 feet south of Parkside Avenue and another full ingress/egress access drive on Parkside Avenue approximately 260 feet east of Main Street.

This study was conducted to assess the impact that the proposed redevelopment will have on traffic conditions in the area and to determine any roadway and access improvements necessary to accommodate future traffic volumes on the adjacent roadways.

Existing Conditions

Transportation conditions in the site area were inventoried to obtain a database for projecting future conditions. Three general components of existing conditions were considered: (1) the geographical location of the site, (2) the characteristics of the roadways and traffic control devices in the site area, and (3) the traffic volumes on the roadways.

Site Location

The site, as mentioned previously, is located on the southeast quadrant of the Main Street signalized intersection with Parkside Avenue. The site is bordered to the north by the Parkside Avenue and the Chicago & Northwest Railroad Company. Land uses in the vicinity of the area include single-family homes to the east, the Brust funeral home to the south and retail/commercial land uses to the west. The principal roadways in the vicinity of the site are illustrated in **Figure 1** and described in the following paragraphs.

Main Street is a north-south minor arterial with a five-lane divided cross-section in the site's vicinity. At its signalized intersection with Parkside Avenue, Main Street provides an exclusive left-turn lane, a through lane and a combined through/right-turn lane on both approaches. Grace Street/Parkside Avenue, St. Charles Road provides an exclusive right-turn lane and a combined through/right-turn lane on the east approach. Main Street has a posted speed limit of 25 mph and carries an Average Daily Traffic (ADT) of approximately 15,500 vehicles.

Parkside Avenue is a two-lane east-west residential street that runs from Grace Street west to its terminus at Elizabeth Street. At its signalized intersection with Main Street, Parkside Avenue provides a combined left/through/right-turn lane on both approaches.

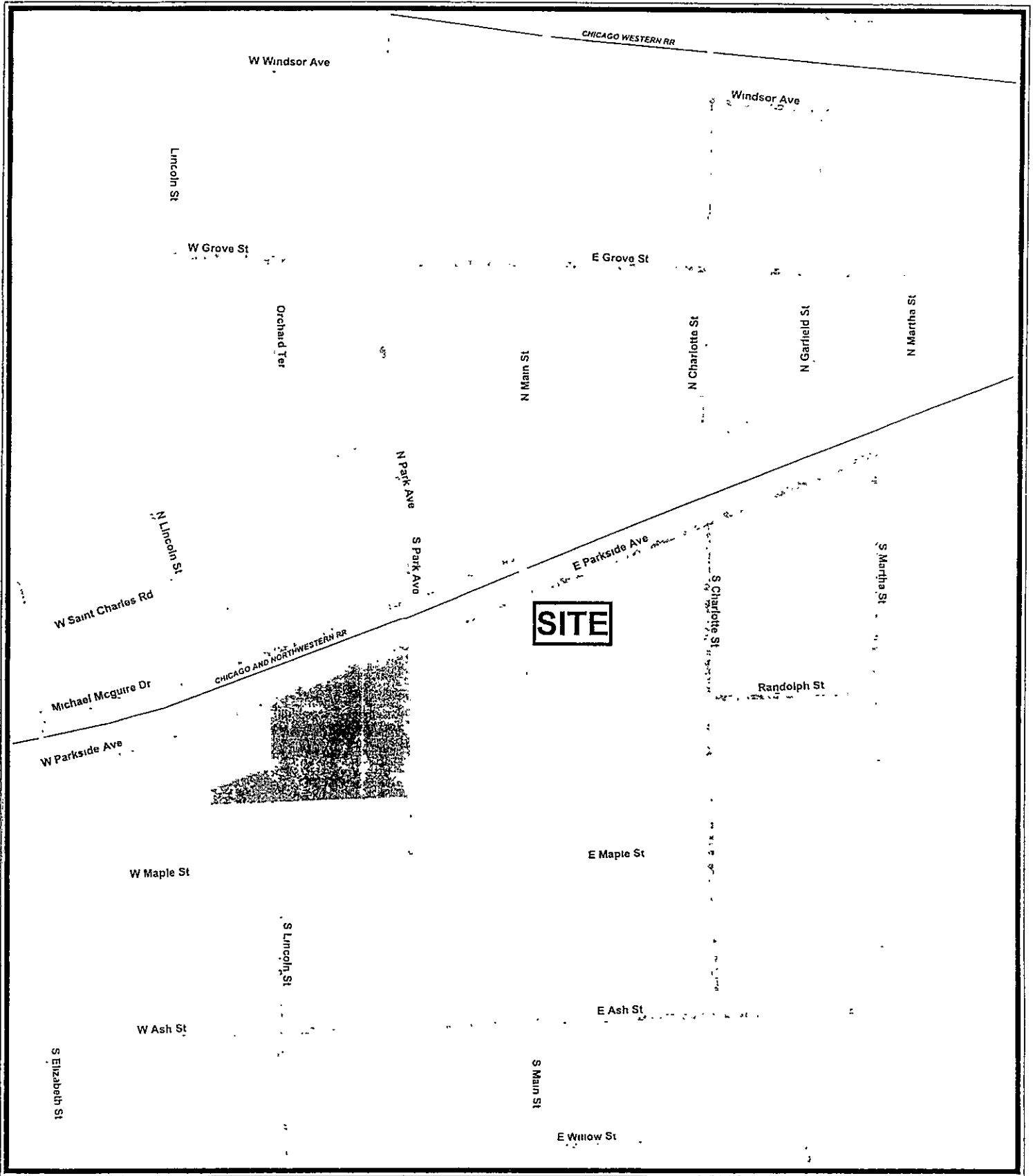
Existing Traffic Volumes

Existing roadway and traffic conditions near the site were documented based on field visits and a previous traffic count conducted as part of the St. Charles Road corridor study prepared by KLOA, Inc. for the Village of Lombard. The manual traffic movement counts were conducted during the weekday morning (7:00 to 9:00 A.M.) and weekday afternoon (4:00 to 6:00 P.M.) peak time periods at the intersection of Main Street with Parkside Boulevard. The counts were conducted on June 2004 (copies of the traffic counts are enclosed in the Appendix). The traffic count data indicates that the weekday morning peak hour occurs from 7:45 AM and 8:45 AM and the afternoon peak hour occurs from 4:30 PM to 5:30 PM. The existing peak hour volumes are illustrated in **Figure 2**.

In order to evaluate future traffic conditions on the area roadways and at the proposed access drives, it was necessary to determine the traffic characteristics of the development, including the directional distribution and the volumes of traffic that will be generated by the development.

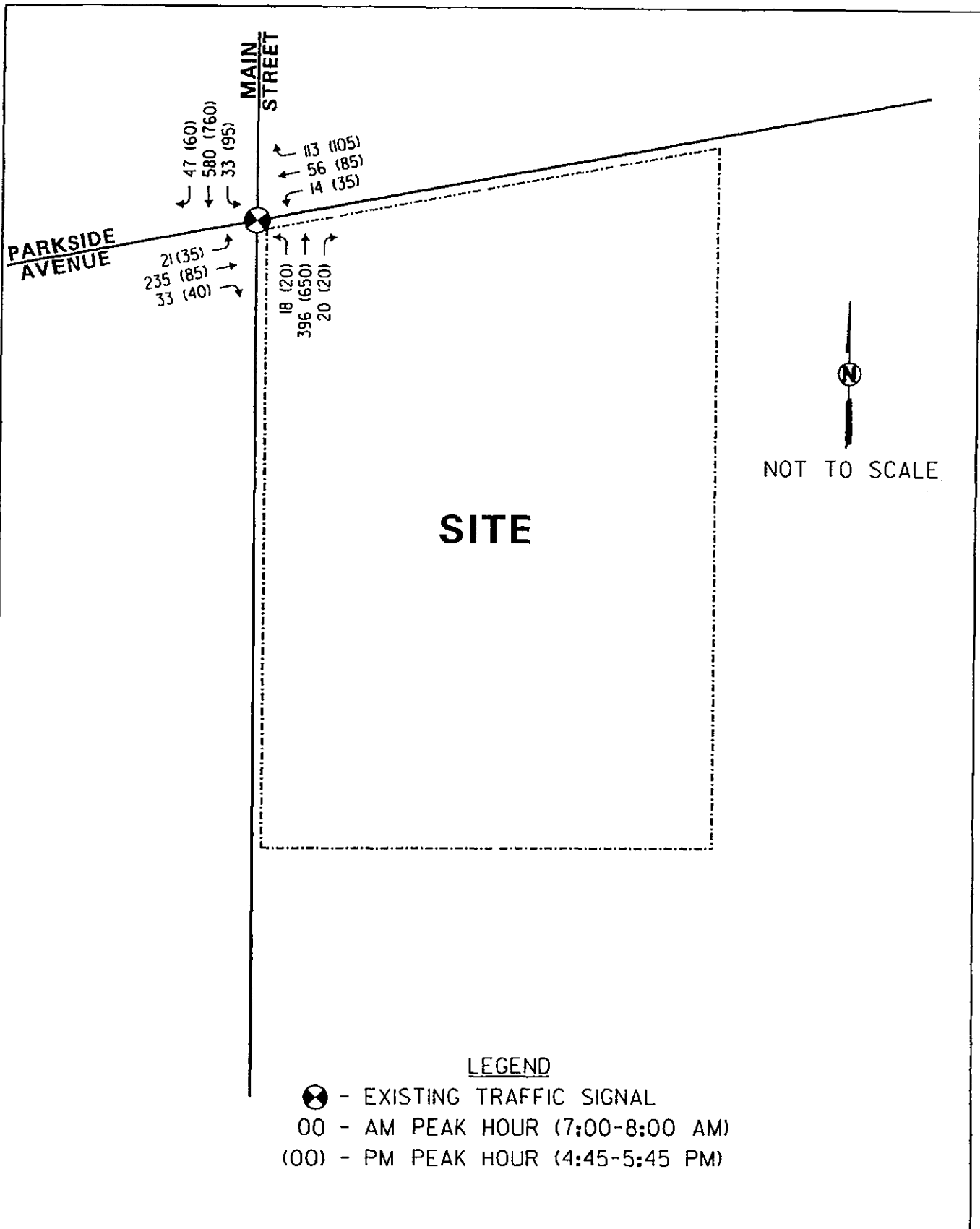
Directional Distribution


The directional distribution of future site-generated trips on the external roadways is a function of several variables including the operational characteristics of the roadway system and the ease with which drivers can travel over various sections of the road system without encountering congestion. The directional distribution for the proposed development was based on the existing travel patterns as determined from the traffic counts. The directional distribution is shown in **Table 1** and illustrated in **Figure 3**.



SITE LOCATION


FIGURE 1



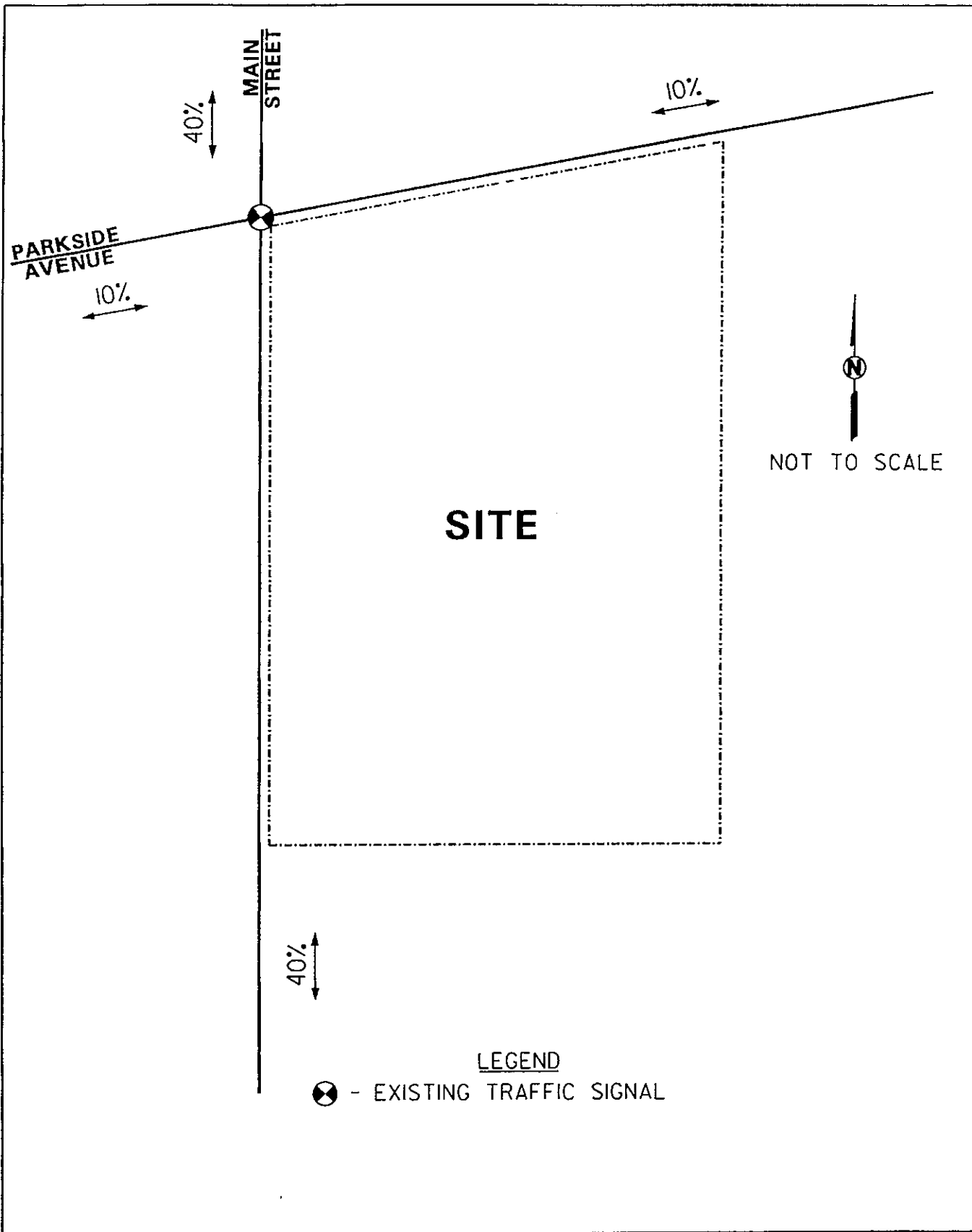

 NOT TO SCALE

SITE

LEGEND

-  - EXISTING TRAFFIC SIGNAL
- 00 - AM PEAK HOUR (7:00-8:00 AM)
- (00) - PM PEAK HOUR (4:45-5:45 PM)

| | | |
|---|------------------------------------|--|
| PROJECT: DU PAGE THEATER REDEVELOPMENT LOMBARD, ILLINOIS | TITLE: EXISTING TRAFFIC VOLUMES | PROJECT NO: 06-040E  FIGURE NO: 2 |
|---|------------------------------------|--|



LEGEND

⊗ - EXISTING TRAFFIC SIGNAL

| | | |
|---|--|----------------------------|
| <p>PROJECT: DU PAGE THEATER REDEVELOPMENT LOMBARD, ILLINOIS</p> | <p>TITLE: ESTIMATED DIRECTIONAL DISTRIBUTION</p> | <p>PROJECT NO: 06-040E</p> |
| | | <p>KLOAN</p> |
| | | <p>FIGURE NO: 3</p> |

Table 1
ESTIMATED DIRECTIONAL DISTRIBUTION

| Direction | Percent |
|--|------------|
| To and from the north on Main Street | 40% |
| To and from the south on Main Street | 40% |
| To and from the east on Parkside Boulevard | 10% |
| To and from the west on Parkside Boulevard | <u>10%</u> |
| Total | 100% |

Proposed Site Traffic Generation

The traffic generation characteristics of any development are based on the magnitude and character of its land use. The proposed development will contain 126 condominium units, 24,464 square feet of retail and a 300 seat theater. The estimates of the peak hour traffic that will be generated by the development were based on the trip generation rates published in the Institute of Transportation (ITE) *Trip Generation Manual*, 7th Edition Land Use Code 230 (Residential Condominium/Townhouse) and Land Use Code 814 (Specialty Retail). It should be noted that no trip generation was calculated for the theater since the activities that would take place on the theater would most likely occur outside the peak hours of traffic and on weekends when traffic adjacent street traffic volumes are much lower than during the weekday peak hours. Table 2 lists the amount of traffic that will be generated by the proposed development during the morning peak hour and the evening peak hour. It should be noted that these trip generation rates (specially for the residential portion of the development) are very high since they do not take into consideration the proximity to the Metra train station and the fact that the development is located within the downtown area. As such, we are providing a conservative trip generation for this development.

Table 2
PEAK HOUR GENERATED TRAFFIC VOLUMES

| Land Use | Morning Peak Hour | | Evening Peak Hour | |
|--------------------------------|-----------------------|-----------------------|----------------------|-----------|
| | Inbound | Outbound | Inbound | Outbound |
| Condominium -126 units | 10 | 55 | 50 | 25 |
| Specialty Retail - 24,464 s f. | <u>50¹</u> | <u>35¹</u> | <u>35</u> | <u>50</u> |
| Total | 60 | 90 | 85 | 75 |

¹Due to the fact that ITE does not have trip generation data for specialty retail centers during the A M peak hour, KLOA, Inc used the P M peak hour trip generation rates and reverse the directional split

Theater Traffic

Although and as previously mentioned, the theater traffic will be generated outside the peak hours and during the weekends, in order to take into account the potential for an activity to occur within the peak hours, existing traffic volumes were increased by five percent.

Traffic Assignments

The estimated peak hour traffic volumes that will be generated by the proposed development were assigned to the various roadways and access drives serving the development in accordance with the previously described directional distribution. **Figure 4** illustrates the peak hour traffic assignments for the development. **Figure 5** illustrates the combination of existing volumes (increased by five percent and the site generated traffic to obtain total traffic volumes.

Evaluation and Recommendation

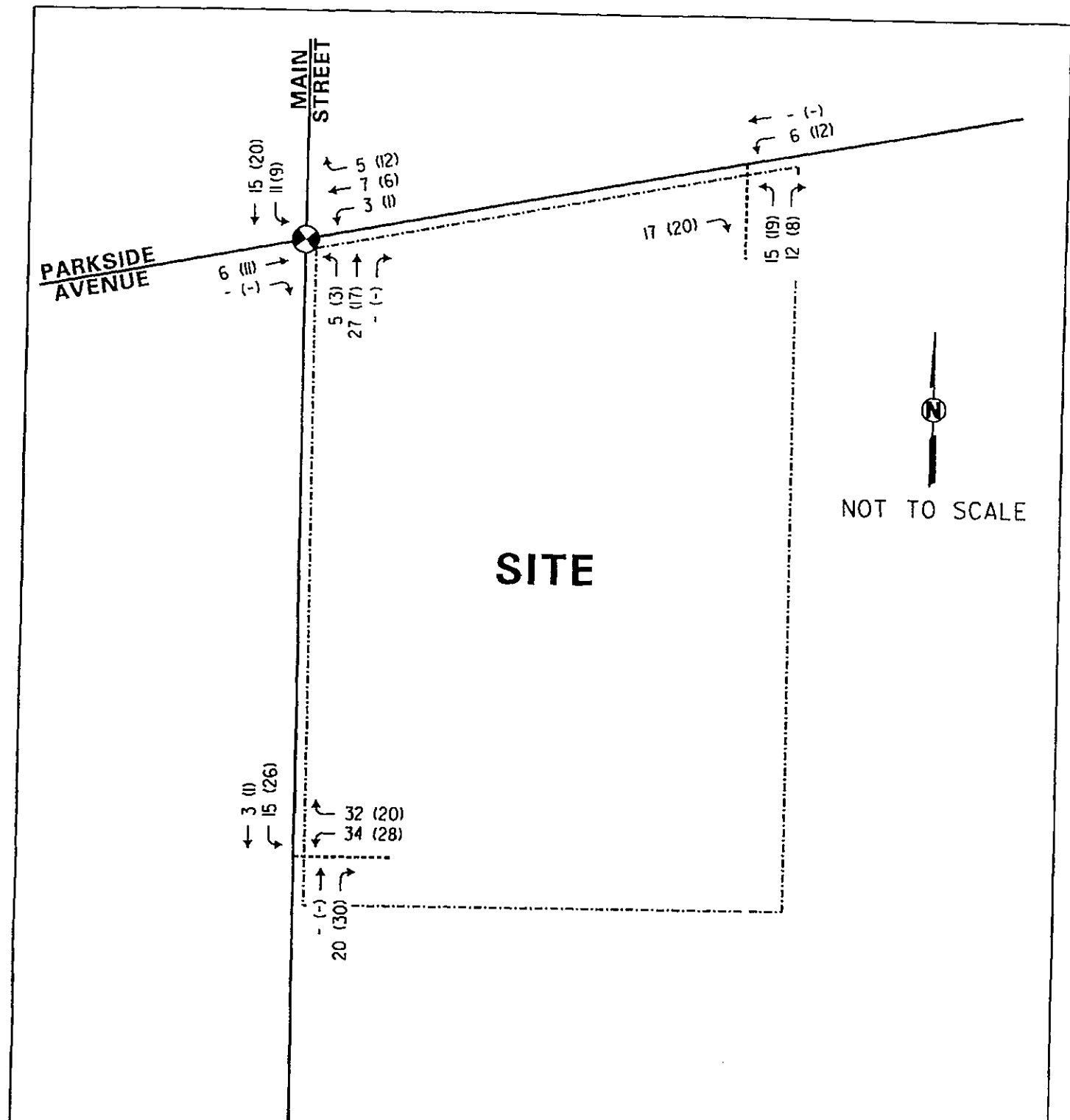
In order to evaluate the impact of the anticipated traffic volumes, the intersection of Main Street with Parkside Avenue and the proposed access drives were analyzed based on the estimated of existing and development generated traffic on the roadway system serving the site. From this analysis, recommendations were developed for site access facilities and roadway improvements

Site Access


Access to the site is proposed to be provided via a full ingress/egress access drive on Main Street located approximately 360 feet north of Parkside Avenue and another full ingress/egress access drive on Parkside Avenue located approximately 260 feet east of Main Street. The access road off Main Street should provide one inbound lane and one outbound lane with outbound movements under stop sign control. The access drive off Parkside Avenue should provide one inbound lane and one outbound lane with outbound movements under stop sign control. Due to the fact that Main Street currently provides an two-way left-turn lane along the site's frontage and based on the low left-turning movement into the site from Main Street, no additional geometric improvements or widening will be necessary. Based on a review of the projected traffic volumes along Parkside Avenue, no widening or provision of exclusive turn lanes will be necessary to accommodate projected traffic volumes.

Capacity Analysis


Capacity analyses were conducted at the intersection of Main Street with Parkside Avenue as well as at the intersection of Main Street with the access drive and Parkside Avenue with the access drive under both existing and total projected traffic volumes. The traffic analyses were performed using the methodologies outlined in the Transportation Research Board's *Highway Capacity Manual (HCM)*, 2000.



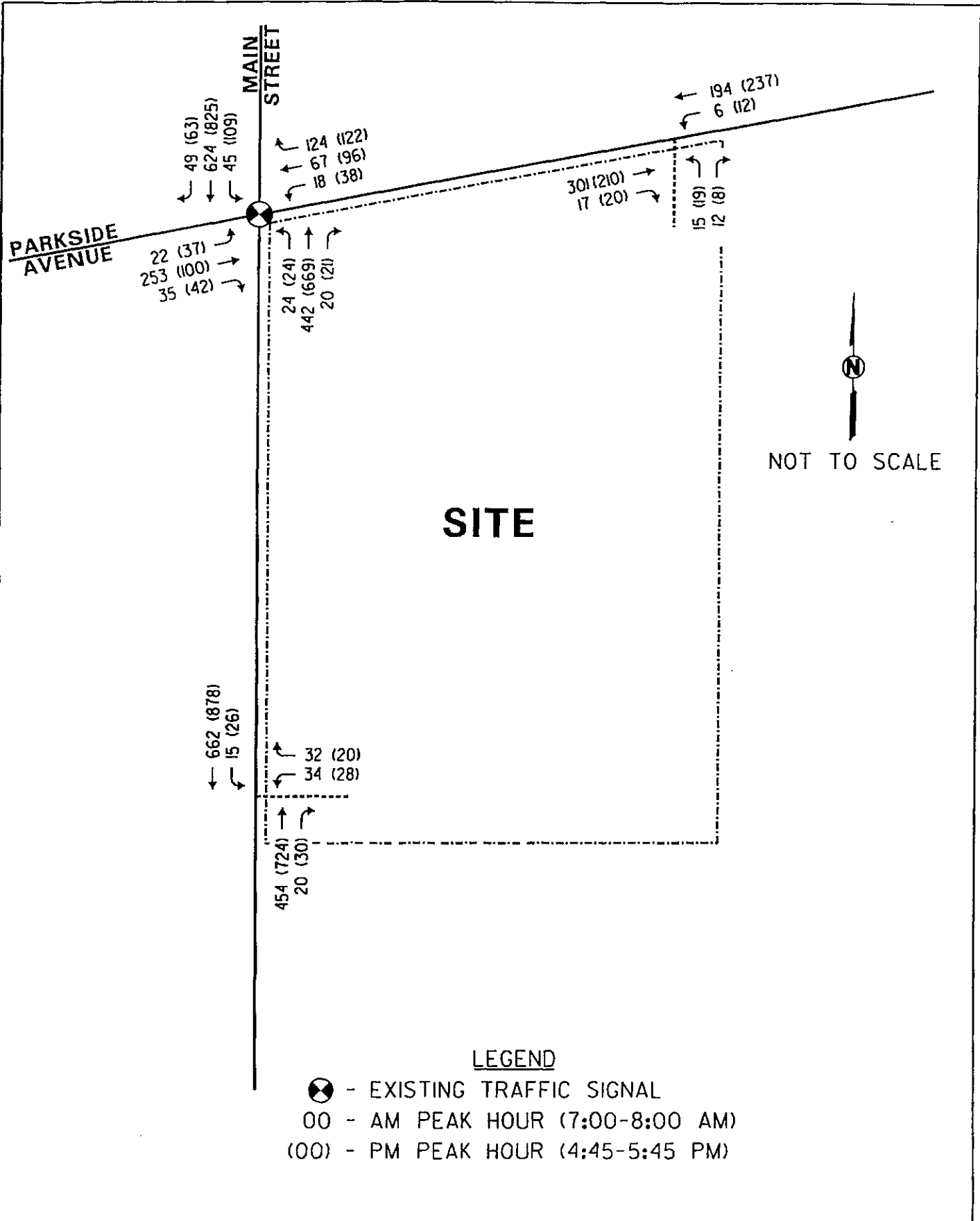
SITE



 NOT TO SCALE

LEGEND

-  - EXISTING TRAFFIC SIGNAL
- 00 - AM PEAK HOUR (7:00-8:00 AM)
- (00) - PM PEAK HOUR (4:45-5:45 PM)


| | | |
|---|-----------------------------------|---|
| PROJECT: DU PAGE THEATER REDEVELOPMENT LOMBARD, ILLINOIS | TITLE: SITE TRAFFIC ASSIGNMENT | PROJECT NO: 06-040E |
| | |  |
| | | FIGURE NO: 4 |




 NOT TO SCALE


SITE

LEGEND

-  - EXISTING TRAFFIC SIGNAL
- 00 - AM PEAK HOUR (7:00-8:00 AM)
- (00) - PM PEAK HOUR (4:45-5:45 PM)

PROJECT:
 DU PAGE THEATER
 REDEVELOPMENT
 LOMBARD, ILLINOIS

TITLE:
 TOTAL TRAFFIC VOLUMES

PROJECT NO: 06-040E

 FIGURE NO: 5

Draft for Review

The analyses for the unsignalized intersections determine the average control delay to vehicles at an intersection. Control delay is the elapsed time measured from a vehicle joining the queue at a stop sign (includes the time required to decelerate to a stop) until its departure from the stop sign and resumption of free-flow speed. This methodology analyzes only intersection approaches controlled by stop signs but considers traffic volumes on all approaches, lane characteristics, and the percentage of heavy vehicles such as trucks.

The ability of an intersection to accommodate traffic flow is expressed in terms of level of service (LOS), which is assigned a letter from A to F based on the average control delay experienced by vehicles passing through the intersection. Control delay is that portion of the total delay attributed to the traffic signal or stop sign control operation, and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Level of Service A is the highest grade (best traffic flow and least delay), Level of Service E represents saturated or at capacity conditions, and Level of Service F is the lowest grade (oversaturated conditions, extensive delays). Typically, Level of Service D is the lowest acceptable grade for peak hour conditions **Table 3** summarizes the levels of service and delays for the critical intersections under existing and future conditions.

Table 3
INTERSECTION LEVEL OF SERVICE AND DELAY

| Intersection | Morning Peak Hour | | Evening Peak Hour | |
|--|-------------------|-----------------|-------------------|-----------------|
| | Level of Service | Delay (seconds) | Level of Service | Delay (seconds) |
| Existing Traffic Volumes | | | | |
| Main Street at Parkside Avenue ¹ | B | 16.4 | B | 13.5 |
| Total Traffic Volumes | | | | |
| Main Street at Parkside Avenue ¹ | B | 17.3 | B | 14.9 |
| Main Street at Access Drive ² | B | 12.6 | C | 16.3 |
| Parkside Avenue at Access Drive ² | B | 11.9 | B | 11.5 |
| LOS - Level of Service | | | | |
| Delay is measured in seconds | | | | |
| ¹ Unsignalized Intersection | | | | |

As can be seen from Table 3, the intersection of Main Street with Parkside Avenue is operating and will continue operating at acceptable levels of service. The access drive intersections with Main Street and Parkside Avenue will also operate at acceptable levels of service indicating that the recommended improvements to the access drives will accommodate the future traffic volumes

Parking Evaluation

The proposed development, as previously mentioned will provide 189 residential parking spaces and 54 retail spaces. This number of parking spaces meets or exceeds the Village of Lombard parking requirements. Although no parking for the theater is required or provided, when activities in theater do occur, over 600 parking spaces are available to the public within 600 to 800 feet from the theater. Assuming a vehicle occupancy of 3 people per vehicle, this would yield approximately 99 vehicles that would be searching for parking within the immediate area. This demand can easily be accommodated by the available public parking. It should be noted that this assumption does not take into account the fact that many people that visit the Lombard downtown area use the train or walk to it. As such, and based on the above, there will be more than adequate parking around the immediate periphery to serve the theater parking demand.

Conclusion

Based on the preceding analysis, the existing site is well situated with respect to the local roadway system. The access drives coupled with the recommended provision of two outbound lanes at the access drive intersection with Main Street, will be able to accommodate the estimated site traffic. No other improvements or widening improvements along Main Street and Parkside Avenue will be necessary to accommodate future traffic volumes.

Location Map

PC 06-27



STANDARDS FOR PLANNED DEVELOPMENTS

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all requests for Planned Developments.

THE LOMBARD ZONING ORDINANCE

Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.

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 proposed development complies with the regulations of the district in which it is located except as modified by and approved through the final development plan. The following is a list of conditional uses and variations that are necessary to achieve the objectives of the proposed planned development, which is in the best interest of the public.

- **Deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;**
- **Variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;**
- **Variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);**
- **Variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;**
- **Variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;**
- **Variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping; and**
- **Approve a conditional use for outdoor dining.**

STANDARDS FOR PLANNED DEVELOPMENTS

Page 2

We also request Site Plan Approval authority to the Lombard Plan Commission.

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

The proposed development provides for a central system connection to the community sanitary sewage and potable water facilities.

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 dominant use of the development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site and includes revitalization of the Downtown by constructing a mixed-use residential and retail development as well as the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater.

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

Through the revitalization of the Downtown by constructing a mixed-use residential and retail development as well as restoring the DuPage Theater and constructing a new (approximately 300 seat) black box theater, the planned development is in the public interest. Required conditional use variation and variations from the Zoning Ordinance include the following and are required to meet the objectives of the Village of Lombard:

- **Deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;**
- **Variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;**
- **Variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);**
- **Variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;**

**STANDARDS
FOR PLANNED DEVELOPMENTS**

Page 3

- **Variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;**
- **Variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping; and**
- **Approve a conditional use for outdoor dining.**

5. That the streets have been designed to avoid:

1. Inconvenient or unsafe access to the planned development;

The planned development accommodates the ingress and egress on both Parkside Avenue and Main Street in a safe and convenient manner.

2. Traffic congestion in the streets which adjoin the planned development;

The streets adjoining the planned development are believed to be sufficient to accommodate the residential and retail traffic, as the traffic will be decreased from the present use as a Metra commuter parking lot. The Theater, when active, will predominantly operate after hours and on weekends, and will not adversely affect the traffic on the adjoining streets to the planned development.

3. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

The demographics for the residential component is projected to be singles, couples, empty nesters, and active seniors, and are not likely to have children in the home. Therefore, the planned development will not put an excessive burden on public parks, recreation areas, schools, and other public facilities that serve or are proposed to serve the planned development.

B. Standards for Planned Developments with Use Exceptions

The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses

**STANDARDS
FOR PLANNED DEVELOPMENTS**

Page 4

The planned development will require the following conditional use which enhance the quality of the planned development and are compatible with the primary uses:

- a. **The use of outdoor dining, which is required for the retail/restaurant component in order to increase value, marketability and provide for the revitalization of the downtown, a goal of the Village's Comprehensive Plan.**
2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties

The use exception stated and explained in 1. above is not of a nature, nor located, so as to create a detrimental influence in the surrounding properties.

3. Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.

The proposed use exception does not represent more than 40% of the site area nor does it represent more than 40% of the total floor area.

STANDARDS FOR PLANNED DEVELOPMENTS

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C. Standards for Planned Developments with Other Exceptions

The Village Board may approve planned developments which do not comply with the requirements of the underlying district regulations governing lot area, lot width, bulk regulations, parking and sign regulations, or which require modification of the subdivision design standards when such approval is necessary to achieve the objectives of the proposed planned development, but only when the Board finds such exceptions are consistent with the following standards:

1. Any reduction in the requirements of this Ordinance is in the public interest

In the best interest of the public, the planned development includes the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater, both of which prohibit the remainder of the parcel from being utilized efficiently and effectively and, without the reduction of the following, would be detrimental to the planned development's marketability and therefore hinder the revitalization of the downtown, as well as fall short of the TIF increment required to fund the Theater costs:

- **Variation for transitional building (20' required, 8' provided); and**
- **Variation for transitional landscape yard (10' required, 8' provided).**

2. The proposed exceptions would not adversely impact the value or use of any other property

The proposed exceptions for the planned development will not adversely impact the value or use of any other property.

4. That such exceptions are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties

As previously explained in 1. above the requested exceptions are solely for the purpose of promoting a successful development while providing the Village with the partial restoration of the DuPage Theater and (approximately 300 seat) black box theater which will be beneficial to the residents and occupants of the planned development as well as those of the surrounding properties.

5. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district

**STANDARDS
FOR PLANNED DEVELOPMENTS**

Page 6

Where applicable, the overall floor area of the planned development will not exceed by more than 40% the maximum floor area permitted for the individual uses in the applicable district.

6. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district

The underlying district is B5 and therefore this requirement is not applicable.

7. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:
 - a. The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.

In the best interest of the public, the planned development includes the restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater, both of which prohibit the remainder of the parcel from being utilized efficiently and effectively and, without the reduction of the following, would be detrimental to the planned development's marketability and therefore hinder the revitalization of the downtown, as well as fall short of the TIF increment required to fund the Theater costs:

- **Variation for transitional building (20' required, 8' provided).**

- b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.

In the best interest of the public, the planned development includes the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater, both of which prohibit the remainder of the parcel from being utilized efficiently and effectively and, without the reduction of the following, would be detrimental to the planned development's marketability and therefore hinder the revitalization of the downtown, as well as fall short of the TIF increment required to fund the Theater costs:

**STANDARDS
FOR PLANNED DEVELOPMENTS**

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- **Variation for transitional landscape yard (10' required, 8' provided).**
- c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:

- 1) All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;

Transitional yards and transitional landscape yards will be adequate to protect the privacy and enjoyment of property adjacent to the planned development.

- 2) All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

The planned development will sufficiently protect the privacy and amenity of adjacent existing uses.

7. That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.

The underlying district is B5 and therefore this requirement is not applicable.

**STANDARDS
FOR CONDITIONAL USES**

Conditional Use for the Planned Development

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all conditional uses of the Lombard Zoning Ordinance.

THE LOMBARD ZONING ORDINANCE:

No conditional use shall be recommended by the Plan Commission unless it finds:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

The establishment, maintenance, or operation of the conditional use for this Planned Development will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare. Parameters, guidelines and standard Village requirements will be included to protect the general public as well as the patrons and residents of the Planned Development.

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;

The conditional use for the Planned Development will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, and not substantially diminish and impair property values within the neighborhood in which the Planned Development will be located. Conversely, the activity generated by this conditional use will enhance the neighborhood and help to promote the revitalization of the downtown.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The establishment of the conditional use for this Planned Development will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

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

Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided for.

STANDARDS FOR CONDITIONAL USES

Conditional Use for the Planned Development

Page 2

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

The Planned Development will provide ingress and egress so as to minimize traffic congestion in the public streets.

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

The proposed conditional use for the Planned Development is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard. Conversely, the activity generated by this Planned Development will enhance the neighborhood and help to promote the revitalization of the downtown.

7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission

The conditional use for the Planned Development will, 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.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation for Height from 45 Feet to 48 Feet

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.416 (G) OF THE LOMBARD ZONING ORDINANCE:

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

A particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied due to the requirement to partially restore the DuPage Theater and construct a new (approximately 300 seat) black box theater. This requirement directly impacts the residential and retail components of the planned development by restricting the use of the entire site forcing the parking required by zoning to be incorporated within the balance of the site and creating a project height of 48 feet, 3 feet above the height requirement. In order to create a sustainable development in support of the TIF increment required to fund the theater costs, the Project will also require the need for both the residential and retail components to be exceptional in nature to the current marketplace, including the need for ceiling heights to be not less than 9' clear within the residential portion of the project and not less than 10' clear within the retail portion of the project in order to create the value necessary to support the planned development as a whole, and generate the TIF increment required to fund the theater costs.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The conditions upon which this application for a variation is based is unique to the property for which this variation is sought due to the economic strain the DuPage Theater scope of work adds to the planned development, and is not applicable to other properties within the same zoning classification.

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

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation for Height from 45 Feet to 48 Feet

The purpose of this variation is not based primarily upon a desire to increase financial gain, but to create the value necessary for the planned development to generate the revenue necessary to fund the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater for the Village.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The difficulty/hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

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.

The granting of this 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. In fact, the architectural design of the planned development is sympathetic to the neighboring developments and incorporates design details of the adjacent DuPage Theater. The planned development has been designed to require as little variation as possible while still maintaining its marketability.

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

The granting of this variation will not alter the essential character of the neighborhood. In fact, the architectural design of the planned development is sympathetic to the neighboring developments and incorporates design details of the adjacent DuPage Theater. The planned development has been designed to require as little variation as possible while still maintaining its marketability.

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.

The planned development has been designed to allow for an adequate supply of light and air to adjacent properties. The planned development will not 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

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation for Height from 45 Feet to 48 Feet

the public safety, or substantially diminish or impair property values within the neighborhood.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation For Transitional Landscape Yard from 10 Feet to 5 Feet

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.416 (K), SECTION 155.508 (C) (6) (b) AND SECTION 155.707 (A) (3) OF THE LOMBARD ZONING ORDINANCE:

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

A particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied due to the requirement to partially restore the DuPage Theater and construct a new (approximately 300 seat) black box theater. This requirement directly restricts the area required to construct the residential, retail and related parking as required per code. It would also negatively impact the ability of the marketplace to generate the revenue necessary to support the planned development as a whole and create the TIF increment necessary to fund the Theater restoration/construction.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The conditions upon which this application for a variation is based is unique to the property for which this variation is sought due to the economic strain the DuPage Theater scope of work adds to the planned development, and is not applicable to other properties within the same zoning classification.

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

The purpose of this variation is not based primarily upon a desire to increase financial gain, but to create the value necessary for the planned development to generate the revenue, and thereby the TIF increment, necessary to fund the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater for the Village.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation For Transitional Landscape Yard from 10 Feet to 5 Feet

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The difficulty/hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

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.

The granting of this 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.

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

The granting of this variation will not alter the essential character of the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, 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.

The planned development 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.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation for Parking for DuPage Theater from 37 Spaces to 0 Spaces

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.416 (M) AND SECTION 155.602 OF THE LOMBARD ZONING ORDINANCE:

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

A particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied due to the requirement to partially restore the DuPage Theater and construct a new (approximately 300 seat) black box theater. This restriction of land use directly impacts the residential and retail components of the planned development creating the need for both components to be exceptional in nature to the current market, including sufficient parking for the retail and residential components, in order to meet code requirements and obtain the revenue necessary to support the planned development as a whole generate the TIF increment required to fund the Theater costs. The site is not sufficient in size to allow for the parking of the Theater. The Developer will work with the surrounding property owners to obtain a lease to provide for the theater parking offsite.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The conditions upon which this application for a variation is based is unique to the property for which this variation is sought due to the economic strain the DuPage Theater scope of work adds to the planned development, and is not applicable to other properties within the same zoning classification.

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

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation for Parking for DuPage Theater from 37 Spaces to 0 Spaces

The purpose of this variation is not based primarily upon a desire to increase financial gain, but to create the value necessary for the planned development to generate the revenue necessary to fund the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater for the Village, and to accommodate the parking for the DuPage Theater.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The difficulty/hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

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.

The granting of this 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.

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

The granting of this variation will not alter the essential character of the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, 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.

The planned development will not impair the 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.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation For Required Front Yard From 30 Feet to 4 Feet

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.508 (C) (6) (a) OF THE LOMBARD ZONING ORDINANCE:

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

A particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied due to the requirement to partially restore the DuPage Theater and construct a new (approximately 300 seat) black box theater. This requirement directly restricts the area required to construct the residential, retail and related parking as required per code. It would also negatively impact the ability of the marketplace to generate the revenue necessary to support the planned development as a whole and create the TIF increment necessary to fund the Theater restoration/construction.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The conditions upon which this application for a variation is based is unique to the property for which this variation is sought due to the economic strain the DuPage Theater scope of work adds to the planned development, and is not applicable to other properties within the same zoning classification.

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

The purpose of this variation is not based primarily upon a desire to increase financial gain, but to create the value necessary for the planned development to generate the revenue, and thereby the TIF increment, necessary to fund the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater for the Village.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation For Transitional Landscape Yard

Page 2

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The difficulty/hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

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.

The granting of this 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.

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

The granting of this variation will not alter the essential character of the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, 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.

The planned development 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.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation For the Elimination of the Transitional Landscape Yard Improvements

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.508 (C) (6) (b) AND SECTION 155.707 (B) (3) OF THE LOMBARD ZONING ORDINANCE:

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

A particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied due to the requirement to partially restore the DuPage Theater and construct a new (approximately 300 seat) black box theater. This requirement directly restricts the area required to construct the residential, retail and related parking as required per code. It would also negatively impact the ability of the marketplace to generate the revenue necessary to support the planned development as a whole and create the TIF increment necessary to fund the Theater restoration/construction.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The conditions upon which this application for a variation is based is unique to the property for which this variation is sought due to the economic strain the DuPage Theater scope of work adds to the planned development, and is not applicable to other properties within the same zoning classification.

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

The purpose of this variation is not based primarily upon a desire to increase financial gain, but to create the value necessary for the planned development to generate the revenue, and thereby the TIF increment, necessary to fund the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater for the Village.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation For the Elimination of the Transitional Landscape Yard Improvements

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The difficulty/hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

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.

The granting of this 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.

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

The granting of this variation will not alter the essential character of the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, 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.

The planned development 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.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation For the Elimination Requirement for Shade Trees

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.709 (B) OF THE LOMBARD ZONING ORDINANCE:

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

A particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied due to the requirement to partially restore the DuPage Theater and construct a new (approximately 300 seat) black box theater. This requirement directly restricts the area required to construct the residential, retail and related parking as required per code. It would also negatively impact the ability of the marketplace to generate the revenue necessary to support the planned development as a whole and create the TIF increment necessary to fund the Theater restoration/construction.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The conditions upon which this application for a variation is based is unique to the property for which this variation is sought due to the economic strain the DuPage Theater scope of work adds to the planned development, and is not applicable to other properties within the same zoning classification.

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

The purpose of this variation is not based primarily upon a desire to increase financial gain, but to create the value necessary for the planned development to generate the revenue, and thereby the TIF increment, necessary to fund the partial restoration of the DuPage Theater and construction of a new (approximately 300 seat) black box theater for the Village.

STANDARDS FOR VARIATIONS

of the Lombard Zoning Ordinance and Lombard Sign Ordinance

Variation For the Elimination Requirement for Shade Trees

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The difficulty/hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

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.

The granting of this 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.

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

The granting of this variation will not alter the essential character of the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, 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.

The planned development 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.

**STANDARDS
FOR CONDITIONAL USES**

Conditional Use for Outdoor Dining

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all conditional uses of the Lombard Zoning Ordinance.

THE LOMBARD ZONING ORDINANCE:

No conditional use shall be recommended by the Plan Commission unless it finds:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

The establishment, maintenance, or operation of the conditional use to provide outdoor dining for the retail/restaurant tenants will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare. Parameters, guidelines and standard Village requirements will be included in the lease agreements to protect the general public as well as the patrons and residents of the planned development.

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;

The conditional use to provide outdoor dining for the retail/restaurant tenants will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, and not substantially diminish and impair property values within the neighborhood in which the planned development will be located. Conversely, the activity generated by this conditional use will enhance the neighborhood and help to promote the revitalization of the downtown.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The establishment of the conditional use to provide outdoor dining for the retail/restaurant tenants will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

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

Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided for.

STANDARDS FOR CONDITIONAL USES
Conditional Use for Outdoor Dining

Page 2

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

The planned development will provide ingress and egress so as to minimize traffic congestion in the public streets.

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

The proposed conditional use to provide outdoor dining for the retail/restaurant tenants is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard. Conversely, the activity generated by this conditional use will enhance the neighborhood and help to promote the revitalization of the downtown.

7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission

The conditional use to provide outdoor dining for the retail/restaurant tenants will, 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.

November 7, 2006

To: The Village of Lombard Plan Commission

Please accept this letter in response to the NOTICE OF PUBLIC HEARING dated October 31, 2006 regarding the proposed redevelopment of 101-125 S. Main Street, commonly referred to as the Dupage Theater and adjoining property. We are residents of Lombard living at 140 S. Charlotte, which is directly behind the subject property.

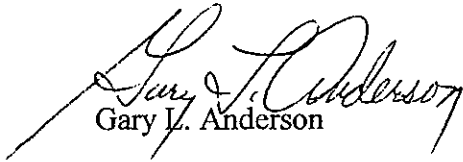
1. As relates to the petitioner's request for a height variation, the petitioner's response related to the 'need' of the variation states "...in order to create the value necessary to support the planned development as a whole..." and "...not based primarily upon a desire to increase financial gain, but to create the value necessary to fund the partial restoration of the Dupage Theater..." We would offer that 'create the value' equals improving the profitability of the project for the developer. The petitioner seeks to increase the interior ceiling heights of both the retail and residential units to ten feet and nine feet, respectively, to "...create the value..." or, in other words, to enhance the market value, and thus profitability to the developer. We urge the Plan Commission to require the petitioner to develop the property in accordance with existing zoning requirements.
2. As relates to the petitioner's request for a Variation For Transitional Landscape Yard, the petitioner again calls upon the need to "...create the value necessary..." as rationale for the variation. This represents another 'excuse' for a variation to increase profitability. Of further concern, the written information received from the village entitled Standards For Planned Developments indicates in the Variation for transitional landscape yard (10' required, 8' provided); yet the architectural drawing of the Ground Floor Plan reflects a 5' landscape yard only. Is the petitioner requesting a variance to 8' or to 5'? We find neither acceptable, but would appreciate clarification. This requested variation also is directly related to the petitioner's request for a variance to eliminate the required transitional landscape yard improvements. The combination of these two requests will result in NO transition between the proposed development and the residential homes behind the subject property. We urge the Plan Commission to require the petitioner to develop the property in accordance with existing zoning requirements.

Although we have no objections to the other requested variations, as we do not believe they will adversely affect our property and those of our neighbors on South Charlotte Street, we cannot help but to point out to the Plan Commission that throughout the petitioner's responses to the Variation Requests, he repeatedly offers the rationale that the variations are necessary to "create the value", and further argues that the variations are

necessary because of the “economic strain the Dupage Theater scope of work adds to the planned development”. Both of these factors readily translate into the petitioner’s desire to enhance the profitability of the project. It is contrary to existing ordinance to grant variations that are ‘based primarily upon a desire to increase financial gain’.

In conclusion, we urge the Plan Commission to require the petitioner to develop the property in accordance with existing zoning requirements. We believe the Village thoughtfully developed these requirements over time with proper consideration for the future viability of the Downtown Business District, and that these requirements are still valid and should be adhered to.

Sincerely,


Gary L. Anderson


Nahette M. Anderson

Brust

FUNERAL
HOME LTD.

JOHN BRANDON BRUST
President

135 SOUTH MAIN STREET
LOMBARD, ILLINOIS 60148-2688

TOLL FREE 1-888-629-0094
FAX: 1-630-629-0098

November 11, 2006

Village of Lombard
Mr. Don Ryan, Planning Commissioner
Dave Hulsburg, Village Planner
Mr. Wm. Mueller, Village President
And Trustees

Gentlemen:

I recommend that you show no favoritism in the considerations to amend the variations and deviations on the village property as described in PC 06-27 (zoning ordinance). It is not in the Village of Lombard's interest to consider implications of favoritism to your own property.

I object to all the requests of conditional use. My personal request for variations at 119 South Main Street, Lombard, in 1996 were refused and the staff and zoning personnel insisting on following the restrictions of the zoning ordinance. Height was restricted to 40 feet. Changes in the yard and set backs were denied. Parking and traffic considerations on Main Street were said to be a problem. Landscaping was to be strictly adhered to per ordinance.

It behooves you to maintain the strict standards you have imposed on my building requests and maintain the orderly transition in keeping Lombard's environmental integrity.

Sincerely,



John "Jack" Brust

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR A
PLANNED DEVELOPMENT WITH VARIATIONS AND DEVIATIONS
AND A CONDITIONAL USE FOR OUTDOOR DINING UNDER TITLE
15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

PC 06-27: 101-125 S. Main Street (DuPage Theatre & South Lot)

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

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

WHEREAS, an application has been filed with the Village of Lombard requesting approval of a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:

- a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
- b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
- c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);
- d. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
- e. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;
- f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping; and

WHEREAS, said application also requests approval of a conditional use for a outdoor dining;
and

WHEREAS, a public hearing was conducted by the Plan Commission on November 27, 2006 and February 19, 2007, pursuant to appropriate and legal notice, and the Plan Commission recommended approval of the Petition, subject to conditions; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending denial of the requested parking relief; and

WHEREAS, the President and Board of Trustees concurs with the recommendation of the Plan Commission and have determined that it is in the best interest of the Village to approve the Petition, subject to the conditions 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 the ordinance is limited and restricted to the property generally located at 101-125 S. Main Street, Lombard, Illinois, and legally described as follows:

Lot 1 in Big Idea Productions Resubdivision, being a subdivision in the Northwest Quarter of Township 39 North, Range 11, East of the Third Principal Meridian, recorded as Document No. R1999-090133 in DuPage County, Illinois and Lot 1 in Brust's Resubdivision, being a subdivision in the Northwest Quarter of Township 39 North, Range 11, East of the Third Principal Meridian, recorded as Document No. R1999-010668 in DuPage County, Illinois; except for the West 10.00 feet of said Lot 1 in Brust's Resubdivision and the West 10.00 feet of Lot 1 in said Big Idea Productions Resubdivision dedicated according to the plat thereof recorded as Document No. R2006-5718, described as follows:

Beginning at the southwest corner of Lot 1 in said Brust's Resubdivision; thence on an assumed bearing of North 0 degrees 00 minutes 12 seconds West along the west line of Lot 1 in said Brust's Resubdivision and along the west line of Lot 1 in said Big Idea Productions Resubdivision, a distance of 336.53 feet to the northwest corner of Lot 1 in said Big Idea Productions Resubdivision; thence North 68 degrees 59 minutes 10 seconds East along the northerly line of Lot 1 in said Big Idea Productions Resubdivision, a distance of 10.71 feet to a point 10.00 feet normally distant East of the west line of Lot 1 in said Big Idea Productions Resubdivision; thence South 0 degrees 00 minutes 12 seconds East along a line 10.00 feet normally distant of and parallel with the west line of Lot 1 in said Brust's Resubdivision, thence South 88 degrees 58 minutes 13 seconds West along the south line of Lot 1 in said Brust's Resubdivision, a distance of 10.02 feet to the point of beginning.

Parcel Numbers: 06-08-111-035, -036

SECTION 2: That a conditional use for a planned development with the following deviations and variations is hereby granted for the property legally described in Section 1 above and,

subject to the conditions of approval set forth in Section 5 below:

- a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
- b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
- c. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
- d. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements; and
- e. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping.

SECTION 3: That a conditional use for outdoor dining is hereby granted for the property legally described in Section 1 above and, subject to the conditions of approval set forth in Section 5 below.

SECTION 4: That a variation to reduce the number of off-street parking spaces for a theater from thirty-seven (37) to zero (0) is hereby denied.

SECTION 5: That this Ordinance shall be subject to the following conditions of approval:

1. The petitioner shall enter into a development agreement with the Village setting forth the terms and conditions for development on the subject property.
2. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.
3. The development shall be constructed in compliance with the plans submitted as part of this petition. Any modification to the petitioner's plans shall be considered a major change to the planned development.

4. In the event there are any conflicts between the building elevations and the interior building layout, the exterior building elevation shall control. If required by interior changes of layout, the aesthetic, compositional and material concepts illustrated in the approved elevation drawings will be adhered to.
5. No box- or cabinet-style wall signage shall be permitted.
6. No parking relief shall be granted.
7. The parking garage lower level shall have a clear ceiling height of no less than nine feet, with adequate electrical supply provided to serve each lower level parking space.
8. Lighting on the residential portion of the building shall be shielded so that all illumination is directed toward the building and away from adjacent properties. Lighting provided for the drive aisle shall not project higher than eight feet above grade level. Parking structure lighting shall be directed downward and shall not cast a glare onto adjacent properties.
9. An 8-foot solid beige PVC or similar fence shall be installed along the eastern property line, subject to the approval of the Director of Community Development.
10. In lieu of transitional landscaping improvements, a cash payment of \$50.80 per linear foot shall be paid to the Village within 60 days of the petitioner's acquisition of the property and prior to the issuance of any building permits. This cash payment shall be allocated amongst the adjacent property owners to the east of the subject property, based upon the length of the shared lot lines.
11. Stormwater detention shall be approved by the Village Engineer as shall be subject to rigorous scrutiny; and
12. The building setbacks shall be at least 80 percent of that required by the Zoning Ordinance.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

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

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

4. In the event there are any conflicts between the building elevations and the interior building layout, the exterior building elevation shall control. If required by interior changes of layout, the aesthetic, compositional and material concepts illustrated in the approved elevation drawings will be adhered to.
5. No box- or cabinet-style wall signage shall be permitted.
6. No parking relief shall be granted.
7. The parking garage lower level shall have a clear ceiling height of no less than nine feet, with adequate electrical supply provided to serve each lower level parking space.
8. Lighting on the residential portion of the building shall be shielded so that all illumination is directed toward the building and away from adjacent properties. Lighting provided for the drive aisle shall not project higher than eight feet above grade level. Parking structure lighting shall be directed downward and shall not cast a glare onto adjacent properties.
9. An 8-foot solid beige PVC or similar fence shall be installed along the eastern property line, subject to the approval of the Director of Community Development.
10. In lieu of transitional landscaping improvements, a cash payment of \$50.80 per linear foot shall be paid to the Village within 60 days of the petitioner's acquisition of the property and prior to the issuance of any building permits. This cash payment shall be allocated amongst the adjacent property owners to the east of the subject property, based upon the length of the shared lot lines.
11. Stormwater detention shall be approved by the Village Engineer and shall be subject to rigorous scrutiny; and
12. The building setbacks shall be at least 80 percent of that required by the Zoning Ordinance.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

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

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

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

 X

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

TO: 0 PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 21, 2007 (BOT) Date: March 1, 2007

TITLE: PC 06-27: 101-125 S. Main Street (DuPage Theatre)

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above referenced petition. The petition requests that the Village take the following actions on the subject property, located within the B5 Central Business District. (DISTRICT #4)

1. Approve a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
 - b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape. Approve a conditional use for a planned development with the following variations and yard from 10 feet to 5 feet;
 - c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);
 - d. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
 - e. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;

- f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping;
- 2. Approve a conditional use for outdoor dining; and
- 3. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

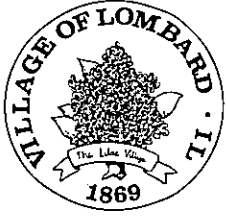
The Plan Commission recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

| | |
|---|---------------------------|
| Village Attorney X _____ | Date _____ |
| Finance Director X _____ | Date _____ |
| Village Manager X <u>D.A. Acb</u> _____ | Date <u>8/22/07</u> _____ |

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 *DH*

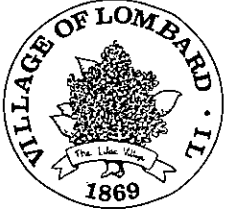
DATE: March 1, 2007

SUBJECT: PC 06-27: 101-125 S. Main Street (DuPage Theatre)

Attached are the following items for Village Board consideration as part of the March 1, 2007 Village Board meeting:

1. Staff Executive Summary;
2. Plan Commission referral letter;
3. Supplemental discussion memorandum;
4. IDRC report and addendum report for PC 06-27;
5. An Ordinance granting approval in part of a conditional use for a planned development with variations and deviations, subject to conditions. The Ordinance specifically excludes any relief from the Village's parking regulations. Furthermore, the Ordinance reflects the vote for approval at the February 19, 2007 Plan Commission meeting and does not include the comments made after the final vote was taken.
6. Plans associated with the petition.

Please let me know if you have any questions on the aforementioned materials.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DCH*

DATE: March 1, 2007

SUBJECT: PC 06-27: 101-125 S. Main Street (DuPage Theatre) – Executive Summary

Staff offers the Village Board members and the public with the following executive summary relative to the DuPage Theatre project. The summary attempts to synthesize the issues raised within the IDRC staff reports and through the public hearing process. Staff notes that the review and discussion focused upon six general areas, as follows:

Building Elevations/Architectural Elements

Both staff and the Plan Commission offered a number of comments regarding the building design and the architectural elements as part of the public hearing process and in separate meetings with the petitioner. As noted on page 3 of the IDRC Amended Report #2, the petitioner did provide revised elevations that incorporated some but not all of the suggested changes. However, the petitioner respectfully disagreed with the suggestions to modify the storefronts along the north elevation, brick colors, mullions or signage locations, as the petitioner believes that incorporating those changes would be detrimental to the retail component. The Plan Commissioners expressed concerns regarding the omission of many of their suggestions at the February 19, 2007 meeting.

East Elevation

While the location of the proposed east building wall meets code and does not require setback relief, the Plan Commission and public comments raised concerns regarding the overall impact of the building on the adjacent single-family residential properties. Pages 4 through 8 in the Plan Commission referral letter to the Board included the public comments regarding the overall building bulk along the east side of the property.

Building Height

Related to the east elevation, a number of residents voiced their objection regarding the requested building height relief. The petitioner noted that the relief was needed to make the project economically viable. Staff requested additional details regarding the need for the height relief. As noted on page 4 of the IDRC Amended Report #2, the petitioner attempted to show a 45-foot high building by including a partial through section on the building elevations, but deemed this option unacceptable. Staff advised the petitioner that this exhibit was not an adequate representation of a 45-foot high building, as the Zoning Ordinance would still consider the building as a 48-foot high structure. To date, none of the submitted elevations have met the B5 District's 45-foot height requirement.

Parking

Significant public discussion included concerns regarding the theater operations and its parking impacts, the location of off-street spaces and general concerns regarding adjacent on-street parking. The Plan Commission ultimately recommended denial of any parking relief associated with the petition. If this request is denied, the petitioner will be obligated to enter into a parking agreement with a neighboring property owner or the Village to provide for at least 37 additional parking spaces to satisfy the minimum ordinance requirements (see Agenda Items IX (A.) and IX (B.)).

Stormwater

At the November 20, 2006 Plan Commission meeting, staff stated that the Subdivision & Development Ordinance requires that preliminary engineering is required to be submitted as part of the petition and that the Plan Commission cannot recommend approval of the petition with completion of preliminary engineering.

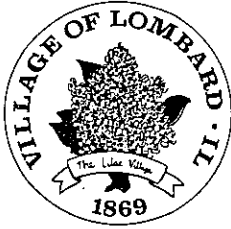
The petitioner provided staff with three different methods to meet the stormwater detention requirements. The first two options were not deemed to be feasible. The third option would provide for a basement detention vault underneath the commercial portion of the building. Staff noted that the design of the facility is not really consistent with the intent of Village Code, as it is not within a traditional outlot, does not provide for easy access for maintenance purposes and does not serve a secondary purpose. Staff also noted general concerns regarding the construction methods that would be needed to make the design feasible. While State Statutes permit outlots to be vertical in nature, staff believes that the Village Code did not envision such designs. Staff believes that the underground outlot provision is a policy issue that the Board should seriously address as staff does not support this design methodology. While the petitioner noted six Chicago area locations that have such facilities, staff represents that those projects and/or locations are not readily comparable to this development. Staff prepared the attached table noting the locations and general information pertaining to the other facilities.

Pages 5-8 and Appendix A in the IDRC Amended Report #2 provides an additional discussion of this topic. Village engineering staff notes that the design can be constructed. There is no available information on the soil bearing capacity to determine how this system would need to be designed. Further, the long term maintenance responsibility burdens future property owners, whereas other design systems can be replaced more easily.

Plan Commission Recommendation & Conditions of Approval

The Plan Commissioners expressed several concerns pertaining to the overall project as proposed. However, in consideration of the petition, the Commissioners voted 4-0 to recommend approval of the petition in part, with the requested parking relief being denied. This recommendation is subject to the ten conditions noted within the IDRC report as well as two additional conditions. Staff is providing the Board with the attached memorandum entitled "PC 06-27: 101-125 S. Main Street (DuPage Theatre) – Additional Discussion" pertaining to the recommended condition number 12.

| Building | Detention Location | Size/Volume | Design Features | Problems | Comments |
|--|--|--|---|------------|--|
| Lombard Shopping Center (Lombard) | Under strip mall at 6217 E. Roosevelt | Waiting to hear back from Mr. Lindley on the particulars | Waiting to hear back from Mr. Lindley on the particulars | None known | Spoke to Dev. Eng in Evanston. They have several other structures with under-building detention. The engineer felt that the most similar was a condo complex that had detention under a parking garage, which is then under several stories of condos. This system is also new, so no history to report. |
| Sherman Plaza Mixed Use Center (Evanston) | Under 12-story parking garage – similar in size to proposed vault | -1 AF | Waterproof lining, water stops, backflow prevention, overflow deliberately into parking garage so owner sees the problem. | None known | |
| Edward Hospital Parking Structure (Naperville) | Under northern parking deck of Hospital campus | hold 8 to 10 AF | Piers support parking deck; basin is a dirt bottom "basement" that has a concrete channel running through it. Basin has overflow structure to prevent any water from reaching the bottom of the first floor support members. Basin is bermed around the outside, allowing for ample venting. Also has built-in stairs for access and opening large enough to fit Bobcat for future maintenance (as it has a dirt bottom). | None known | |
| St. Mary of Goslyn School (Downers Grove) | Under classrooms of the school – basically a basement Under building (box store) in newer mall area – Mr. Morley is checking on more details. | -1 AF | Could not recall the particulars as it is over 25 years ago. Vented. Suggested a type of warning panel that would alert to a high water level (blocked resistor). | None known | |
| Shops at One Orchard Place (Skokie) | | Mr. Morley is checking on more details. | Water proofed with liner, thinks it was spray on type. | None known | |
| 1720 South Michigan Avenue Condominiums | Under parking garage, which is under condo building. | 0.1 AF | This is a StormTrap system that is set on a concrete slab. The slab is independent of the building structure. Slab has water stop around seams, building footings are below the slab. Unit is lined with polyliner | None known | Small Volume as the requirement is basically to hold the rooftop water. Rep is sending other projects that may be closer in size and still in same type of location. |



VILLAGE OF LOMBARD

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March 1, 2007

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

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

Village Manager
William T. Lichter

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

Subject: PC 06-27; 101-125 S. Main Street (DuPage Theatre & South Lot)

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 B5 Central Business District:

1. Approve a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
 - b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
 - c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of offstreet parking spaces for a theater from thirty-seven (37) to zero (0);
 - d. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
 - e. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;
 - f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping;
2. Approve a conditional use for outdoor dining; and
3. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

"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."

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 20, 2006. Richard Curto, CEO of RSC & Associates, 265 Brookside Road, Barrington, Illinois, presented the petition.

Chairperson Ryan verified that the building features such as the brick colors and the features had not been submitted to staff prior to this meeting and were not included in their packets. Mr. Curto answered yes. Chairperson Ryan indicated that whatever is presented tonight the Commissioners will not make a final decision on because we want staff to have a first review of it so that we can then also review any portions beforehand. Mr. Curto indicated that he understood.

Mr. Curto continued by indicating that he would have Daniel Coffey do the presentation and should there be any questions or comments, he would be available to answer.

Daniel Coffey, Architect, 233 S. Wacker, No. 5750, Chicago began with the individual plans. There have been minor changes relating to the height variance and materials and colors which were given to staff but weren't given as materials, but rather as copies of materials.

Referring to a diagram, he presented the ground floor plan and indicated access points and noted that this is in conformance with the traffic studies by KLOA. Parking is one-story down from grade, the mezzanine one story up from grade and he noted the location for on grade parking with several surface spaces off of an access way. He also noted where the receiving would be located.

The number of parking spaces that are provided are in conformance with the requirement for residential, retail and for visitor parking. The variance pertaining to the parking for the theater, which is the subject of a lease being secured for that space. He located elevator locations, fire exits, and storage units.

Referring to the mezzanine, he noted it was slightly off of dimension to the older second floor of the old DuPage Theater building. He then described the parking layout. The retail parking and visitor parking is essentially at grade as well as the handicapped spaces.

The functional areas of the new building will be for retail uses. Tucked inside of the L and located similarly, but not exactly the same, is the new 299-seat black box theater, the stage that serves it, the dressing room and support spaces that serve it, and the public restrooms. This all will be part of the conveyance by RSC to the eventual operator of the theater.

The original lobby will be restored, but basically all of this is new construction. Visitors can come up the elevators to the next level which is the second floor of the basic complex. These are all individual units wrapped around the older building with a landscaped courtyard in between both of the areas. The theater is slightly taller than the rest of the space, the residential portion of the older commercial building of the DuPage Theater is in between these two levels. Six loft units are proposed in this location. The northeast building and the lofts are served by an elevator which is another entrance from Parkside. Upstairs the other elevators are all linked in a corridor system that goes through the whole complex. The third and fourth floors are essentially identical but are elevated above the courtyards and other roofs. There will be one floor below grade of basement parking, another floor that is basically at grade, and then a mezzanine floor to fulfill the rest of the parking requirement. The below grade and mezzanine ceiling heights are seven feet clear and the ground level has a clear ceiling height of eight feet and two inches to accommodate handicapped van vehicles. So this is compressed to its minimum, and then on top of which then sits the three residential floors.

He noted that the reason for the requested variance from 45 to 48 feet has to do with this mezzanine as well as with the developer's intention to do high quality residential and have nine-foot clear ceiling heights. If they do the addition of that height dimension, the three residential levels with nine-foot ceiling heights, the structural dimensions that are needed just to support the roof, along with a little bit of slope in the roof, they end up with a high point at the roof of 48 feet.

He stated that he investigated trying to get extra parking located elsewhere on the site, but there really isn't anything on the site that's not used already for parking, for retail use or for the theater. The ability to put parking spaces underneath the theater or loading dock is both an economic hardship and also physical hardship. They are going to provide the stormwater retention underneath the building. This is an efficient structural parking deck situation where

March 1, 2007

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they stack on top of each other and it necessitates the extra couple of feet with nine-foot ceilings that creates the 48 foot height.

He then referred to the material sample board. Staff was provided with these bricks as color copies. He received some bricks in their office today and he put them on the board to present it to the Commissioners tonight. Basically there are three colors that will be the primary elements of the building. The tan brick actually looks darker but it is actually the color of the terra cotta on the brick work that's on the old theater. The residential portions of the building on Main Street are set back from the edge by an extra five feet. They will have a nice little terrace where people live, and it will give a little bit more animation to the streetscape when people are out there.

He referenced the first workshop session with the Plan Commission that included exterior building elevations with flat arches in some of the architectural treatments at the top as well as some flatarched windows. Discussing it further with staff, there was a suggestion that was not preferred here in Lombard, so we eliminated those elements, as depicted on a submitted drawing. The ones that are handed out to the Commissioners are exactly the same as this board, which simplifies the overall composition a little bit.

Small added pediments were added at the corners of the building. At the workshop session, he presented a 3-D fly-around and drive-by which he intended to show to the Commissioners, but he does not have any projection equipment. But he has each of the three dimensionalelevations. He stated that at that workshop session, he was requested to make sure that all the adjacent properties were accurate in height and that's been done. He then referenced the building elevations showing the change from the flat arches.

With the 48- to 45-foot height variance, he said that the nine-foot ceiling height is fundamental to the marketing program for the quality of condominium unit that we are trying to sell.

Chairperson Ryan asked if anyone had any questions of the petitioner. Hearing none, he asked if the Commissioners had any questions of the petitioner.

Commissioner Olbrysh asked if the architect can explain the differences between the submitted drawings because they all look alike.

Mr. Coffey noted that they are all very similar except for the window lines and the pediments.

Chairperson Ryan referenced the sidewalk in front and on the Pakside side of the storefronts and asked if that was the actual width that will be available.

Mr. Coffey noted that is what is on the survey. They are not changing it.

Commissioner Burke stated that as far as schemes are concerned, he liked the middle one a whole lot better than the top one, and he thinks that the minor variance may be required to take those peaks-- it would be easy to approve that. He then inquired about the brick and awning materials.

Mr. Coffey noted that sometimes the retailers like to have a choice.

Chairperson Ryan then opened the meeting for public comment. He asked that the comments be limited to the items that are in the purview of the Plan Commission.

Speaking in favor of the petition were:

Deborah Dynako, 125 S. Craig Place, thanked the Commissioners for giving her the opportunity to discuss the DuPage Theater Redevelopment Project. She said that she is grateful that the project has come this far as the DuPage Theater Arts and Cultural Center will bring great things to our community, but to get to this point, considerations by the Commission must be made. There are variances that are being requested that are needed to make this venture a resounding success. In the scope of an unprecedented \$40 million project, one which will act as

an economic engine to spur further development in the downtown restaurant and retail industries as well as attract people from all around to the unique arts venue, these few variances, in particular the three-foot variance in the height, should not hinder the forward progress of this project. Village staff has spent countless hours with RSC and Dan Coffey & Associates working to make the DuPage Theater Redevelopment one that positively benefits the entire community. Many variances such as those being asked for have been granted for the developments around our downtown area. The variances requested are not without precedent and in this case are warranted because they will add so much to our downtown's ambiance and economy.

Virginia Lippig, 512 S. Park Road, Lombard, stated that she wanted to thank the supporters, the petitioner and staff for their work on this petition. This project is for the future of downtown Lombard, and for our children. When she sees these drawings, what they're doing and what the Commissioners are considering, she is thankful to everyone because she knows they are making the right decision.

Kevin Fitzpatrick, 348 Lewis Avenue, Lombard, thanked the Commissioners for allowing him to speak on behalf of this project, and for their important service to the Village. The supporters limited their presentation to three speakers in the spirit of the rules and to help the Commissioners get through this a little bit quicker. This developer has exhibited a spirit of cooperation from the start of this process. He has seen a lot of different proposals prior to this time, and this one was furnished with an original list of 21 areas of concern by the Village Board, and at least four more subsequent to that time. Each of those concerns seemed to have been addressed satisfactorily enough so that the process could move to this body for consideration. The issue that seems to have the greatest concern is a height variance of three feet. He strongly urged the Commissioners to approve this variance and send the proposal to the Village Board with a positive recommendation.

He said that a three foot variance, up against an ordinance limit of 45 feet in height, seems to be within the range of why the Village has a process to introduce and approve variances in the first place. He has watched structures, even including homes and garages, receive variances that might seem to have a detrimental effect on their neighbors and the immediate neighborhood around them than this proposal ever could. He has looked carefully at the setbacks behind the neighbors immediately to the east. He said the plan is very respectful of that particular issue the whole time. He cannot see how varying by three feet would really affect the quality of their life.

This project is in downtown Lombard, which belongs to all of us. The stakes are a little bit higher here. He has witnessed a losing business formula in our central commerce district for decades now. He said there have been some wonderful businesses here, and there are some that require more massive commerce to survive. Conservatively it takes a half a million dollars to start up a retail business in about a 2,500-square foot space. One needs to recoup that investment in the first five years to make it work financially. Many downtown businesses have not been able to reach a second anniversary because the environment of our downtown works against them. Butterfield Road and North Avenue are vital to the Lombard economy. He would argue that no less vital is our downtown as it has a much more direct impact on the real estate value of the community. The heart of any municipality is its downtown. People choose to live close to their downtown. People choose to be more distant from malls or industrial areas. This project brings over \$40 million to our downtown and the Village cannot afford not to have it. It is by far the most important initiative for downtown in its history. As far as density goes, if the Village is not dealing with density in our downtown, the Village has a much bigger problem than that if we are. He urges a positive recommendation. He also agrees with Commissioner Olbrysh on the fact that the Village really does have to seriously take a look at parking downtown. He said he would personally volunteer to serve on any body that really seriously decides to confront that issue on its own merit.

Chairperson Ryan then opened the meeting to those against the proposal. Those speaking against the petition include:

Bob Difino, 166 S. Charlotte Street, Lombard, stated that he is here tonight with his wife and six children. He understands that when one lives in close proximity to Main Street that one has to expect some measure of increased traffic and parking on the street, and the neighbors already got our fair share of that on Charlotte Street. On the south end of the block, the Methodist Church has a shortage of parking. On Sundays and some weeknights they are parking on the block. It's very amicable, but it is street parking nonetheless. On the north end, his neighbors have

overflow commuter parking because there is a shortage of commuter spots. When there are latecomers for the train, they have no choice but to park on Charlotte or miss their train. Also, every day Monday through Friday between four and six, they get a heavy dose of cut-thru traffic. People trying to avoid the already congested intersections at Main and Parkside and Main and Maple are cutting through down Charlotte. It's pretty heavy now and it's getting worse. Ever since they shut down the left-turn lanes on Route 53, it's gotten increasingly worse. His neighbors are no strangers to these issues of parking and traffic as they are living with it right now.

One of the selling points of the black box theater is it's a multi-purpose facility and it could be used during the day for meetings, parties and other activities. He asked when those activities take place during the day and the commuter lots are filled, where are the patrons going to park? They are going to park on Charlotte Street. He is basing this comment on historical fact when the theater was operational. He said he grew up on Charlotte. Any time there was a halfway decent movie, Charlotte Street handled the overflow parking from the theater lot. He sees no reason why it won't be any different now. The Village could talk about putting a parking restriction in, but that just penalizes the residents on the block who have family and friends that want to come and visit them, so that really isn't a solution. He believes the drive entrance on Parkside is going to be the preferred ingress and egress avenue for not only condominium dwellers, but also for restaurant patrons. It looks to be about 199 parking spots out on residential Parkside Avenue, and of course they are going to avoid the light at Main and Parkside like everyone else, and they're going to head down Charlotte and Martha Street. This would combine street parking and cut-thru traffic and 30-plus children on the 100 block of Charlotte Street right now. It's not a very good situation from a safety standpoint, and certainly if he was moving into the area he wouldn't want to buy on that block.

The biggest problem with this project is the density. If it were reduced to a more reasonable development size that mirrors some of the other ones currently going up in Lombard, a lot of these problems and issues just go away. But right now it looks like ten property owners are going to be directly impacted by the height of this building and the landscape variance that's requested and the height variance that's requested. Three feet in height and five feet in landscape buffer is huge when one talks about a building this dense and this large being placed next to their backyard where their deck and pool is located. He would challenge anyone to show him another residential development that is this dense that is adjacent to homes in an R2 residential area. If the petition is approved, it sends a dangerous message to residents that they are not going to be protected by codes. It also sends messages to other petitioners for developments in the future who also want their variances to be granted as well. He thanked Mr. Curto and Mr. Coffey for putting their plan together. Mr. Coffey answered one of his concerns when he said that they are running out of places to put things, and Mr. Difino would suggest that's because the building is too large for the property. He asks the petitioner just to adhere to the codes.

Mary Ann Eastman, 110 S. Charlotte Street, raised concerns with the parking. They don't want to provide for any parking for the theater which also raises the question if they are adhering to the ADA requirements for parking for handicapped. Are there enough handicapped parking facilities for whatever is going to be put in the building? She knows the petitioner said three feet is just a little bit more than what's being asked, but as it stands right now, the height of the theater is more toward Main Street. The petitioner is talking about 48 feet going all the way to the back of the property which is going to make a bigger difference than just three feet more than what's in the front of the theater now. Plus, the petitioner is asking for only three feet in back, and she thinks it's five feet in front. The petitioner is also asking for an outdoor cafe or seating out there which is going to affect the foot traffic that is there. She has lived on Charlotte Street for over 20 years. The neighbors still have a problem with commuter parking. The plan is taking away a lot of commuter parking spaces. Commuters are going to end up on their street. They have a lot of children on their street, and they want to see them protected. Having traffic exit toward our area is not a good idea.

Ms. Eastman stated she is still worried about whether the theater is even going to make it. The theater in Arlington Heights, which was also about the size of the DuPage Theatre, has now been taken over by the Village. She heard the petitioner mention something about providing for some type of flooding protection because right now, the adjacent viaduct floods when it rains. She is also concerned with where this water is going to go since she lives in back of the theater.

Mary Ohanian, 148 S. Charlotte Street, is against the fact that there isn't going to be parking for the theater. As a parent who goes places, she wants to be able to conveniently park. She said she wants this theater to be successful, and the inability to find parking in the area would make it unsuccessful. The goal is to have parking so families can go park there, get to the theater and enjoy it. She raised concerns about the people who are working there- if there isn't parking for these people, they are going to be parking on the streets. She opined that parents are not going to want their teenage kid who works there walking three blocks away at night.

Beth Komperda, 22 S. Martha Street, Lombard read a note from her husband. They have been hoping for a quality project at this location for years. As a resident of Martha Street, she is very concerned about the density of this project and the ability of the Village to control traffic flow and congestion. She said there are 120 homes between Parkside and Maple and Charlotte and Craig, which is the same number of condominiums that are going to be going up in that spot. Even though the number of residences of condos won't be the same, there will still be a lot of people there, as much as the three block area of where she now lives. They all have a nice place to park, but all those cars are going to go somewhere. Her concern as a resident is that they're going to spill into our neighborhood. She said all it takes is a freight train to send all the people going from the Grace Street crossing down our way to scoot under the viaduct. Years ago when the Village closed the Park crossing, all that traffic came down Main Street. So, there is a bottleneck all the time. It's like putting a thousand gallons of water down a tiny little drain - it just backs up. When one adds all the cars going to work and the store, there are going to have problems. They are going to use her neighborhood to get to where they need to go. She thinks having downtown shops and a theatre is great. Adding 120 units on top of the theatre demand is going to cause us a great problem. Shops close. The people go home. They don't come back till morning, but those residents live there and are coming and going all the time. She has lived in the area for 40 years. She has ten neighbors who have lived there for 40 years. The neighbors really do deserve some priority. When the Commissioners make these decisions for improving our town, they need to balance what the town gains versus what these long-time residents will lose. Residents invested time and money and emotion into making our properties wonderful, and she does not want to look at an extra foot of brick so a new resident can have nine-foot ceilings. She likes that setting sun in the west. She urges the Commissioners to maintain a balance when they are making this decision. Let the people who are really the heart of the town matter a little bit more than the people that want to draw who may more or less be transients staying there buying a condominium and moving on when they need a big house. But they're leaving the adjacent residents behind and they're going to leave their traffic woes with us as well.

Bradley Janisch, 109 S. Charlotte, Lombard, thanked the Village and the Planning Commission for the opportunity to hear the residents concerns in relation to the proposed developments within the downtown area. He is very proud to call himself a resident of Lombard. However in the recent past he has had concerns in relation to the proposed developments within the downtown area. He is willing to make concessions in the interest of our community. However, he believes that in order to rejuvenate the downtown area, our Village needs to take into consideration a plan that acts as a catalyst for change, specifically with relation to the DuPage Theater project. If this is the intent, this initiative must be the lynch pin of a comprehensive plan that is well thought out and takes into consideration the residents of our Village above all else. He is here tonight not as an expert on the proposed changes within the plan for the Commission, but as a voice of concern on behalf of the residents most greatly impacted by these changes. While he is personally willing to concede to several of the items up for debate, he is not willing to concede to the safety of his family, nor the safety of his neighbor's families. If inadequate parking is provided for the residents, guests, patrons of the shops and the black box theater, parking, and most importantly traffic, is likely to be affected dramatically in the surrounding areas including the streets of Charlotte and Martha. With many young children in the neighborhood, who play in the front yard, sidewalks and streets and considering the possibility of impaired visibility due to inadequate parking compounded by increased traffic flow, these factors spell out the potential for disaster for the families of this area. An economic hardship as referred to by RSC should not result in the hardship of the safety for the residents who currently will be funding this project through the TIF. He is somewhat disheartened to hear some concerns as it relates to the height of the building. It's the residents who ultimately will be affected by that who should ultimately make the determination whether or not it is a true hardship on themselves. He asked that the Village and its residents and RSC place themselves within the shoes of my neighbors and my family and consider the very real concerns had with their family's safety.

John Brust, 426 W. Maple Street, Lombard, is the owner of the property at 135 S. Main Street, the Brust Funeral Home which is immediately adjacent to the property. He stated that this is the second time he has come and talked to the Commission about this property. Some may recall that he was here in 1996 and in 1997. He is speaking against the variances. When the theater was going, he always had problems with parking in downtown. He does not wish to be set against his neighbors, and he does not wish to have to tow cars if visitors come to the theater and they have no place to park and they park in his lot. He needs the parking for his business. With a debt of 37 parking places for the theater as well as the density of this project is going to put him against a lot of people if the theater goes well. He mainly uses the business parking in the morning before his patrons go to funerals and mass, and in the afternoon and evening he has visitations. He does not see where the 37 parking places are going to come from in downtown. He often is searching for 37 parking places because he does not have enough himself, and he has no variations as far as parking goes.

Mr. Brust stated that the back of his property, 135 S. Main Street, 131 S. Main Street and the back of their property is the old creek bed. Those who have grown up in Lombard remember the creek bed. The viaduct was originally for a creek bed, and that goes around the back of that property goes then through what is now the Elmhurst property cut into the corner of St. John's and ends up over by Ash Street. He does not think by putting that size building along the back line of the property is going to help anybody's stormwater retention. The theater always used to flood. He is very concerned that stormwater retention will be adequately maintained. He is not against condos next to us. When he was proposing to develop the property, the Village said the side yards and back yard for our project were non-negotiable. He asked for a height variance himself. He proposed 40 condos for that parcel, and was turned down because the Plan Commission said it was too dense. Forty condos was too dense. This is 120 condos, and at that time, of course, there were still apartments in the theater and the theater was still going. He does not wish to be bad neighbors, but he wants them to be held to the exact same standards that he was held to. If he couldn't do it, he doesn't know that they could, and he is very concerned with the parking and storm water retention.

Blake Bandusky, 168 S. Martha, stated that he is a life member of the Lombard Historical Society. He was appointed to and served seven years on the Lombard Historic Commission. He has 20 years experience as a licensed architect, is a member of the American Institute of Architects, and is a principal in one of the world's leading engineering and architectural firms. For much of his time in Lombard, the property at the theater has been vacant, nearly vacant, or decaying very seriously. He said that residents witnessed the first closing in the late 80's, the battle to get the National Historic Register status, the second closing, the Big Idea proposal, threatened demolition, pipe dreams, and now what seems to be a last desperate attempt. He wants everybody to know that this is a process that we have to go through. These things are all negotiable. They are all design problems and they can be met head on. This project can be made to work for that site, and if it can't, everybody in the room will understand why. He has campaigned for this issue long before many at the meeting thought of living in Lombard, worked in Lombard, or worked for Lombard. The property is very dear to his heart. He noted that the audience has heard from passionate people on both sides; homeowners and concerned individuals and all their opinions need to be considered. He would like the Commissioners to consider the following and take this to debate to the least common denominator. He believes this project is too tall, too dense, and too close to the residential property line. The rendering is gorgeous, aside from some aesthetic concerns, but the fact is that the building is too tall over an existing very high theater marquis. He asked the audience to walk over to 25 E. Parkside and imagine as one looks toward the sky a 4 four-story 50-foot tall building with that wall existing near the property line and ask if they would be happy with this. The back of the theater fly area is very tall, but it's shorter and it's further away from that property line, and one will understand the difference between the two heights. He lives two blocks east of the site. He will see the back of a four-story 50-foot tall building every day. And whether one questions the aesthetic of that front elevation, it is the rear elevation that raises serious concerns. The back elevation is one neighbors haven't even seen yet. That's what these people will be living with every day. He could easily afford to live anywhere we wanted to, but he stays committed to Lombard because he loves the neighborhood character and scale, the downtown, the old house that he restored, and the historic downtown area has become home.

He believes the Village has allowed projects to be built that are of such poor design quality that its charm is being seriously diluted. The petitioner is a developer. They're used to being pushed back on. The Village has to learn to push back on them. Only the best projects are a result of give and take. In the case of the theater, the proposed team is comprised of architects and developers, and each of those playing developer in its own right. The Village

has to make sure that their challenge is to make this the best project it can be. Variances should be considered, but he thinks three and-a-half stories is absolutely the highest that it should be. He suggested that the tallest part of the building be toward the commercial area and let the building taper down toward the back. A plan for offstreet parking is a necessity. Anybody who has been to the Lilac Parade and has lived through the parking, the Village blindly allows people to park on both sides of the street, and when one lives there, it's a still two-way street, but cars are trying to get through on that. It's going to be no different when the theater is full or if there is a premiere or the opening of a play. The Village does not take concern to make sure the traffic situation is monitored on a regular basis. The Lilac Parade is evidence of that. As far as elevations go, he said when he was on the Historical Commission, the Commission pushed many times to review projects like this. Use that Commission as a resource. They should have the opportunity to review each and every one of these elevations. They should be the authority on what gets built. Residents should not be placed in a desperate situation forced to make a decision that gives away the farm in variances, accepts inferior aesthetics, and compromises the quality of life of these people who are our own neighbors.

Gary Anderson, 140 S. Charlotte, lives directly east of the subject property. He referenced a letter submitted by his wife giving some opinions and thoughts on the variances that are being requested. He would like to start out saying that he and his wife are not opposed to the redevelopment of the subject property as it is long overdue. He has lived in his house for 20 years, and there really hasn't been much change in the property behind his home in that time. He spoke before the Plan Commission on December 11th, 1996 regarding a proposed development on the vacant parcels which at that time did not include the DuPage Theater property. That proposal was for a six-story condominium project. The Commission recommended not to approve zoning variances at that time. He then reiterated a few comments that the Commissioners made regarding the project at that time. "The proposal was too dense and too much was being put on the lot," by Commissioner Olbrysh. "The concept was good, but the density was too intense," Commissioner Zorn. "The main problem is the size of the building, and that it will dominate the streetscape," Commissioner Kramer. Commissioner Sweetser applauded the efforts of the developer to bring development to downtown, but indicated that the standards had not been met. Commissioner Kramer stated that the petitioner admitted part of the hardship was economics. Any hardship was self-induced. Commissioner Kramer also stated that the proposed building would have a strong negative impact on residential properties to the east. So ten years later, and there is still no development of the property. Now a new proposal for the development is on the table for consideration, but again, the developer is asking for some rather significant variations. He believes the Commissioners were correct ten years ago to deny the variations for that development, and he believes the current variations requested should be denied for the same reasons, mainly variations no matter how they read and the concept of creating value is stated time and again by the developer as just an effort to reap additional profits in making the project a little bit taller and a little bit bigger and a little bit closer to the edges of the property. The proposed development will have a strong negative impact on the residential properties to the east, especially if the variations are granted. The value of the homes to the east will surely be diminished by the presence of a 120-unit condominium behind their yard. As he stated in the letter to the Commissioners, he really doesn't have a problem with this development or any other development, he requests that any development that is approved be held to the existing zoning requirements and not be given any variances that will increase the density and size of the project.

Rose Grumstrup, 291 E. Washington, stated that she has lived in Lombard for over 20 years. She is very concerned over the development of this property and the traffic situation. That is her main concern aside from the height of the buildings that are being built up and down Main Street. She is hoping that there are some other traffic plans in effect rather than just building this and keeping it a two-lane each way. She is not sure what the plan is and she hopes that they won't just put this new building up and not have any plan for the traffic as it is. She said that she works on the north side of Lombard and traveling through there now early in the morning with the train traffic, it's pretty congested. She is hoping that there are some real good decisions that are made before this project is put forth.

Chairperson Ryan then provided time for the petitioner's rebuttal.

Mr. Coffey noted that ADA requirements are completely fulfilled with respect to the project. There was discussion about stormwater management. They anticipate completely complying with the County and other codes and that the situation will be substantially better than what exists there today.

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The traffic consultant was hired by the Village to study this project and had indicated that traffic and circulation on and off the site was not a serious concern based on their expert knowledge.

The theater seating of less than 300 seats is less than a third of the number of seats that used to be there when it was a larger movie theater. So comparisons of theater to theater are not really accurate based on the past just because the quantities are so much larger.

The other item to be considered is that they are not really requesting any change in the allowed density of retail or residential. They do have all of the parking on the site for both of those two uses. There is a lease which will be secured prior to approval by the Village should they approve this and prior to our going forward with anything related to the project, and that lease is to secure parking for the theater specifically.

Chairperson Ryan noted that there was a question as to the theater hours and if it would be open during the day.

Mr. Curto noted that the theater hours will be established by the organization that ends up operating it, which would be the non-profit. It's very unlikely that there will be much that goes on in the theater during the day, although from time to time there will be some functions. If there is some theater activity, one could typically see the schools dropping children off at the theater for matinee-type plays or activities. Typically they will be delivered by the school system bus which will drop them off in front of the theater, typically on Main Street or Parkside. They will drop them off inside the site or right off the street in a very safe manner, so there won't be a lot of cars parking as was referenced.

Chairperson Ryan stated that the question was offered during the day there is no parking allocated for the theater, where will those cars or buses go?

Mr. Coffey stated that the Village has the power to approve which entity takes occupancy of the theater. As part of that negotiation the Village can indicate their acceptance of operating hours and those kinds of things.

The expectation related to daytime activities is very limited, and if it was children-oriented and related to the schools. What typically occurs, the bus goes someplace far away, the teacher calls with plenty of time to get the bus back right to the front door and go from there. He would expect the Village to have restrictions on the times that this theater can operate in the daytime.

Chairperson Ryan asked about the rear elevation.

Mr. Curto noted that they have many elevations available in their computer for consideration and was shown at the workshop session. It slightly changed from that, but the intention was not to be exactly like the front because it doesn't have retail, but to have a variation in the articulation to give it a little bit of visual interest.

Chairperson Ryan closed the public comment period of the meeting. He noted that additional comments can be provided at the next meeting when the Plan Commission will meet again. With regard to the elevations, we had talked about the alternate scheme of the middle one, is that the 48 feet? Mr. Coffey stated the roof is still 48 feet so the parapet would add three feet.

Commissioner Burke asked if the top elevation requires an additional three-foot variance. He noted that it's a very small section of the building and actually adds some architectural detail. William Heniff, Senior Planner, noted that the way the Zoning Ordinance calculates the height of the building is based off the roof, so parapets themselves wouldn't require additional zoning relief for the parapet itself. So additional relief for a 51 foot building height would not be required - it would be considered a 48-foot high building.

Mr. Curto noted that the reason they put the middle section with the peaks is that they thought it was a comment or suggestion made by some of the members to show a little bit more peaked roof.

Chairperson Ryan asked if all the requests that they asked for at the workshop were made and submitted. Mr. Heniff noted that they have included some of them. As was noted earlier in the presentation, staff has not seen the latest version of the elevations until tonight. Staff hopes to continue to work with the petitioner to incorporate the elements and some additional design schemes that address some of the concerns that are being raised tonight and address some of the staff's concerns as well.

Chairperson Ryan asked staff for a comparison of what the Commissioners have asked for versus what was presented. He would also like a to-scale streetscape as well as behind and views of it, actual views compared to the heights and everything else so that we can really get a true flavor of the density.

Going through the plans, Chairperson Ryan asked if most of the one bedroom units are about 880 square feet. Mr. Coffey said yes.

Chairperson Ryan then asked how that compares to the two projects that are going up on Ash. He is concerned about sale-ability because this project is 120 units versus 40, and 10 in the other building. He asked if this would be strictly condominiums and not rentals. Mr. Curto stated that was correct. They will be sold to individuals as condominiums. They will be all surveyed and platted for sale. They ranged the floor area anywhere from roughly 740 square feet on a one bedroom to say 950 square feet that could be a one bedroom/den, and then two bedrooms would be 1050 or 1100 square feet. The purpose in having a mix of bedroom sizes, is that there aren't too many one-bedroom units available. There are a lot of single people and couples just starting out. From an affordability standpoint one would want to provide enough range of product including some three bedroom units which are fairly large for some of the empty-nesters. That's typically what we have done from a marketing standpoint. The market really drives the product mix and size. For example, some of the smaller projects that are potentially being talked about here could be fairly large units, if they were 2,000 square feet each, the price of those would be \$450,000.00, half a million dollars. But when they want to have a diverse product mix, that's what is done typically. They have no studios planned.

Commissioner Olbrysh asked about the price range of the product mix going from one bedroom up to three. Mr. Curto noted that the one-bedroom smaller than 800 would be roughly about \$195,000.00. A two-bedroom approximately 1,100 square feet would be \$275,000.00. Some would be less, some would be larger. A three bedroom would obviously be more than that.

Chairperson Ryan asked how that compares in size to others in the business district. Mr. Heniff indicated that it is comparable.

Chairperson Ryan asked if there were any other questions or any other items they would like to see for the next meeting.

Commissioner Sweetser referred to the three foot height variance and asked if it was possible during construction to go down three feet more and try to make it work that way. It may be impossible or totally undesirable. It is a small difference but one that appears large to some of the community. Mr. Curto answered that they have tried to reduce it everywhere they could. Handicapped parking needs to be aligned with the ground floor. It could go down and the retail could go down, but then somewhere it doesn't match up with the street so that's the problem that occurs. They have a very skinny structure which also then has the lighting and the sprinkler system. They trimmed down just about everything they can to get the nine feet that's good for the marketplace here, it's good for the community as well as for the developer to keep the nine foot, which is pretty much standard these days. They need the extra three feet.

Commissioner Olbrysh referred to the previous workshop and thought that when the Commissioners were looking at that and were comparing the one-story brick building with the four-story, the two were going to be more integrated better as far as colors, et cetera. And now here the plan shows a stark white two-story which doesn't look as if it belongs with the four story, and he thought it would be a better integration between the two as far as brick work.

Mr. Coffey stated that the renderings came up whiter than he would want them to.

Commissioner Olbrysh indicated that it sticks out. Mr. Coffey stated that this is the color of the terra cotta and of the brick work. When they come back, they will match it. Commissioner Olbrysh confirmed that the Commissioners would be looking at a truer color. Mr. Coffey indicated that the way the computer does it, sometimes it gets brighter than ideal. It's literally these three colors, and they are not quite so stark. Commissioner Olbrysh asked if that was for all the buildings. Mr. Coffey answered yes.

Chairperson Ryan asked if anyone had any questions of the new evidence that was just presented by the petitioner. Hearing none he requested the staff report.

Jennifer Backensto, Planner II, indicated that staff has prepared a report regarding the petition and that is submitted for the record in its entirety. Staff has copies available for anyone who wishes to see that. She then summarized six key points. There were nine basic pieces of relief that were requested as part of this petition. Staff is recommending approval of three, approval of three with conditions, denial of one, and additional information to make a recommendation on the other two pieces.

The variations staff is recommending approval of are to allow a four foot front yard setback along Parkside. Staff generally believes this is appropriate to maintain the existing building setback that the current theater has right now. This is something that frequently staff does support as long as it is not encroaching further into the yard. One of the other elements that staff is supporting is the conditional use for outdoor dining. This is something that is specifically mentioned in the Comprehensive Plan as something the Village would like to see throughout the downtown. The zoning encourages it, and, in fact, they could do outdoor dining as matter of right, but the conditional use for outdoor dining removes the need to submit a new permit every year for the same businesses having tables in the same places. By staff's calculations, there's about 12 feet adjacent to the building along the Main Street side that will permit outdoor dining and still maintain a sidewalk area for pedestrians traveling through. The other element staff is recommending approval of is site plan approval authority to the Lombard Plan Commission. This would allow any proposed signage variations for the individual businesses to be brought before this Commission for review. They have to go before this Commission and the Village Board.

Staff is recommending approval with conditions of all of the variations associated with landscaping. This includes the five-foot transitional landscape yard along the eastern property line abutting those houses on Parkside and Charlotte, variation to eliminate the transitional landscaping improvements, and a variation to eliminate the perimeter of lot shade trees. The conditions staff is recommending would require the petitioner to make a cash payment to all of the adjacent property owners to allow them to install landscaping on their properties if they choose to do so. The Village would not force the owners to make any of those improvements. This is a way that the situation has been dealt with in the past in the downtown area.

Variations were granted for the Big Idea Plan Development completely eliminating the landscape yard. Also, there - and the Walgreens Planned Development and more recently The Point at Lombard where the area was reduced to one foot. At The Point of Lombard, the developer was installing the landscape improvements on the adjacent properties, and for The Big Idea Development there was a cash payment, so staff is recommending that something similar be used in this case. Staff is recommending denial of the requested variation for the parking spaces for the theater. Staff realizes that there are some parking difficulties within the downtown. They are providing all of the required residential parking, all the required retail parking, so this variation is strictly for the theater. The petitioner has represented that they will be able to provide off-site parking, which is permitted by code, on a nearby parking lot. If they are able to secure an off-site parking arrangement, no variation is even necessary because they will be providing it basically across the street. In the event the variation isn't approved or that agreement is not reached, staff is recommending it be denied. Staff is requesting additional information before making a recommendation on the conditional use for a planned development and the deviation for a 48-foot high building. We are requesting a statement confirming the stormwater detention and drainage capabilities of the site.

Staff would like to look in more detail at the building cross-section that was presented here this evening. Staff would also like to know about the proposed materials for the residential balconies, trim elements and light fixtures that are going to be visible to the residents abutting the eastern property line. Staff would like to see the ground floor plan

revised to redistribute the parking spaces. Right now the ratio of residential to commercial parking bays is one off. The number of parking spaces doesn't need to change, just the allocation needs to switch by one in order to be in compliance with code. Staff would also like information on the eight-foot high solid fence along the southern 405 feet of the east property line. This is one of the required transitional landscape improvements. Staff did receive information that the developer is considering parking with a stacking system for the underground residential parking. Staff would like to have some more information about lighting on the perimeter drive aisle. And finally, staff would like some more information regarding the nature and type of the rooftop garden plantings as well as how those will be accessed by the residents. Staff also did hire a consultant to perform the traffic study which is included within the staff report.

Javier Millan, Senior Consultant with KLOA, Inc., was retained by the Village to review and do comments on the site plan. Ms. Backensto gave the Commissioners a revised traffic study. Mr. Millan stated there were only two minor revisions to the traffic study. One was including a discussion on the proposed site traffic generation, which is Page 6, regarding the trip generation for the commercial portion of the development. He made a disclaimer that typically the retail portion of a development of this type typically doesn't generate that much traffic in the morning; however, they assumed that it was going to generate the same amount of traffic as it would generate in the afternoon, so we're actually doing a very conservative scenario. The other revision was a typographical error in the conclusions section of the report which said the access drive should have two lanes south, when in essence it's one lane in and one lane outbound. Those were the only changes to the original that the Commissioners received.

Based on the review, KLOA found the following: The development as proposed will provide two full ingress/egress access points, one on Parkside and another off Main Street. Based on the trip generation rates published by the Institute of Transportation Engineers, which is the normal standard used for traffic studies, the development will generate less than 170 total trips, in and out, during the A.M. and P.M. peak hours. In the highest hours it's going to be roughly 150, 160. The rest of the days it might generate, 40-50 cars in the highest hour. This new traffic was added to the existing traffic volumes and analyzed to determine how well the intersections will operate with the addition of site traffic.

Based on the analysis, all of the intersections along Main Street as well as Parkside Avenue operate and will continue operating at acceptable levels of service. It's typically like a grade scale like in school; A, B, C, D. We have E and F. If one is at an F, it is failing just like in school. In this case, the intersections are operating at B. In the future Mr. Millan thought one of the intersection legs during the peak hours goes would go to C, which is still acceptable. The lowest acceptable is an E, and typically one wants to stay in D, no lower than that. The development meets the parking requirements in terms of residential parking as well as retail parking. In his opinion, although no parking is provided for the theater, it's been KLOA's experience that activities for the theater typically tend to occur outside of the peak hours. Outside of those peak hours, there are areas in which parking becomes accessible to the public. That accessible parking to the public can be used for theater; however, KLOA agrees with the Village that parking should be provided for the theater in addition to that public parking that is available.

Chairperson Ryan asked if the study was dated in June of 2004 and if that was prior to the no-left turn on Route 53. Mr. Millan asked if he was talking about the counts they gathered. Chairperson Ryan answered yes. Mr. Millan stated that all left turns were already in place. Mr. Heniff stated that he believed so. Mr. Millan indicated that he is a resident of Lombard, so he does remember when those left turns were not allowed.

Chairperson Ryan stated that he wanted to make sure and asked that staff verify. Mr. Millan stated that he agreed but was 99 percent positive that was already in place.

Chairperson Ryan asked if the petitioner or the public have any questions of the staff report.

Blake Bandusky, 168 S. Martha Street, asked what the flow rate was out of this site between the hours of 5:00 P.M. and 6:00 P.M. and if Mr. Millan has taken into consideration the queue line going west on Parkside which is usually up to Charlotte, so if one is making a turn to go west he is curious on how one is going to get into that lane to proceed west. Mr. Millan answered that during the P.M. peak hour, once again this is in the highest hour which is what he mentioned, 5:00 to 6:00 or 4:30 to 5:30, the highest hour in the evening they have a total of 150 vehicles.

That's according to ITE, 85 in and 75 out. There are two access drives, so those are going to be split. In terms of the queue, he analyzed this using a simulation model, so they get to actually see how far those vehicles will back up. Once he ran it, he tried to look at recreating what's happening out there. There are certain times in which the traffic does back up, but for the most part, it clears. When it clears, one has the opportunity to actually make the left into the access drive. They did take a look at that, but once again they have to also take a look at whether traffic clears or not.

Mr. Coffey stated that he agreed that the numbers that were used were very conservative. He noted that KLOA did not subtract out the parking that currently exists on the site to further diminish that 75 and 85 out, and those kinds of things. Mr. Millan answered no because those vehicles are still in the area.

Mr. Coffey stated that here are 50 or 60 cars or whatever that are on the site affecting the in and out today which aren't subtracted out from that projected in and out on the site per se. He does not disagree either way.

Chairperson Ryan stated that the meeting was open to the Commissioners for comments and questions.

Commissioner Sweetser commented about the parking. She certainly couldn't agree more with the denial of the Village, and clearly this concern is reflected in a lot of the comments that she heard. She will be very interested in learning about the lease and what that means and where that is and how it can be used; in other words, crossing Main Street might be an issue, it might not. Until she knows specifics, she supposes it is difficult to speculate or discuss it further except that it is a major concern. In terms of the neighborhood, one way that other towns, villages, cities control this is not to limit parking in general because that harms the residents, but rather have permits saying that there is nobody without a permit allowed to park in certain hours. For example, in Chicago, it's two hours before an event at Soldier Field until two hours after, whatever it might be that would alleviate the residents' concerns and allow them to not be hampered by overflow parking, because even with additional parking, there may be some additional overflows. She would like to limit that to the extent possible.

Regarding flood water, she heard staff ask for a guarantee of sorts and whether that's been achieved or not, it certainly should be. She would also be interested in knowing whether the measures that are required and certainly seems to have been abided by other developments in the area have actually accomplished what they are supposed to. In other words, has flooding been abated or avoided and to the extent that it needs to be, not that that's a guarantee for this site, but it certainly might be telling as far as the efficacy of the relations. In terms of some of the other issues that were mentioned, in the interest of making sure that we are talking apples and apples or apples and oranges for people who may not have had a chance to read the staff report, this petition is for 101 to 125 S. Main Street and the density is per code; is that correct? Mr. Heniff answered yes.

Commissioner Sweetser indicated that the height they are asking for a variation from 45 to 48. The other area that was mentioned in some of the testimony was at a different address, and she is not sure whether it's 131 or 135 S. Main Street. The 1996 staff report for PC 96-30 requested approval of the variations from the Zoning and Subdivision and Development Ordinances to increase the maximum height of the building from four stories to six stories. Not three feet, but two whole stories, and then some other things; to not provide offstreet loading berth, reduce the drive aisle and setback for the required sidewalk. So she would just like to make sure she is differentiating the requirements, the ones being asked in each case as not being apples and apples.

Commissioner Olbrysh agreed with Commissioner Sweetser. Parking is a critical issue. He is favorably disposed to this type of project. He has some concerns, but he thinks we do need an entertainment center and the condos. But, for the downtown area to survive, there is going to have to be some other means for parking; be it a garage, putting up a garage. The other problem the Village has downtown is that it is basically one street. Take a look at Elmhurst, take a look at Villa Park, Wheaton. The Village is limited with what can be done, but he would be very curious with what they come back with respect to the stormwater detention. They said they meet code, but that concerns him because the project is taking up a lot of land over here. And with flooding problems before, he wants to make sure that there will not be additional flooding problems. Regarding density, while he may not like it, they meet code. Where they're asking for a variance is for building height. He has a concern about that because just looking at how

much space they are taking right now. The other thing that he has not seen is really some good elevations of the east side of the building because if he lived on Charlotte, he would like to see exactly what he will be facing.

Commissioner Burke commented about the parking. When the petition comes back, he would like to see the detailed plan. Unfortunately for the petitioner, the part of that detailed plan includes the Village's management of the theater, and he does not know how that gets coordinated because the key part of that is how the theater is going to be used. He has heard in the staff report the theater is referred to as a black box theater. That brings a vision in my mind that it's a spartan-type facility; however, when he reads other publications describing the theater, it's described as a state-of-the-art theater. That denotes a whole different thing to him where he sees 300 people every night on one and he sees 100 people, three nights a week on another. So the parking issue has to be explained in detail. In the staff report it references a parking lot. It states in the staff report that commuter parking spaces are available after 3:00 p.m. To him that sounds kind of arbitrary. He lives on that street, there are cars there until 7:00, he does not know how one determines that this block of 50 or 37 cars is going to be gone at 3:00 P.M. He thinks the plan should be very specific, and entails some description of how the theater is going to be used. He understands that's a difficult thing for the petitioner to provide. With regard to the density on the project, staff gave us a report - it was a density comparison of other densities. Ms. Backensto answered that that was from the petitioner.

Commissioner Burke asked about the range noting one was 87 units per acre. He wants to clarify Park West Condominiums is built on 0.1 acres? Ms. Backensto answered that was correct. It is an extremely small property.

Commissioner Burke questioned that it was a tenth of an acre? It says commercial space available is 4700 feet. That's about a tenth of an acre. Mr. Heniff answered that in that particular case, the size of the property and the size of the building is almost one in the same. Commissioner Burke questioned if it was a zero lot line. Mr. Heniff answered yes.

Commissioner Burke referred to the setback and confirmed that there was not a variance being requested for the setback to the building. Ms. Backensto stated that was correct.

Commissioner Burke asked about the variance in regards to the transitional landscape yard. In the staff report it talks about having a cash donation made to the residents. He personally would much rather see a comprehensive plan and a homogeneous landscape plan for the back of those yards rather than a cash payment which some residents will use, some residents won't. He thinks if we're looking at how the transition yard is going to project in both directions. He thinks some kind of plan would be much better than a hodgepodge solution to the issue.

Commissioner Flint concurred with the previous Commissioner's comments. He thinks it's critical we look at the east elevation and how that impacts the residence. He agrees with the parking issue and stormwater comments. On the height restriction, he knows they have allowed variations on height. And there are ways of minimizing the impact with hiding heights, creating a terrace effect, setback, dropping off some units to try to minimize the impact, so it maybe looks like a building that's in compliance, but it's really an additional story. There are ways of treating that architecturally to make that impact not as critical. He is looking for the petitioner to come back with modified elevations and looking at that east elevation.

Commissioner Sweetser asked about the terms of the mitigating impact on the terrace piece. If the space isn't to be lost, what is the possibility of building over the theater part? Has that been precluded because of structural issues or other issues? Mr. Coffey answered yes - it is a weak structure so it couldn't add any more weight to it. Commissioner Sweetser indicated that she be in favor of some kind of way to mitigate a 48-foot straight wall.

Chairperson Ryan concurred with Commissioner Sweetser because one looks at all these different renderings, and the one middle one we are at least gives a little break. The Village has been talking for ten years about the corner that's supposed to bring back the Village and it just looks like barracks almost. He just wants to see something change to make it look attractive. His concern is because of the density that we don't end up with 100 vacant ones or turn them into apartment buildings. And if it's not something that's attractive and drawing people to it, they have got to do something to make that corner really stand out and make it the start of the downtown area. With regard to the traffic and the parking, he is also concerned about the contract that is being talked about and where they are going to

park because he believes there is a limit. Visitors are not going to walk three blocks to a commuter lot. The petitioner has to come up with some plan that's more feasible and doable because visitors aren't going to walk two or three blocks to a parking spot when they can park on a side street and be around the corner from it. So something's got to be looked at there.

Commissioner Olbrysh questioned the parking. If this project goes forward, the Village also has to be concerned about what's going to happen during construction, and what was just brought to our attention is that the DuPage Theater lot is supposed to close December 1st. That's a couple weeks, or less than that. And his understanding is that right now the DuPage commuter lot next to the DuPage Theater has 91 spaces. Mr. Heniff stated it was 73. Commissioner Olbrysh confirmed that it will be shy-- is the Village is going to provide parking at four different lots? Mr. Heniff answered yes.

Commissioner Olbrysh asked if it would be assigned spots, or do people have to drive around and find what's available? Mr. Heniff indicated that they would not be assigned. Commissioner Olbrysh felt that it would create a problem trying to catch a train and trying to find-- Mr. Heniff stated that for clarity purposes, that's a temporary situation while they are removing the back portion of the theater property. Commissioner Olbrysh asked for a time frame as to what temporary meant. Mr. Heniff answered a couple of months. Commissioner Olbrysh confirmed that all but ten spaces would be provided for. Mr. Heniff answered yes.

Commissioner Olbrysh recommended that if the Village is going to do this probably a sign would be better. He could envision somebody trying to catch a morning train going from lot to lot to find out what's available, especially since there will be ten fewer spaces in the commuter lot. He asked if this is going to be put on the windshields. Mr. Heniff answered yes.

Commissioner Burke stated that he liked the elevation and thought it looked nice and confirmed that there was no detention currently on-site. Mr. Heniff indicated that the petitioner has shown an area in which they are proposing a vault system. The building, however--Commissioner Burke asked if that was on site now. Mr. Heniff answered yes.

Commissioner Burke stated that if they develop the building, they will have to meet the Village ordinances and County ordinances for flood control. Mr. Heniff agreed. Commissioner Burke stated that those ordinances are in place for a reason. He doesn't think there is a whole lot of work that the petitioner has to do to come back. Mr. Heniff indicated that staff has asked the petitioner to prepare preliminary engineering so staff knows the manner in which they are planning to address it so there is a comfort level and staff can make whatever recommendation if it was ultimate approval. Commissioner Burke asked if it would have to be approved by the Village engineer during the permit process. Mr. Heniff answered that it would.

Chairperson Ryan stated that they are waiting to see the preliminary so they can either make a recommendation as we do in other plans beforehand. The final, yes, definitely has to be final engineering, but preliminary, that's what they're looking for right now. Commissioner Burke confirmed that they were just looking for information on the concept. Mr. Heniff stated yes - how much are we storing on-site, whether that meets the code provisions, and how it would be routed out to the existing structure by the property.

Commissioner Burke questioned if they were asking for a variation or relief for that. Mr. Heniff answered no. If they do need relief, that would be required by the Village as well as the DuPage County Board.

Commissioner Olbrysh questioned the underground vault and its proximity to Main Street. Mr. Curto explained where it would be located underneath the retail. Commissioner Olbrysh stated that they haven't seen any details on that. Mr. Curto explained that they will meet the stormwater requirements because they are required to do so.

It was moved by Commissioner Sweetser, seconded by Commissioner Burke, that the petition be continued to the December 18, 2006 meeting. The motion carried by a 4-0 vote. This petition was ultimately continued to the February 19, 2007 meeting.

February 19, 2007 Meeting

Vice Chairperson Flint reconvened the public hearing for this petition on February 19, 2007. Richard Curto, CEO of RSC & Associates, 265 Brookside Road, Barrington, Illinois, asked what format his presentation should follow. Vice Chairperson Flint stated that he should cover anything that had not been discussed at the November meeting.

Dan Coffey, Daniel P. Coffey Architects, 233 S. Wacker, No. 5750, Chicago gave an overview of the digital presentations. He showed a fly-over view of the project and noted there were two kinds of brick on the residential portion. The new retail will be brick and terra cotta to match the existing building. He then presented views of the project from the perspective of a vehicle traveling eastbound on Parkside then northbound on Main Street. He noted that at the previous meeting the Plan Commission had requested them to improve the accuracy of the depiction of the shapes and heights of the surrounding building. This was done to an accuracy of within one to two feet. The Plan Commission had also asked what the neighboring single-family residents would see. In his backyard view, he faded out the trees to show winter conditions. That view shows what the transitional landscaping might look like as well as the fence between the single-family properties and the roadway.

Commissioner Sweetser asked if the structure shown on the far north end of the backyard view was a house. Mr. Coffey stated that it was.

Commissioner Sweetser asked if the perspective was supposed to be from the rear of the houses. Mr. Coffey stated that it was and clarified the assumed line at the back of the houses.

Mr. Coffey stated that small changes had been made to the previous elevation including peaks, mullions, and the fence.

Commissioner Sweetser stated that she would like to see the fence on the flyovers. Mr. Coffey reviewed his first presentation and indicated where the fence was.

Commissioner Burke asked if the transitional landscaping and fence were new. Mr. Coffey stated that they were.

Commissioner Burke asked if the mature trees shown in the yards were existing. Mr. Coffey stated that they were and that he had used Google Earth software to place the trees.

Commissioner Burke asked how far the trees are from the building. Mr. Coffey estimated that they were about 75 feet away.

Mr. Coffey then passed around the materials board as well as a sample light fixture and samples of the limestone sills.

Mr. Curto stated that Reis Kayser of RSC & Associates would discuss the stormwater issue. Mr. Kayser, 721 Lenox Road, Glen Ellyn, stated that they had looked at several alternative stormwater solutions for the project and the area in general. Initially they had looked at paying a fee in lieu of providing detention, but the burden would have remained on the viaduct. He gave a number of examples of other projects where underground storage had been used including the Sherman Plaza project in Evanston, St. Mary's School in Downers Grove, The Shops at Old Orchard in Skokie, 1727 S. Michigan Avenue, Edward Hospital's parking structure in Naperville, and one in Lombard at 645 E. Roosevelt that had been built 20 years ago. They had taken pictures of the one in Lombard and there were two to three inches of silt on the bottom, but it was still functioning well. He stated that this approach is not new and it will be designed correctly. He is confident that it is a sound system. There are no problems with odor affecting the occupied space above. It is a concrete basement built as a storm structure. It will be well-ventilated, work entirely on gravity, and hold the entire 100-year storm event. There will be outside access through a manhole and it will alleviate existing storm water problems on the property.

Commissioner Olbrysh asked if the detention would be underneath the new retail along Main Street. Mr. Kayser stated that it would be. The floor will have positive drainage and a controlled release into the storm sewer.

Commissioner Sweetser stated that there was the potential for a great volume of water to be released at once. Mr. Kayser stated that in case of such a situation there is a built-in gravity outflow at the north end of the property to a catch basin along the curb.

Commissioner Sweetser asked how the outflow would keep up with the inflow. Mr. Kayser stated that if the vault is filled beyond capacity the water will flow into the street. He added that the vault will hold the 100-year storm event.

Mr. Curto clarified that the property at 645 E. Roosevelt was not part of incorporated Lombard when it was built.

Vice Chairperson Flint then opened the meeting for public comment.

Gary Anderson, 140 S. Charlotte Street, stated that he had previously spoken and written against this project as it has not met the standards for variations. To do so, they would need to demonstrate hardship, have a need other than for financial gain, and not have a detrimental impact on the surrounding properties. He does not see any indication of hardship here, especially with regard to the requested building height and setback variations. Both of those requests are needed to increase the size of the building, which is strictly for financial gain. He stated that this building would not increase the property values of the surrounding homes and asked the Plan Commission to not forward this petition with a recommendation of approval.

Vice Chairperson Flint asked if there was anyone else that had any questions or comments on the petition. Hearing none, he then requested the staff report.

Jennifer Backensto, Planner II, indicated that the Plan Commission continued the public hearing for PC 06-27 in order to allow the petitioner to provide additional information regarding the development proposal and/or modify their plans accordingly. This report is based upon a review of the supplemental information provided by the petitioner and addresses the areas identified by the Plan Commission members, staff, and/or the public where additional information was requested.

Ms. Backensto summarized the changes on the new building perspective and elevations. No changes have been made to the storefronts along the north elevation, brick colors, mullions or signage locations. Staff obtained permission from two adjacent property owners to take pictures from their backyards. These pictures were used to create composite images that give a rough idea of how the proposed development would appear from the adjacent properties. The images of 136 S. Charlotte and 140 S. Charlotte were included as part of the petitioner's submittal.

The materials board perspective still shows outdoor dining in front of the new Parkside Avenue storefronts, but there is less than five feet between the building and the property line. Any outdoor dining proposed on the public right-of-way would not be covered by the conditional use and would be subject to an annual administrative permit with no public hearing necessary. The shared balconies on the north, east, and south elevations will be physically divided between the units, unless two adjoining units are combined.

The petitioner has attempted to show a 45-foot high building by including a partial through section on the building elevations, labeled "Unacceptable Alternate Mansard Roof Option." This alternative maintains a 9-foot high ceiling clearance within the residential units, but the roof height remains unchanged at 48 feet. To date, none of the submitted elevations have met the B5 District's 45-foot height requirement.

At the July 2006 workshop session regarding the DuPage Theatre development proposal, the petitioner presented a three-dimensional video depiction of the proposed development. The petitioner noted to staff the following issues relative to the new presentation:

1. The proposed building heights were "eye-balled" without actual scaling of adjacent structures. The petitioner believes that the rendering is accurate within one to two feet.

2. The locations of the trees that are shown on the presentation were derived by using *Google Earth* aerial representations. They stated to staff that they believe that this approach provides a fairly reasonable depiction of the existing vegetation surrounding the subject site.
3. Staff notes that the depicted number of street parking spaces along East Parkside may not match the existing or proposed parking layout proposed at this location.

At the November 20, 2006 Plan Commission meeting the Plan Commissioners expressed a desire to see how stormwater detention would be addressed as part of the development. In response, the petitioner has submitted a series of stormwater plans that have been reviewed by the Private Engineering Services Division and Bureau of Inspectional Services. The petitioner's initial plan proposed a vault detention system to be provided below the proposed new retail portion of the building south of the theater. In review of this plan, staff noted that the conceptual plan is not feasible due to the fact that it pumping is not acceptable and the detention system must drain by gravity only. The petitioner then proposed a vault system to be located underneath the proposed east drive aisle. Upon review of this proposal, staff noted that the proposed vault would conflict with a water main also proposed to be located within the same area. This plan did not meet the detention requirements of Lombard or DuPage County. The petitioner's latest stormwater plan would provide for underground storage as part of the building foundation beneath the new retail portion of the building along Main Street. The Private Engineering Services Division and Bureau of Inspectional Services have both reviewed the proposed concept plans and their comments are listed within the staff report. The petitioner's responses to these concerns, as well as staff's comments on these responses, are attached to the staff report as Appendix A. The proposed conceptual stormwater detention system meets the necessary legal requirements, but there are a number of construction issues that will need to be addressed as part of the final engineering for the project

The petitioner has prepared a preliminary landscape plan for the rooftop garden areas showing proposed plant materials. At the November 20 meeting, some members of the Plan Commission expressed a preference for a homogenous transitional landscape plan. Staff has received comments from only one adjacent property owner who would be impacted by this requirement. That property owner stated that a cash payment would be preferable to a homogeneous plan in that it would allow them to install landscape improvements that are suited to their tastes and individual properties.

Staff also supports the concept of a cash payment that would be made to the Village within sixty days of the petitioner closing on the property. The Village can then disperse the funds to the adjacent residences accordingly. In this manner, transitional landscape improvements could be installed and beginning to grow as early as spring 2007. In 1999, Big Idea Productions was required to make a \$42 per linear foot payment to the owners of the adjacent residential properties. Adjusting this number for inflation brings it to \$50.80 per linear foot, or \$3,048 for most of the adjacent property owners (\$50.80 x 60 feet).

Staff continues to recommend denial of the requested parking variation as an offsite parking agreement should be reached by the petitioner. At their January 18, 2007 meeting, the Board of Trustees considered a lease agreement with the Elmhurst Memorial Healthcare outpatient facility across the street from the subject property. Their intent was to lease 40 spaces from the facility to meet the code requirements, but the terms of the lease were deemed unacceptable by the Board of Trustees. The petitioner has provided information on the proposed vehicle lifts/stackers. The lifts would allow a resident to stack two cars within one traditional parking space, provided there is a clear ceiling height of at least nine feet. The most recent site plans show that up to 60 lower-level parking spaces could accommodate these lifts. Staff recommends that a condition of approval be added to ensure the ability for these lifts to be installed and operated.

The Plan Commission had inquired as to whether or not the downtown traffic counts performed by KLOA in the summer of 2004 had occurred prior to the no-left-turn restrictions on Route 53. Upon review, it appears that the no left turn signs were installed during the winter of 2001-2002.

External lighting is shown on the west elevation storefronts. This lighting will not be installed on the north elevation. For the residential portion of the building, a sample lighting fixture has been provided.

Staff recommends that a condition of approval be added that would prohibit internally illuminated box or cabinet-style signage. As with numerous recent developments, staff believes that any future wall signs should be in scale and harmony with the design concept of the proposed project. Tenants should be encouraged to have their signage represent the unique and special qualities of their store through creative designs.

With respect to the marquee sign, the petitioner will be proposing a new marquee sign that generally replicates the existing theatre sign. However, they have expressed to staff that the new sign may also include a vertical identification sign element as well. Should the petition be approved, the petitioner will be able to submit the new marquee sign plan at a later date for review and approval as part of a Site Plan Approval application.

Attached as Appendix B is a spreadsheet showing the status of proposed, under construction, and recently built condominium and townhome projects within the Village.

Ms. Backensto concluded by stating that staff recommended approval of the project, subject to the ten conditions noted in the staff report.

William Heniff, Senior Planner, added that he had passed out two sample motions for the Plan Commissioners for either approval or denial of the petition.

Commissioner Sweetser stated that the proposed development has a lot of potential, but she has numerous concerns that she has expressed in previous meetings. The petitioner has been surprisingly resistant to the Plan Commission's suggestions. Although she has tried to understand the petitioner's requests, she is not satisfied that this petition has met the necessary requirements. Reducing a setback from 30 feet to four feet is for financial gain, and the project cannot afford to not provide parking. She was struck by the number of errors in the rendering, which doesn't represent attention to detail. She stated that she expects more from a petitioner.

Commissioner Olbrysh stated that this development would be a welcome addition to the downtown, but he has two concerns: detention and parking. He stated that underground detention costs more and he assumes that those costs would be borne by the occupants of the building. He noted the comments from the Bureau of Inspectional Services on p. 8 of the staff report and asked if the petitioner would have any problem addressing them.

Mr. Kayser stated that the proposed detention system would be very low maintenance as the water will be relatively clean. It will have positive drainage, making it almost self-cleaning. The vault will be designed to meet all requirements. They have confirmed that there is sufficient space and the system will physically work, but the technical design will be done by their engineering consultants.

Mr. Olbrysh stated that the proposed building is taking up a lot of land, and their options are limited due to the size of the building. He stated that they need convenient parking and asked what the petitioner will do in the event that the project is approved and the parking relief is denied.

Mr. Curto noted that this is a public-private partnership and the financing has been worked out. They had brought forward a proposal for 40 parking spaces at Elmhurst Hospital, but Elmhurst required a 120-day notice period in the event that they need the parking for their facility. They would hope that if that occurred there would be other options available. He understands that Elmhurst cannot grant a "forever" easement. After the Village Board stated that the 120-day notice was unacceptable, Elmhurst offered a 180-day notice. This option is still out there, and there is another option to lease 37 of the adjacent commuter parking spaces. He noted that with downtown theaters, there is typically not parking immediately adjacent to the building.

Commissioner Burke agreed that the project does have a lot of potential. The Plan Commission had been very clear that they wanted to see a definitive plan for parking. With regard to the underground storage, he does not feel

qualified to say if it is a viable solution. Although it seems problematic on the surface, the Village Engineer should decide if it is appropriate. He is most troubled by the views from the adjacent properties and the composite photos had a tremendous impact on him. As with the St. John's project, the impact in the neighborhood is unbelievable. The photos show a corner unit with floor-to-ceiling glass that looks into someone's backyard. The building is too close to the residences and too obtrusive. At this point, there are still a lot of loose ends.

Commissioner Olbrysh stated that both the parking and detention problems are due to the size of the building. If the building were smaller, they could provide additional parking and possibly have an easier stormwater solution. He is in favor of the development and feels it is a good-looking building, but it is large. If approved, parking will not be very convenient.

Vice Chairperson Flint stated that, as an architect, he understands the proposed stormwater concept. The petitioner is proposing a very big, very tall building in the backyards of the adjacent residents. It would be desirable to somehow scale the building back, but the project still needs to work economically. He is torn because he supports the theater and wants it to work, but he is disappointed that the issues have not been addressed as the Plan Commission had requested.

Commissioner Sweetser suggested that two additional conditions be added to those within the staff report:

11. Stormwater detention shall be approved by the Village Engineer and shall be subject to rigorous scrutiny;
and
12. The building setbacks shall be at least 80 percent of that required by the Zoning Ordinance.

Mr. Heniff clarified that condition no. 12 would apply to part 1, letter "d" of the petitioner's request.

It was moved by Commissioner Sweetser, seconded by Commissioner Olbrysh, that the petition be forwarded to the Village Board with a recommendation of approval, subject to conditions. The motion carried by a 4-0 vote.

Respectfully,

VILLAGE OF LOMBARD

Stephen Flint, Vice Chairperson
Lombard Plan Commission

att-

c. Petitioner
Lombard Plan Commission

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *D e H*

DATE: March 1, 2007

SUBJECT: PC 06-27: 101-125 S. Main Street (DuPage Theatre) – Additional Discussion

After the public hearing portion of the meeting closed relative to PC 06-27 – the DuPage Theatre petition, additional discussion was offered relative to condition #12 that was included within the recommendation of approval by the Plan Commission. Specifically, the condition included a requirement that the developer shall meet at least eighty (80) percent of the required setback of the underlying district. However, that condition was tied to the relief enumerated within zoning request 1(d) included within the petition, which pertained to the front yard setback along Parkside Avenue. While this discussion is not included within the motion of approval of the petition, staff stated that the discussion would be shared with the Board members as requested by the Plan Commission.

Plan Commission Discussion

David Hulseberg, Assistant Village Manager/Director of Community Development, stated that he was at home watching the petition on television and that there was an issue that caught his attention. He stated that condition #12 that Commissioner Sweetser placed on the recommendation of approval provided for a minimum setback of 80 percent of the underlying yard requirement. As written, this condition would only apply along all of Parkside Avenue. He sought a clarification as to where this condition would be in effect. William Heniff stated that the intent of the relief in the request is to hold the existing building line along Parkside at four feet (4'), so if the condition applied to the Parkside elevation, it would require the building to be placed twenty-four feet (24') off of the north property line.

Commissioner Sweetser stated that her intent was to address the east property line. Mr. Hulseberg stated that if the intent was to move the building off of the east property line, the condition of approval would not apply and have no effect. Mr. Heniff stated that the condition would preclude any new construction activity from up to twenty-four feet (24') from Parkside Avenue.

Commissioner Sweetser noted that the submitted plans denote a twenty-three foot, six inch (23'6") drive aisle plus five feet (5') for transitional landscaping along the east property line, but

the plans did not denote the dimension for the bump out (bay windows and/or balconies). Mr. Hulseberg reiterated that the motion that was made is confusing and recommended that it be amended because it applies along Parkside Avenue and not along the east property line.

Commissioner Burke asked if this item was open for discussion. The issue is that the pictures depict the building from the backyards and the motion gave the impression that it was to make the building move further west off the property line.

Mr. Hulseberg stated that the motion as written did not do what the Commissioners it to do. If the intent was a setback of eight (80) percent of thirty feet (30'), the proposed condition is moot, as it already meets that standard. Commissioner Sweetser stated that the condition was not intended for Parkside. If the drawings had indicated the measurements of the overhang along the east property line, it would have made the issue clearer. Mr. Hulseberg noted that no part of the building is closer than twenty four feet (24') off of the east property line.

George Wagner, Village Counsel, stated that the public hearing was closed and many of the audience members were gone. He recommended that the motion go forward as is and have this issue clarified at the Board of Trustees level.

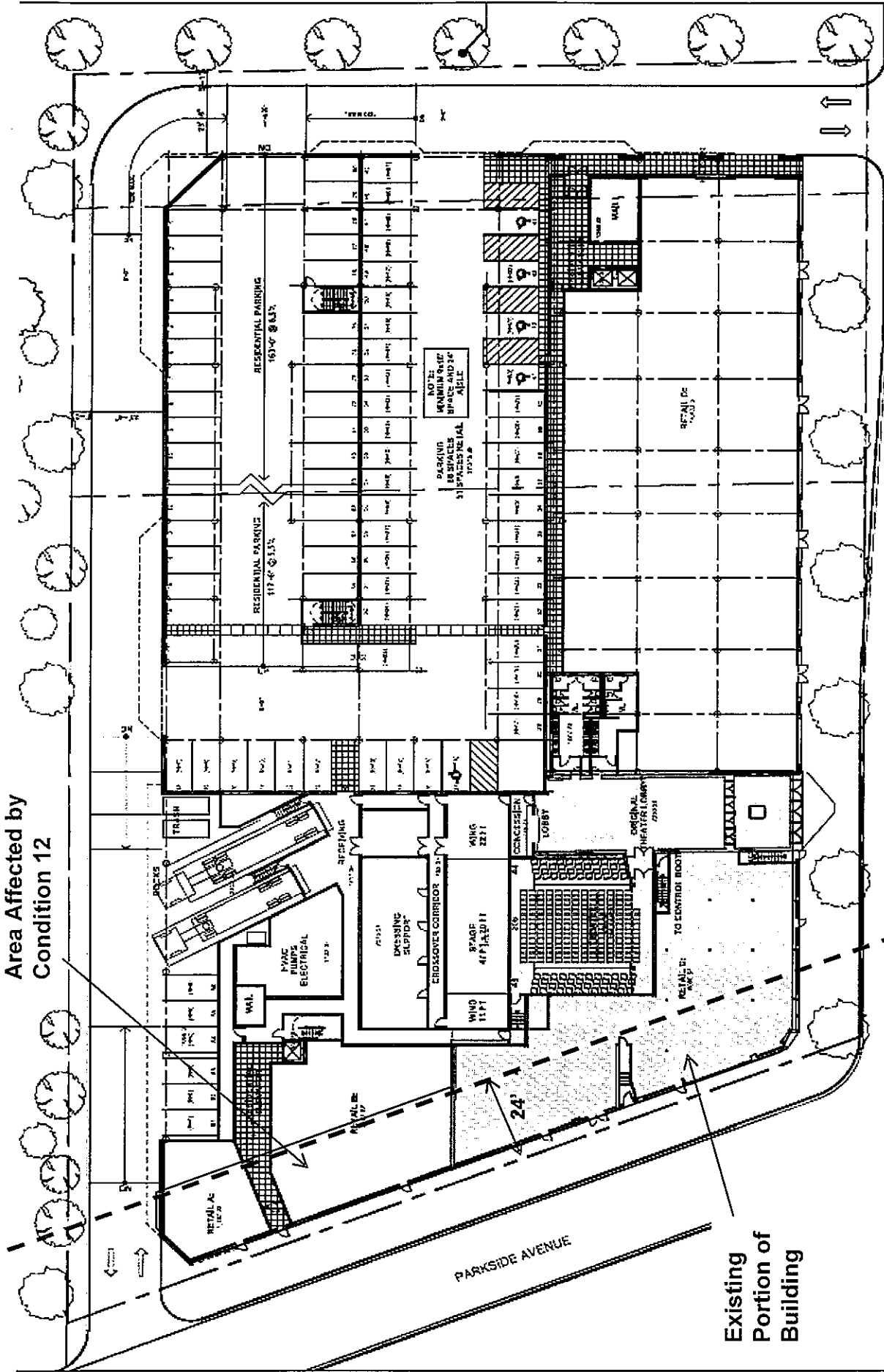
Commissioner Burke stated that he is not sure that his vote would be the same based on this discussion. They did not have a site plan in their package and he thought they were moving the building further to the west. Mr. Hulseberg stated that this comment will be transmitted to the Board of Trustees.

Staff prepared the attached exhibit that depicts what the building footprint would look like if condition number 12 was adopted by the Board as recommended for approval by the Plan Commission.

RECOMMENDATION

Staff notes that condition number 12 would modify the building footprint, the exterior elevations and the overall scope of the project. If the Board believes that condition number 12 should be included as part of the Ordinance of approval, staff recommends that the petition be remanded back to the Plan Commission for further review and the petitioner should be directed to prepare revised exhibits to reflect compliance with condition number 12. However, as noted above, the intent of the Commissioners was not to change the building setbacks along Parkside Avenue. Therefore, based upon this discussion, if the Board votes to approve the project, staff recommends that condition number 12 not be added within the conditions of approval.

Area Affected by Condition 12



MAIN STREET

Existing Portion of Building

PARKSIDE AVENUE

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT
STAFF REPORT NUMBER TWO - AMENDED

TO: Lombard Plan Commission

HEARING DATE: February 19, 2006

FROM: Department of
Community Development

PREPARED BY: Jennifer Backensto, AICP
Planner II

TITLE

PC 06-27; 101-125 S. Main Street (DuPage Theatre & South Lot): The petitioner requests that the Village take the following actions on the subject property, located within the B5 Central Business District:

1. Approve a conditional use for a planned development with the following variations and deviations from the Zoning Ordinance:
 - a. A deviation from Section 155.416 (G) to allow for an increase in the maximum building height from 45 feet to 48 feet;
 - b. A variation from Section 155.416 (K), Section 155.508 (C) (6) (b) and Section 155.707 (A) (3) to allow for a reduction of the required transitional landscape yard from 10 feet to 5 feet;
 - c. A variation from Section 155.416 (M) and Section 155.602 to allow for a reduction of the required number of off-street parking spaces for a theater from thirty-seven (37) to zero (0);
 - d. A variation from Section 155.508 (C) (6) (a) to allow for a reduction of the required front yard for a planned development abutting the R2 Single-Family Residence District from thirty (30) feet to four (4) feet;
 - e. A variation from Section 155.508 (C) (6) (b) and Section 155.707 (B) (3) to allow for the elimination of the required transitional landscape yard improvements;
 - f. A variation from Section 155.709 (B) to eliminate the requirement to provide one (1) shade tree for every seventy-five (75) lineal feet of required perimeter lot landscaping;
2. Approve a conditional use for outdoor dining; and
3. The petitioner also requests Site Plan Approval authority to the Lombard Plan Commission.

GENERAL INFORMATION

Petitioner: RSC & Associates
180 N. LaSalle Street, Ste. 2626
Chicago, IL 60601

Property Owner: Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

Relationship of Petitioner to Property Owner: Proposed Project Developer

PROPERTY INFORMATION

Existing Land Use: Vacant theater and temporary commuter parking lot

Size of Property: Approximately 2.26 acres

Comprehensive Plan: Recommends Mixed Use Medium Density Residential & Commercial
(Central Business District-Mixed Use Area)

Existing Zoning: B5 Central Business District

Surrounding Zoning and Land Use:

- North: Union Pacific Railroad
- South: B5PD Central Business District Planned Development; developed as Brust Funeral Home
- East: R2 Single Family Residence District; developed as single-family homes
- West: B5 Central Business District; developed as various commercial & residential uses

ANALYSIS

SUBMITTALS

This report is based on those documents filed on with the Department of Community Development and included as part of the initial report for PC 06-27. In addition, this report includes the following additional items:

1. Building Elevations, prepared by Daniel P. Coffey & Associates and dated January 3, 2007.
2. Floor Plans, prepared by Daniel P. Coffey & Associates and dated January 3, 2007.
3. Materials Board and Building Perspective, prepared by Daniel P. Coffey & Associates and dated November 20, 2007.

4. Plat of Survey, prepared by Gentile & Associates and dated December 18, 2007.
5. Samples of the limestone sills, balcony lights, and aluminum window trim/balcony material.
6. Preliminary Landscape Plan, prepared by David R. McCallum Associates and dated December 11, 2006.
7. Storm Sewer Calculations, prepared by Manhard Consulting and dated December 28, 2006.
8. Stormwater Site Plan Drawing, prepared by Manhard Consulting and dated February 7, 2007.
9. Information on proposed Harding Steel, Inc. car lifts.
10. Video presentation, prepared by the petitioner (this item is intended to be shown at the February 19, 2007 meeting).
11. Photographs and photo illustrations showing views from 136 & 140 S. Charlotte Street.

DESCRIPTION

The Plan Commission continued the public hearing for PC 06-27 in order to allow the petitioner to provide additional information regarding the development proposal and/or modify their plans accordingly. This report is based upon a review of the supplemental information provided by the petitioner and in consideration of the testimony made a part of the public hearing record at the November 20, 2006 Plan Commission meeting. Specifically, the report addresses the areas identified by the Plan Commission members, staff, and/or the public where additional information was requested.

Building Elevations

Changes on the new building perspective and elevations show:

- terra cotta and brick on the storefronts to match the original commercial building;
- removal of peaked roof elements and extension of red brick portions above storefronts;
- Indiana limestone sills;
- windows that reflect unit locations;
- added peak on the north elevation; and
- modifications to the northernmost peak on the west elevation.

No changes have been made to the storefronts along the north elevation, brick colors, mullions or signage locations. Those changes, which were suggested by the Plan Commissioners and communicated through staff, were intentionally omitted from the rendering. After further review of these issues, the petitioner felt that incorporating those changes would be detrimental to the retail component and respectfully disagreed with those suggestions. Staff is disappointed with the petitioner's decision as we believe those changes would improve the aesthetics of the building and improve its compatibility with the neighborhood. However, staff also recognizes that taste is a subjective matter.

Staff obtained permission from two adjacent property owners to take pictures from their backyards. These pictures were used to create composite images that give a rough idea of how the proposed development would appear from the adjacent properties. The images showing orange construction fencing represent 136 S. Charlotte, and the others represent 140 S. Charlotte (both included as part of the petitioner's submittal).

The materials board perspective still shows outdoor dining in front of the new Parkside Avenue storefronts, but there is less than 5 feet between the building and the property line. Any outdoor dining proposed on the public right-of-way would not be covered by the conditional use and would be subject to an annual administrative permit (no public hearing necessary).

The shared balconies on the north, east, and south elevations will be physically divided between the units, unless two adjoining units are combined.

The petitioner has attempted to show a 45-foot high building by including a partial through section on the building elevations, labeled "Unacceptable Alternate Mansard Roof Option." Staff advised the petitioner that this exhibit was not an adequate representation of a 45-foot high building. This alternative maintains a 9-foot high ceiling clearance within the residential units, but the roof height remains unchanged at 48 feet. To date, none of the submitted elevations have met the B5 District's 45-foot height requirement.

Video Presentation

At the July 2006 workshop session regarding the DuPage Theatre development proposal, the petitioner presented a three-dimensional video depiction of the proposed development. At the workshop session, the Plan Commissioners questioned the relative heights of the proposed structure as well as the adjacent buildings. The Commissioners noted that they wanted to ensure that any depictions of this nature accurately reflected the proposed conditions for the project. In response, the petitioner modified the presentation to attempt to address this issue. The presentation was modified to provide an updated view of the redevelopment plan as well as providing additional detail to the adjacent structures. The petitioner noted to staff the following issues relative to the presentation:

1. The proposed building heights were "eye-balled" without actual scaling of adjacent structures. The petitioner believes that the rendering is accurate within one to two feet.
2. The locations of the trees that are shown on the presentation were derived by using *Google Earth* aerial representations. They stated to staff that they believe that this approach provides a fairly reasonable depiction of the existing vegetation surrounding the subject site.
3. Staff notes that the depicted number of street parking spaces along East Parkside may not match the existing or proposed parking layout proposed at this location.

Stormwater

At the November 18, 2006 Plan Commission meeting the Plan Commissioners expressed a desire to see how stormwater detention would be addressed as part of the development. This request was also made by staff and requested by members of the public. In response, the petitioner has submitted a series of stormwater plans that have been reviewed by the Private Engineering Services Division and Bureau of Inspectional Services.

Stormwater Plan #1:

The petitioner's initial plan proposed a vault detention system to be provided below the proposed new retail portion of the building south of the theater. In review of this plan, staff noted that the conceptual plan is not feasible due to the fact that it would not satisfy the DuPage Countywide Stormwater and Floodplain Ordinance, Article 9, Section 15-114, Subsection 8c, which states that "all outlet works shall function without human intervention or outside power and shall operate with minimum maintenance." Pumping is not acceptable and the detention system must drain by gravity only.

In addition, this plan left unresolved questions regarding the following Ordinance requirements that should be addressed in order to assess feasibility:

- Article 9 Section 15-114, Subsection 8b states that "storage facilities shall be accessible and easily maintained."
- Article 9 Section 15-114, Subsection 8f states, in part, that "storage facilities shall provide an overflow structure and overflow path that can safely pass excess flows through the development site..."
- Article 10, Section 15-133, Subsection 4 states, in part, that "maximum flow depths on new parking lots shall not exceed one foot during the base flood condition and shall be designed for protection against physical damages. Flood hazard in parking areas below the base flood elevation shall be clearly posted." Therefore, the emergency overflow of the detention system must be within one foot above the lowest point of the parking area and signs would have to be posted.

Stormwater Plan #2:

In response to the above concerns, the petitioner then proposed a vault system to be located underneath the proposed east drive aisle. Upon review of this proposal, staff noted that the proposed vault would conflict with a water main also proposed to be located within the same area. This plan did not meet the detention requirements of Lombard or DuPage County and would have required variations from both entities.

Stormwater Plan #3:

The petitioner's latest stormwater plan would provide for underground storage as part of the building foundation beneath the new retail portion of the building along Main Street. The Private Engineering Services Division and Bureau of Inspectional Services have both reviewed the proposed concept plans and their comments are listed below. The petitioner's responses to these concerns, as well as staff's comments on these responses, are attached to this report as **Appendix A**.

Private Engineering Services Division comments

As presented on the submitted schematic, the stormwater detention system for the above captioned project would store the 100-year storm event in a 9-foot high concrete vault with a 6-foot storage area that would be located underneath the southwest corner of the building. The vault would drain via gravity through a water quality unit to a restrictor/overflow structure and finally into the Village stormwater system. The petitioner for this project represented that this vault would be incorporated into the structural foundation of the building. The Private Engineering Services Division has the following comments as this concept moves forward:

1. It is important to note that no other detention structure permitted by the Village is underneath a building or any other type of permanent structure. The use of the “outlot” for stormwater detention facilities is intended to provide the Village full, unimpeded access for inspection and, as necessary, maintenance of the structures. While this design meets the current Village Code requirements and could be constructed, staff is not supportive of such structures that are located underneath large, permanent structures. A review of this section of the Village Code is warranted to ensure that this type of system is not allowed in the future without all other possibilities exhausted and all up-front design issues resolved.
2. There are many unknowns in the overall design of such a basin/vault. Staff has only seen the conceptual layout of this plan, and to date, staff is not aware of any actual design for the structure itself. A critical issue will be the geotechnical information, which should be acquired and reviewed by the structural engineer prior to this concept moving forward.
3. Based on the findings of a geotechnical report, the construction costs could vary significantly. The petitioner shall identify if the vault is integral to the structure of the building. The petitioner shall also present how building settlement will affect the design.
4. Stringent requirements from the building department to ensure water proofing and safety will also result in extra costs for this structure. The petitioner shall provide an initial cost estimate for this stormwater plan, and balance the cost against the cost for the other stormwater mitigation plans previously discussed for this project, including off-site storage in a neighboring lot, etc.
5. The petitioner shall provide the intended life of such a structure with a detailed maintenance schedule that outlines the inspection and maintenance activities such as when the waterproofing would need to be amended or replaced, how cracking can be fixed, etc.
6. The building association will own and maintain this structure directly – provide language that will be included on a plat, which clearly designates the responsibility for funding for the inspections and maintenance of this system.

7. The vault shall have adequate access from outside of the building so that inspectors and maintenance and repair equipment do not have to enter the building.
8. Provide any additional insurance requirements that would be placed on the building association as a result of having this system under the building.
9. Provide the plan for overflow surcharging when the receiving Village storm sewer is at capacity.
10. Provide a list of sites within DuPage County where this concept has been used in the past and to what success.
11. The developer has met with the County (with no Village representative present) to obtain the County's support for this concept. The attached email from Clayton Heffter, the Stormwater Permitting Manager for DuPage County, outlines that the plan conceptually meets the Countywide Stormwater Ordinance; however, the Village has the final authority in approving the plan.
12. A registered structural engineer shall provide a certification of compliance for the constructed vault.
13. The plan shows "PROPOSED ROW." After talking with the design engineer, this is meant to be the actual, existing ROW.
14. The plan lists 1.35 AF total volume of storage. Scaling from the plan and using the provided 6' height of water in the vault, the storage would be closer to 1.83 AF. After speaking to the design engineer, this difference is made up by the intent to slope the floor of the vault to the outlet, as well as account for potential columns that may pass through the vault, however, neither of these points are represented on the plan.
15. No vertical scale is provided on the plan and profile. It appears that the vault will be approximately 9' in height; please have the petitioner confirm the total height.
16. The north arrow is not correct.
17. Typo on the plan and profile Bottom = 691.4, not 791.4
18. Typo on west invert of existing manhole 963.71 is likely 693.71.

Bureau of Inspectional Services comments

The proposed location for the underground storm water detention is possible under the building code but several concerns will need to be addressed.

1. The piers supporting building load from above will need to be isolated from the bottom slab of the detention stormtrap. In addition the design should include a membrane-covered wall/sleeve around the piers to allow water to rise up on to the wall with no risk of water leaking between the slab/pier connection and undermining the foundations.
2. An access door large enough to provide entry to conduct regular inspection of the membrane must be provided.
3. The plan submitted points to the outside of the stormtrap wall to have a plastic liner/membrane installed. The liner will need to be installed on the inside of the structure as well as around the pier sleeves. The outside of the stormtrap will require typical below grade waterproofing to be installed.
4. Soil borings will be required as part of the soil engineer and structural engineers submittal. It should be noted that a large sand deposit was discovered running north to south approximately 50' east of the property. We have no record of how wide this deposit goes or if there is any active water flow through it. The engineer will need to investigate this before submitting any of the foundation designs.
5. The structural engineer's design will need to include epoxy coated rebar reinforcement at the stormtrap and concrete mix design consistent with a structure having salt water exposure since some of the water from parking areas will be discharging into the structure.
6. Water proofing will need to be installed on the underside of the floor above the stormtrap to prevent moisture transfer into any finished space above.
7. It should be noted that this type design will require maintenance at a higher cost than typical construction due to its location under the building and the sharing of foundations between the stormtrap and the building above.

Landscape Variations

The petitioner has prepared a preliminary landscape plan for the rooftop garden areas showing proposed plant materials.

At the November 20 meeting, some members of the Plan Commission expressed a preference for a homogenous transitional landscape plan. Staff has received comments from only one adjacent property owner who would be impacted by this requirement. That property owner stated that a cash payment would be preferable to a homogeneous plan in that it would allow them to install landscape improvements that are suited to their tastes and individual properties.

Staff also supports the concept of a cash payment that would be made to the Village within sixty days of the petitioner closing on the property. The Village can then disperse the funds to the adjacent residences accordingly. In this manner, transitional landscape improvements could be installed and beginning to grow as early as spring 2007. In 1999, Big Idea Productions was

required to make a \$42 per linear foot payment to the owners of the adjacent residential properties. Adjusting this number for inflation brings it to \$50.80 per linear foot, or \$3,048 for most of the adjacent property owners (\$50.80 x 60 feet).

Parking Variation

Staff continues to recommend denial of the requested parking variation as an off-site parking agreement should be reached by the petitioner. At their January 18, 2007 meeting, the Board of Trustees considered a lease agreement with the Elmhurst Memorial Healthcare outpatient facility across the street from the subject property. Their intent was to lease 40 spaces from the facility to meet the code requirements, but the terms of the lease were deemed unacceptable by the Board of Trustees.

The petitioner has provided information on the proposed vehicle lifts/stackers. The lifts would allow a resident to stack two cars within one traditional parking space, provided there is a clear ceiling height of at least nine feet. The most recent site plans show that up to 60 lower-level parking spaces could accommodate these lifts. Staff recommends that a condition of approval be added to ensure the ability for these lifts to be installed, stating that the parking garage lower level shall have a clear ceiling height of no less than nine feet and adequate electrical supplies shall be installed to allow for the operation of the lifts.

Traffic Study

The Plan Commission inquired as to whether or not the downtown traffic counts performed by KLOA in the summer of 2004 had occurred prior to the no-left-turn restrictions on Route 53. Upon review, it appears that the no left turn signs were installed during the winter of 2001-2002.

Lighting/Photometrics

External lighting is shown on the west elevation storefronts. This lighting will not be installed on the north elevation. For the residential portion of the building, a sample lighting fixture has been provided.

Signage

Staff recommends that a condition of approval be added that would prohibit internally illuminated box- or cabinet-style signage. As with numerous recent developments (including The Pointe at Lombard, Amcore Bank/Highlands of Lombard retail strip center, Walgreens, VLand-Highland/Roosevelt) staff believes that any future wall signs should be in scale and harmony with the design concept of the proposed project. Tenants should be encouraged to have their signage represent the unique and special qualities of their store through creative designs.

With respect to the marquee sign, the petitioner will be proposing a new marquee sign that generally replicates the existing theatre sign. However, they have expressed to staff that the new sign may also include a vertical identification sign element as well. However the final design of the sign has not been completed to date. Should the petition be approved, the petitioner will be

able to submit the new marquee sign plan at a later date for review and approval as part of a Site Plan Approval application.

Other Items

Attached as **Appendix B** is a spreadsheet showing the status of proposed, under construction, and recently built condominium and townhome projects within the Village.

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested conditional uses, deviations, and variations included as part of the petition comply with the standards required by the Lombard Zoning Ordinance and granting the public planned development is in the public interest; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of PC 06-27, subject to the following conditions:

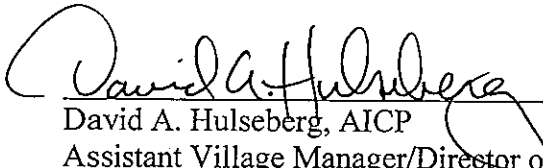
1. The petitioner shall enter into a development agreement with the Village setting forth the terms and conditions for development on the subject property.
2. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.
3. The development shall be constructed in compliance with the plans submitted as part of this petition. Any modification to the petitioner's plans shall be considered a major change to the planned development.
4. In the event there are any conflicts between the building elevations and the interior building layout, the exterior building elevation shall control. If required by interior changes of layout, the aesthetic, compositional and material concepts illustrated in the approved elevation drawings will be adhered to.
5. No box- or cabinet-style wall signage shall be permitted.
6. No parking relief shall be granted.
7. The parking garage lower level shall have a clear ceiling height of no less than nine feet, with adequate electrical supply provided to serve each lower level parking space.
8. Lighting on the residential portion of the building shall be shielded so that all illumination is directed toward the building and away from adjacent properties. Lighting provided for the drive aisle shall not project higher than eight feet above

grade level. Parking structure lighting shall be directed downward and shall not cast a glare onto adjacent properties.

9. An 8-foot solid beige PVC or similar fence shall be installed along the eastern property line, subject to the approval of the Director of Community Development.
10. In lieu of transitional landscaping improvements, a cash payment of \$50.80 per linear foot shall be paid to the Village within 60 days of the petitioner's acquisition of the property and prior to the issuance of any building permits. This cash payment shall be allocated amongst the adjacent property owners to the east of the subject property, based upon the length of the shared lot lines.

Furthermore, the Plan Commission recommends that site plan approval shall be granted for the subject property.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

Appendix A

**Petitioner's Responses to Stormwater Concerns
Submitted February 12, 2007**

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

Private Engineering Services Division Comments

1) It is important to note that no other detention structure permitted by the Village is underneath a building or any other type of permanent structure. The use of the “outlot” for stormwater detention facilities is intended to provide the Village full, unimpeded access for inspection and, as necessary, maintenance of the structures. While this design meets the current Village Code requirements and could be constructed, staff is not supportive of such structures that are located underneath large, permanent structures. A review of this section of the Village Code is warranted to ensure that this type of system is not allowed in the future without all other possibilities exhausted and all up-front design issues resolved. As such, how is it envisioned that the Village will be able to access and/or inspect the proposed vault to ensure that it is operating properly?

Access to the underground detention vault will be provided by hatches or doors and ladders as well as some ceiling mounted inspection lights to provide easy access from outside of the building. These access locations will be located adjacent to the fire lane on the south side of the building. This will provide unrestricted access to the vault by the Village.

It should be noted that several detention options have been explored on this project. Specifically, providing underground detention in the fire lane with “fee-in-lieu” to satisfy the balance of the detention requirement was proposed. This was not deemed feasible due to the 30’ watermain easement required around the building which precluded the placement of the underground detention.

A second option of providing off-site detention on the neighboring properties was also explored. RSC did meet with the owner of the adjacent property. However, no agreement was reached.

A third option of providing no detention on site with a “fee-in-lieu” contribution was also explored. However, given the historic flooding issues at the Main Street viaduct, we believe, along with staff, that it is prudent to provide some detention on-site to attenuate the flow below existing conditions.

2) There are many unknowns in the overall design of such a basin/vault. Staff has only seen the conceptual layout of this plan, and to date, staff is not aware of any actual design for the structure itself. A critical issue will be the geotechnical information, which should be acquired and reviewed by the structural engineer prior to this concept moving forward. Has there been any engineering design plans created that provide additional detail as far as how the vault system would be designed and/or integrated into the overall building design?

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

The structural system has not been engineered for this project. We will obtain soil borings once there is clear direction on how we will proceed with the stormwater issue.

This is a circular argument - basically it is difficult for direction to be provided to move forward with this concept without knowing the full extent of the design conditions.

3) Based on the findings of a geotechnical report, the construction costs could vary significantly. The petitioner shall identify if the vault is integral to the structure of the building. The petitioner shall also present how building settlement will affect the design. How will settlement affect the final design of the building?

The vault is designed the same as a basement. The building and vault structural design will be integrated. The live load of vault when filled and empty will be considered in overall design as well as lateral loads.

4) Stringent requirements from the Building Department to ensure water proofing and safety will also result in extra costs for this structure. The petitioner shall provide an initial cost estimate for this stormwater plan, and balance the cost against the cost for the other stormwater mitigation plans previously discussed for this project, including off-site storage in a neighboring lot. If it is determined that the final engineering costs for the project impact the ability to economically develop the project as proposed, how would you envision addressing the stormwater detention issue? What is the estimated cost for providing stormwater in this manner and does it fit into your pro forma?

RSC is working with Bovis Construction on determining the incremental building costs associated with the detention vault. If this method is determined to be cost-prohibitive, RSC in conjunction with Bovis, will explore additional “value engineering” concepts such as storing a portion of the detention on the roof (equal to required snow loading) and/or increasing the bounce on the detention to reduce the footprint size.

5) The petitioner shall provide the intended life of such a structure with a detailed maintenance schedule that outlines the inspection and maintenance activities such as when the waterproofing would need to be amended or replaced, how cracking can be fixed, etc. Can you provide estimates an/or details as to what this on-going responsibility may be?

The life expectancy of the detention structure would be no less than that of the building structure. Our architect and structural engineers will properly design and detail this foundation and basement structure.

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

Periodic inspections and maintenance will be performed by the condominium association’s management company to verify system performance.

The above is not a detailed inspection and maintenance schedule.

6) The building association will own and maintain this structure directly – provide language that will be included on a plat, which clearly designates the responsibility for funding for the inspections and maintenance of this system. How do you plan to convey the maintenance/ownership responsibility to the future association and future property owners/tenants?

Responsibility for all property maintenance will be held by the condominium association and is funded by association fees as will be defined by the condominium declaration.

7) The vault shall have adequate access from outside of the building so that inspectors and maintenance and repair equipment do not have to enter the building. How do you envision this to be achieved?

Outside access will be provided by a door or a hatch that will be accessible by village inspectors. (see item 1)

8) What additional insurance requirements would be placed on the building association as a result of having this system under the building?

No extraordinary insurance requirements are expected.

9) Provide the plan for overflow surcharging when the receiving Village storm sewer is at capacity. How will this be achieved?

A second overflow pipe capable of passing 2.0 cfs is proposed. In addition, a second inlet structure is proposed in the curb at Parkside and Main. This inlet will act as a third overflow at an elevation 1’ below the theatre F.F.

10) Provide a list of sites where this concept has been used in the past in DuPage County and to what success. How comparable are these sites to the DuPage Theatre project and how do these projects meet the provisions of the current DuPage County Stormwater and Floodplain Ordinance as well as the respective municipal code?

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

The new parking structure at Edward Hospital has approximately 8 acre feet of storage capacity in a basement detention structure. Intech, the civil engineer, said the project was audited by DuPage County after completion and was accepted without exception.

Daniel P. Coffey and Associates, LTD. has experience in designing (with civil and structural engineering consultants) a detention vault recently as part of a mixed use development. The Sherman Plaza Project (located at Sherman Avenue and Davis Street in downtown Evanston), was completed in spring of 2006, consists of condominiums, retail and parking facilities. This project included a 9,000 square foot detention vault located inside the building directly below parking and retail tenant space.

We have been informed and are confirming the following locations:

- 1. The Shops at One Orchard Place, Skokie under the retail structure.**
- 2. Cook County Jail.**
- 3. Oak Brook Terrace project**

As soon as we receive additional information regarding the above projects we will forward to your attention.

The above lists only one and maybe two projects in DuPage County.

11) The developer has met with the County (with no Village representative present) to obtain the County’s support for this concept. Clayton Heffter, the Stormwater Permitting Manager for DuPage County, outlines that the plan conceptually meets the Countywide Stormwater Ordinance; however, the Village has the final authority in approving the plan. Will the plan meet both code provisions and not require any additional relief?

The current plan provides the required detention volume, gravity outlet, emergency overflow pipe, unrestricted access to the village via a manhole outside the building, and an outlet via a vertical subdivision. Based on this analysis, it is our opinion that the plan meets the code provisions and will not require any additional relief.

12) A registered structural engineer shall provide a certification of compliance for the constructed vault. Is this doable?

A structural engineer will design and seal the plans for the vault. What additional certification is being requested?

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

Certification shall state that the vault was constructed per plan.

13) Address/correct the following plan comments:

- a) The plan shows "PROPOSED ROW." After talking with the design engineer, this is meant to be the actual, existing ROW.
- b) The plan lists 1.35 AF total volume of storage. Scaling from the plan and using the provided 6' height of water in the vault, the storage would be closer to 1.83 AF. After speaking to the design engineer, this difference is made up by the intent to slope the floor of the vault to the outlet, as well as account for potential columns that may pass through the vault, however, neither of these points are represented on the plan.
- c) No vertical scale is provided on the plan and profile. It appears that the vault will be approximately 9' in height, please have the petitioner confirm the total height.
- d) The north arrow is not correct.
- e) Typo on the plan and profile Bottom = 691.4, not 791.4
- f) Typo on west invert of existing manhole 963.71 is likely 693.71.

- a) The "PROPOSED ROW" actually delineates the ROW which was recently dedicated.**
- b) The project is currently in preliminary engineering. As such, it is our office policy to provide conservative detention calculations to demonstrate that the volume can be met.
- c) The vault is to be approximately 9' in height.**
- d) The north arrow will be revised on future submittals.**
- e) The bottom of the vault is intended to be 691.4.**
- f) The typo will be corrected on future submittals.**

Building Comments

1) The piers supporting the building load from above will need to be isolated from the bottom slab of the detention stormtrap. In addition the design should include a membrane covered wall/sleeve around the piers to allow water to rise up on to the wall with no risk of water leaking between the slab/ pier connection and undermining the foundations. How can/will this be achieved?

The building support columns (piers) will be waterproofed with the same material as the walls and bottom slab of the vault if required. It is not anticipated that the columns and slab will be moving independently from each other. When the design calls for a control or expansion joint a typical water stop or other device may be required.

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

2) An access door large enough to provide entry to conduct regular inspection of the membrane must be provided. As the association will have the primary responsibility to address this issue, how will the Village ensure that the association satisfactorily addresses this issue?

The association can be required to provide the Village with an inspection report every 5 years. Since the products used will not be subject to UV, will rarely see any large volume of water, and will have adequate ventilation, it is anticipated that deterioration of the membrane or other products will be insignificant.

3) The plan submitted points to the outside of the stormtrap wall to have a plastic liner/membrane installed. The liner will need to be installed on the inside of the structure as well as around the pier sleeves. The outside of the stormtrap will require typical below grade waterproofing to be installed. How does this requirement impact your plan?

Walls will be water proofed inside vault and outside if required. Columns will be waterproofed inside the vault.

4) Soil borings will be required as part of the soil engineer and structural engineers submittal. It should be noted that a large sand deposit was discovered running North to South approximately 50' east of the property. We have no record of how wide this deposit goes or if there is any active water flow through it. The engineer will need to investigate this before submitting any of the foundation designs. How does this uncertainty affect the project? If it is determined that unsuitable soils exist below the proposed vault area, what is the next course of action?

Soil boring locations and depths will be determined by the approved stormwater detention system. If unsuitable soil conditions are found in the soil borings or certain unforeseen soil conditions were found during construction, we would consult with soil and structural engineers to find an appropriate solution. Any information that the Village can provide regarding adverse soils condition in and around the DuPage Theater site would be greatly appreciated.

5) The structural engineer's design will need to include epoxy coated rebar reinforcement at the stormtrap and concrete mix design consistent with a structure having salt water exposure since some of the water from parking areas will be discharging into the structure. Provide information as to how this will be achieved.

Epoxy coated rebar will be specified for columns, slab and walls of the vault where this is advised by PCA’s design criteria to meet the appropriate ASTM testing methods and any applicable codes.

Initial staff comments shown in normal text.

Petitioner’s responses shown in bold text.

Staff comments on petitioner’s responses shown in italic text.

6) Water proofing will need to be installed on the underside of the floor above the stormtrap to prevent moisture transfer into any finished space above. How does this affect the project?

There is no reason that waterproofing should be required on the underside of the floor slab above the vault as no water will ever get to that elevation unless the street is flooded to that same elevation. Ventilation should eliminate any need for a vapor barrier.

7) This type design will require maintenance at a higher cost than typical construction due to its location under the building and the sharing of foundations between the stormtrap and the building above. Has this additional cost been included within the project proforma and is the project still economically viable as proposed?

We disagree that this will require more maintenance than any alternatives other than fee-in-lieu. The cost of this system will likely be less than other alternatives.

8) Will there be a notice on the deed that this stormwater system is being used since it is not customary?

The condominium declaration and survey will define the area, the purpose it serves, and any other requirements the association will have regarding it.

Public Works Engineering Comments

1. The staff report should be incorporated into the Board's approval, as is typical, so that we can formally rely on these issues to be addressed in the permit application.

2. Their comment about the columns and vault slab experiencing the same settlement is doubtful since they will have different loads, but we can work that out the deisgn with the structural engineer.

3. In addition to the structural engineer's seal on the plans and specs, we expect the structural engineer to provide a certification of compliance that the vault had been constructed in according to the design. Such a construction certification from the structural engineer would be a specific requirement of the Board's approval.

Appendix B

Condominium/Townhome Project Update 2/13/07

| Projects/Units/Constr. Recently Completed | Address | Date Approved by V/B | Date Const. Began | Number of Units Sold | Number of Units Under Contract | Point of Contact (w/ phone #) | Status |
|--|------------------------|--------------------------------|-------------------|----------------------|--------------------------------|---|--|
| Lincoln Place | 1 S. Lincoln Av. | 6/5/2003 | 3/10/2004 | 39 | 34 | Nowood Builders 250 S. Northwest Hwy, Suite 300 Park Ridge, IL 60068 (847) 655-7700 | Ready for occupancy |
| Oakview Estates Phase 1 | 500 E. St. Charles Rd. | 5/6/2004 | 12/28/2004 | 40 | 29 | Neri Companies 145 S. Northwest Hwy. Park Ridge, IL 60068 (847) 825-9400 | Building 1 ready for occupancy. Detached garages under permit review. |
| Oakview Estates Phase 2 | 400 E. St. Charles Rd. | 5/6/2004 | 12/28/2004 | 40 | 0 | Neri Companies 145 S. Northwest Hwy. Park Ridge, IL 60068 (847) 825-9400 | Site improvements work will commence in Spring. Construction won't start until Building 1 complete along with initial pre-sales for Building 2 |
| Main Street Place | 229 S. Main Street | 4/1/2004 | 1/7/2005 | 10 | 1 | Coldwell Banker Real Estate (630)697-1376 | Working on punchlist items; realtor noted increased interest as of 2/2007 |
| Prairie Path Villas | 300 S. Main St. | 1/19/2006 | 7/8/2006 | 36 | 0 | Gap Development c/o Prudential Preferred Properties (630)915-8494 | Under construction |
| Residences at Fountain Square | 845 E. 22nd St. | 2/5/98 (original PD agreement) | 5/2/2006 | 74 | 0 | Residential Homes of America Lombard Office 845 E. 22nd Street Lombard, IL 60187 (630)627-2000 | Under construction |
| Residences at Fountain Square | 855 E. 22nd St. | 2/5/98 (original PD agreement) | 5/1/2005 | 74 | 66 | Residential Homes of America Lombard Office 845 E. 22nd Street Lombard, IL 60187 (630)627-2000 | CO's being issued |
| Yorkbrook Condominiums Phase 2 (aka Yorkbrook Place) | 2030 St. Regis Drive | 12/2004 (PD SPA approval) | 9/1/2006 | 35 | 0 | Hartz Construction Lombard Sales Office 2020 St. Regis Dr. Lombard, IL 60148 (630)228-3421 | Under construction |
| Buckingham Orchard Townhomes | 615 W. Pleasant Lane | 11/18/2004 | 9/27/2006 | 34 | 5 | Dearborn Buckingham Group 1775 Winnetka Road Northbrook, IL 60093 (847)881-2560 | Includes both phases of development. Final engineering approved for Phase 1. 368 Buck. CO's issued; 356 Buck. Under const.; 369 Buck. - building permit to be applied for 4/2007. |
| Lyonhart Manor Townhomes | 620 W. Meadow Av. | 4/1/2006 | | 25 | | Lyonhart Homes LLC 1150 Spring Road Oak Brook, IL 60523 | Final engineering to be issued upon receipt of LOC. |
| Grove Park Condos | 27 Grove St. | By right permit issuance. | | 18 | | Carey Construction 20 Monaco Dr. Roselle, IL (630)529-9781 | Permit review complete. Waiting for additional contractor information & plat of abrogation |
| Hunters Ridge of Lombard | 300 W. 22nd St. | 11/1/2006 | | 60 | | Kenar Development 1904 Wright Blvd. Schaumburg, IL 60193 (847)352-0100 | Final engineering underway. Addressing administrative issues before proceeding with project. |
| DuPage Theatre Re-development | 101 S. Main | | | 126 | | | Pending Plan Commission/Village Board Consideration |