

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : July 9, 2018 **(BOT) Date:** July 19, 2018

SUBJECT: PC 18-08; Hilton Tru – 550 E. 22nd Street

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

This petition seeks approval of a map amendment, conditional USP and a variance, all associated with a proposed Hilton Tru Hotel.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the July 19, 2018 Board of Trustees agenda under Items for Separate Action.

Special note: in the original public hearing notice, a request to repeal Ordinance 7243 for the previously approved townhome project was included. However, as the Ordinance will automatically lapse on July 20, 2018, pursuant to Section 155.103(F)(11)(a) of the Zoning Ordinance, this action is no longer needed.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

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



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: July 19, 2018

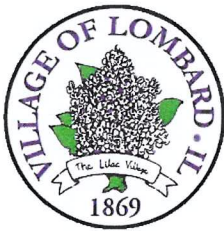
SUBJECT: PC 18-08; Hilton Tru – 550 E. 22nd Street

Please find the following items for Village Board consideration as part of the July 19, 2018 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 18-08 (April 16, 2018 PC meeting);
3. Petitioner's powerpoint from the April 16, 2018 PC meeting
4. Addendum Report 1 (May 21, 2018 PC meeting);
5. Addendum Report 2 (June 11, 2018 PC meeting);
6. Materials submitted at the June 11, 2018 Plan Commission meeting;
7. Materials received after the June 11, 2018 Plan Commission meeting;
8. An Ordinance granting approval of a rezoning to the O – Office District; and
9. An Ordinance granting approval of a conditional use pursuant for a hotel with a variance for floor area ratio (FAR).

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the July 19, 2018 Board of Trustees agenda under Items for Separate Action.

Special note: in the original public hearing notice, a request to repeal Ordinance 7243 for the previously approved townhome project was included. However, as the Ordinance will automatically lapse on July 20, 2018, pursuant to Section 155.103(F)(11)(a) of the Zoning Ordinance, this action is no longer needed.



VILLAGE OF LOMBARD

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July 19, 2018

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 18-08, Hilton Tru Hotel – 550 E. 22nd Street

Dear President and Trustees:

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

1. Repeal Ordinance 7243 in its entirety, which established a conditional use for a planned development, a conditional use for more than one building on a lot of record, and a deviation to reduce the rear yard setback;
2. Approve a Map Amendment rezoning the property to the O Office District;
3. Approve a conditional use pursuant to Section 155.412(C)(8) of the Lombard Zoning Ordinance for hotels and motels; and
4. Approve a variance pursuant to Section 155.412(H) of the Lombard Zoning Ordinance for the floor area ratio (FAR) to exceed 0.35 FAR.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on April 16, 2018.

April 16, 2018 Plan Commission Meeting

Mr. Steve Flint recused himself as he is the project architect.

Sworn in to present the petition were: Jennifer Ganser, Assistant Director, William Heniff, Director of Community Development, Jana Bryant, Private Development Engineer, Keith Steiskal, Building Commissioner, Javier Millan, Traffic Consultant to the Village with KLOA, the petitioners: Osvaldo Pastrana, Zohaib Ali, Aamir Razvi, Larry Glasscock, Steve Bader, and members of the public.

Mr. Mark Sargis said he represents property owners in Congress Knolls. He noticed the architect and petitioner is a Plan Commission member and asked if Mr. Flint would be presenting as there are architectural elements to the plan.

Mr. Zohaib Ali gave an overview and noted there are 96 rooms and parking spaces, a breakfast bar, and an indoor pool. Mr. Steve Bader will operate with United Hospitality Resources Management and has experience with hotel management. It's a modern hotel, with a 2,800 square foot lobby. It is similar to a Hyatt Centric or Radisson Red for young urban professionals. The room size is 175-250 square feet and he showed elevations.

Mr. Aamir Razvi talked about the layout and lobby. He said they did do a feasibility study, and it will be profitable business. It is a \$10M+ investment.

Mr. Osvaldo Pastrana discussed lighting. He said a backlight control will prevent light from exiting the property. The light level will be zero at the property line and there will be motion lights.

Mr. Razvi said there will be no sound from mechanical units. The rooftop mechanicals will be at the center of building and screened. No sound at the property line. Trash pickup will be once a week. He referred to the Village's traffic study. The sole access is 22nd and many people may use ride sharing or renting cars. He looked at Magellan and Garmin for directions and they were routed on 22nd Street.

Mr. Larry Glasscock said they met the Village requirement on landscaping with evergreens and shade trees. He noted the east side landscaping and fencing.

Mr. Pastrana said they were required to provide stormwater detention. They are provided three 280-foot rows of 96" diameter CMP beneath the parking lot. There is 0.95 acre feet of detention. He discussed hydrology and grading.

Mr. Ali discussed the FAR relief and noted most hotels don't meet the FAR and that this is a four story building. He said they required a rezoning and said the land was zoned office before. It is surrounded by a mix of land uses.

Mr. Bader said he is very experienced in managing and developing hotels. He operates a Fairfield Inn and Suites, and Hampton Inn in Addison. He has 13 hotels total. He used to own apartment buildings, and noted that hotels are better neighbors than apartment buildings. He said Hilton Tru is a new brand and that certain generations don't like staying at a full service hotel. Within 6 months of the brand announcement they had 300 franchises sold. The existing Tru's are doing well. There is 24 hour surveillance.

Chairperson Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine. The cross examination period started.

Mr. Sargis, an attorney in Wheaton, said he is concerned that other witnesses didn't speak, and would have expected that there be more details or a land planner, architects and others. He noted he called the Village on Thursday and received information Thursday and Friday. He said he didn't have enough time to talk to other professionals. Mr. Jason Guisinger asked who he represented; Mr. Sargis said George Bedard and others on 21st Place in the unincorporated area. Mr. Brian O'Connor said he lives about 100 feet away and a lot of the record is Mr. Flint's information. He said he's concerned the traffic engineer isn't here. Ms. Ganser said he is and introduced Mr. Javier Millan. Mr. Heniff introduced Village staff.

Mr. Sargis asked if KLOA did a traffic report for the Village and asked if the petitioner did a traffic report. Mr. Heniff said not that he's aware of. Mr. Sargis said he feels that's a procedural issue and identifies that as an objection that the petitioner relies on the Village's traffic study. Mr. Ali said they are using the Village's. Mr. Sargis asked if they paid for it. Mr. Ali said he wasn't sure and Ms. Ganser said that the petitioner pays a deposit for the traffic study and the bill is rectified in the end. Mr. Sargis asked did the applicant evaluate the parking needs at the site and Mr. Ali said they meet Code.

Mr. Sargis asked how many employees. Mr. Bader said a max of 8 during the day, at night 1 person. The parking also corresponds to what Hilton requires. Mr. Sargis asked about rideshares and Mr. Bader said he noticed at other hotels people take taxis. Mr. Sargis asked if they have information on actual parking needs. Mr. Bader said they have that information for existing hotels; this would be people doing business and may have a car or take a taxi. Usually 60% of the people park a car. Mr. Sargis asked if they did parking counts and Mr. Millan said they were not asked by the Village and the parking meets Code. Mr. Sargis asked if that was typical in commercial projects and Mr. Millan said yes, but this development meets Code. Mr. Sargis asked are there industry standards you use for hotel. Mr. Millan said yes, ITE parking generation manual and typically the 1 to 1 ratio is acceptable. Mr. Sargis asked if it addresses different types of hotels and Mr. Millan said yes. Mr. Sargis asked if ridesharing was taken into account. Mr. Millan said yes, for other projects. Mr. Sargis said a navigation system may send people whatever route is quickest. Mr. Millan said he did analyze navigation systems. Mr. Sargis asked if others should ask their traffic comments. Mr. Guisinger said counsel should finish his cross examination and let the other attorney's cross examine for efficacy purposes.

Mr. Sargis said if the hotel was 3 stories the FAR would be 0.36 which would be very close to Code. Mr. Ali said it won't be feasible for the hotel to be 3 stories. Mr. Bader said the 1st floor has very few rooms. There are approximately 12 rooms, lobby, office, exercise room, and laundry. The top floors are completely rooms.

Mr. Sargis asked if Mr. Bader was involved in design and Mr. Bader said yes. Mr. Sargis noted he doesn't see him in the application as listed as the management company. Chairman Ryan said Mr. Bader already said he was the management company. Mr. Sargis asked who Rubina Hospitality was. Mr. Bader said the owner. Mr. Sargis asked if that was RSS homes. Mr. Bader said his company is one of the partners. Mr. Sargis said he would like to raise an objection. Mr. Ali said Rubina is the franchisee, will hire Mr. Bader's company to operate. RSS Homes LLC owns the land. Mr. Sargis asked if they are available tonight. Mr. Ali said no. Mr. Sargis asked

if Rubina Hospitality was here and Mr. Ali said he represents those companies and they are not present.

Mr. Sargis asked for the ability and right to ask questions of those principals. Mr. Guisinger asked what questions do you have and said we can determine if there is someone here who can answer them. Mr. Sargis said he doesn't want to do the applicants work. It's important to know if they've done this project before and have a track record. The owner was incorporated for the townhouse project. He said he would like to ask the owners and applicant why a hotel is appropriate when before it was townhomes. Mr. Guisinger asked counsel if they can answer. Mr. Razvi said they will answer, but have limited info. RSS owns the land and is very passionate about the project. Mr. Sargis said which project and Mr. Razvi said the hotel.

Mr. Sargis said he questioned the land use appropriateness for a hotel and a change of zoning, a conditional use, and other variations. He requested the ability to question the owner. Mr. Guisinger asked if he has other questions.

Mr. Sargis said he heard nothing about neighborhood trends and development, appropriateness of this use as opposed to the allowed and approved use. Mr. Guisinger asked if he has questions for those here. Mr. Sargis noted the area map. Mr. Ali said the closest map is the landscaping map. Mr. Sargis said yes, there is no area map and no information on the development trends.

Mr. Sargis asked if the zoning was changed at that time of the townhomes. Mr. Razvi said no. He noted the west is office, across the street is Target and there is residential to the north and east. Mr. Sargis asked if the townhomes were built in the late 1980s and 1990s. Mr. Razvi said he wasn't sure, Mr. Heniff said that is correct. Mr. Sargis said at least thru late 90s that was development of area, and in 2016 this prop was a targeted to townhomes. Mr. Ali said the comprehensive plan from 1998 and 2014 show office. Mr. Sargis said as of 2016, when the property was owned by same client, it was zoned residential. He asked if they can speak to the highest and best use. Mr. Ali said there are mixed use all around, and the Village shows best use as Office, so we are requesting to go to Office. Mr. Sargis said this is not office, it's a hotel. Mr. Ali noted the conditional use for a hotel.

Mr. Sargis asked if there is an appraiser or land use consultant to discuss the highest and best use and land uses. Mr. Ali said no.

Mr. Sargis asked if trash pickup is once a week. Mr. Bader said correct, they don't generate much trash, similar to his hotel in Addison. Mr. Sargis asked where the trash receptacle is. Mr. Bader said now the northeast side, they were able to move to the other side away from residential. Mr. Sargis asked if this is shown in the plans. Mr. Ali said not yet, it will be adjusted. Mr. Sargis questioned why it wouldn't be there from the beginning. Chairman Ryan and Ms. Ganser said the new location is a condition of approval in the staff report. Mr. Sargis asked if the petitioner is agreeable and Mr. Ali said yes.

Mr. Sargis asked Mr. Bader if his hotels had long term contracts for the operations. Mr. Bader said yes and some he owns. Mr. Sargis asked how many, Mr. Bader said three. Mr. Sargis asked if there is a minimum time period. Mr. Bader said it can be cancelled with 60 day notice; it

started with 5 year terms. He has never lost a contract. Mr. Sargis asked if he can identify the three you own and ten you manage. Mr. Bader said the Fairfield Inn in Lombard, Delta Hotel by Marriott in Glenview, and the Wyndham in O'Hare. Mr. Sargis asked about the hotels he manages. MR. Bader said a Holiday Inn in Minneapolis. Mr. Sargis said he thought they were local. Mr. Bader said there are 14 total, as well as a Hilton Garden Inn in Bolingbrook, Hampton Inn in St. Charles, Addison, O'Hare, Libertyville, and Dells, and an independent hotel in Seal Beach California. Mr. Sargis asked if he has a management contract for the Hilton Tru. Mr. Bader said yes.

Mr. Sargis asked can you tell us who Rubina is and his other projects. Mr. Guisinger asked what zoning factor this line of questioning is relevant to. Mr. Sargis said hotel operations depend on track record of others, and operator history, and just heard a contract can be cancelled in 60 day notice. It could have adverse effects on surrounding property. Mr. Guisinger said this is not relevant to the zoning factors and requests that counsel move on to a different line of questions. Chairman Ryan said yes.

Mr. Sargis asked Mr. Bader what he meant by hotels are better neighbors than apartments. Mr. Bader said hotels are staffed by someone 24 hours a day, apartments are not. He used to own an apartment building in Addison. Mr. Sargis asked if hotels are a better neighbor than townhomes, Mr. Bader said yes. Mr. Sargis said why, Mr. Bader said no, better than apartment buildings and noted that no one is controlling the townhomes.

Mr. Sargis said the property was approved for townhomes less than two years ago and thought to be the highest and best use, the owner isn't here so I can't ask him this. Mr. Bader said I think he felt this was a better use. Mr. Sargis asked if that was Mr. Shakir. Mr. Bader said yes and that he owned a hotel in Indiana.

Mr. Sargis asked if he was at the informal meeting. Mr. Bader said no. Mr. Sargis asked who was and was the property owner. Mr. Glasscock said he was but didn't see the property owner. Mr. Sargis said the letter said that the applicant and owner would be there. So far the owner isn't here to ask questions.

Mr. Sargis asked the civil engineer to explain the dotted line. Mr. Pastrana said it's the drainage area to the existing detention basin. Mr. Sargis asked does that portion of the subject property have stormwater that will be handled by that basin. Mr. Pastrana said yes. Mr. Sargis said what agreements or rights are in place to allow the subject property to use that basin. Mr. Pastrana said it drains there naturally, Illinois drainage law allows you keep draining there. Mr. Sargis asked if it is part of the townhomes to the north. Mr. Pastrana said he is not sure who owns or maintains. Mr. Sargis asked if the subject property is legally allowed to drain there. Mr. Pastrana said it drains there now. Mr. Sargis asked if there are easements or agreements. Mr. Pastrana said he is not sure, water doesn't look for easements. Mr. Sargis asked if you looked at historic flooding to the east. Mr. Pastrana said a cursory review, looked at FEMA and DuPage maps for area. Mr. Sargis asked if they consulted with DuPage County. Mr. Pastrana said they looked at maps. Mr. Sargis asked if they talked with Village engineers. Mr. Pastrana said not at that stage, this is prelim engineering and this is a localized area. Mr. Sargis said on the landscape map the open space is 38%. Mr. Pastrana said correct. Mr. Sargis said does that

include only on the subject property. Mr. Pastrana said yes. Mr. Sargis asked if he can have the calculations for the open space. Mr. Pastrana said they are on the plan.

Mr. Sargis asked how high are the lights. Mr. Pastrana said they will be mounted 25 feet high. Mr. Sargis asked will the motion lights flare up for 5 minutes. Mr. Pastrana said they will flare up for as long as motion is around and then after no motion they will go down to a lower light level. Mr. Sargis asked what is the light level triggered by. Mr. Pastrana said mostly cars and people. Mr. Sargis asked on the landscape plan, where would the lights be. Mr. Pastrana noted locations on map, there will be 4 lights along the east property line, evenly spaced. Mr. Sargis asked if there are nearby lights with the flare up motion detection. Mr. Pastrana said not in the area, but have used this light fixture for other hotels. Mr. Sargis said for a use like this next to residential, I would ask for examples; there could be concerns about glare. Mr. Pastrana said glare is separate issue, you may get glare from the north and south because you can see the sides. The lights on the east side will have a back light control and there wouldn't be glare towards the east. They are designed to provide zero light at the property. Mr. Sargis asked when the zero starts. Mr. Pastrana said when it's flared or not, everything behind the fence will be zero.

Mr. Sargis asked will there be indoor meeting space. Mr. Razvi said there will be none, there are also no conference rooms, and the main floor has a snack bar, pool, and offices for the hotels. Mr. Sargis started to ask about the indoor meeting space. Mr. Razvi said there is none. Mr. Bader said there is a large lobby, and no Tru is allowed to have meeting space. Mr. Sargis asked why. Mr. Bader said there is no restaurant; people stay here for a good night's sleep and a place to work with computers in the lobby or their room. Mr. Sargis asked where the pictures are from. Mr. Bader said from another Hilton Tru, they are all identical. Mr. Sargis asked what types of meals are provided. Mr. Bader said a continental breakfast with a few hot items. Mr. Sargis asked if there is a pool, Mr. Bader said yes. Mr. Sargis asked if this hotel was approved, could conditions be added with no meeting space and no restaurants, for the duration of the use. Mr. Bader said yes that is ok. They can't change the function of the hotel while it's a Hilton. Mr. Sargis asked is there a minimum time to brand a Hilton. Mr. Bader said yes, the franchise agreement is for 20 years.

Mr. O'Connor showed a map of the area and said Congress Knolls are very good neighbors. He asked the petitioner to describe a picture and noted the lights may glow and that the building would be metallic and reflective. Mr. Pastrana said the lights will be directed downward and not at the building. Mr. O'Connor said he lives 100 feet away and asked if he'll notice the lights. Mr. Pastrana said you'll see the light at the cobra head on 21st more.

Mr. O'Connor asked how tall the building will be and noted the elevation will be above the neighboring houses. Mr. Pastrana said the elevation will be approx. 4 to 6 feet higher.

Mr. O'Connor said he'll be seeing light and noise 24/7, and has a lot of questions about the economic viability of the use and would rather ask the owner. Mr. Guisinger said the economic viability isn't a zoning issue and not a factor this Plan Commission will consider in making a decision. Mr. O'Connor said it is appropriate, and the standards ask if there is an economically viable project than that project should go ahead. Mr. Guisinger said it is not relevant. Mr. O'Connor said a variance must not be for financial gain. Mr. Guisinger said he wasn't subject to

cross examination. Mr. O'Connor said the petitioner could be better prepared to answer the questions.

Mr. O'Connor gave Mr. Heniff a list of 9 hotels in Lombard. Mr. Heniff submitted the list of current hotels into the public record. Mr. O'Connor asked if the Holiday Inn Express off 22nd street was approved. Mr. Heniff said yes. Mr. O'Connor asked Mr. Bader if the Fairfield is yours and could you describe the access to the hotel and if there are residences nearby. Mr. Bader said there is residential to the south near entrance, and the hotel sits near North Avenue in an office park. Mr. O'Connor asked are there other ways to enter the hotel. Mr. O'Connor said other hotels have other access points. Mr. O'Connor submitted an aerial map of hotels in the general area, and Mr. Heniff noted the access points of the hotels. Mr. O'Connor said the proposed hotel has access on a two lane road. Mr. Heniff said a four lane road. Mr. O'Connor said does that set up make for easier access if all the traffic is not all coming in from the main road. Mr. Millan said full access is usually better, but you can't do more than that here. Mr. O'Connor asked from a traffic perspective is this good, bad, or average. Mr. Millan said this is a business hotel and the majority of traffic is from the airports so a three quarter access works. Mr. O'Connor mentioned other hotels he was in and said the parking lot was full, some cars used more than 1 space, and asked if he foresees this. Mr. Millan said he can look into information. Mr. O'Connor said someone said there is no sound at the property line. Mr. Pastrana said from the air conditioners, yes. Mr. O'Connor said at similar hotels he could hear the sound in the parking lot from the fans. Mr. Razvi said the nearest Tru is in Wisconsin, being built, and he's not sure if they're using the same units. Mr. Ali asked if he was at the property line. Mr. O'Connor said he is more concerned about the front yard, but yes.

Mr. O'Connor said a 28' berm will be on the side, and the water flows to the detention pond, he asked where their calculations are. Ms. Bryant said only preliminary engineering was reviewed so far. Mr. O'Connor asked what is the confidence level that the stormwater system on 22nd Street can manage the new flow from the hotel and other new development at YTC. Ms. Bryant said they are required to follow the County's stormwater ordinance and the allowable release rate, so it should be adequate. Mr. O'Connor submitted the March 18th Chicago Tribune article about how a stormwater system is failing in Cook County. Mr. Heniff said he will submit to the public record; however this article discusses the deep tunnel, which this property is not covered by.

Mr. O'Connor submitted a record on criminal activity in Congress Knolls, the Sheriff's office said this is a safe neighborhood. He has a FOIA in to the Sheriff's office on the level of criminal activity at the hotels in the area. He said the Lombard police blotter listed four crimes at area hotels. This could introduce transient people to the area, people could walk thru the neighborhood, and though many are good citizens, it will change the quality of life. Mr. Guisinger asked if he has any information on the property values he could like to submit. Mr. O'Connor said no and he doesn't feel he needs to make their case. He said it's an absolute fact that the nearby homes will have depressed property values. When someone looks at their homes, they will see a hotel looming over. The office building next door is one story; the other office is two stories. The petitioner should have to prove is won't affect property values. He said the petitioner hasn't met the standards under the code, and its vitally important you stay by the

standards. He said this is a bad precedent, and then you can't stop another hotel on Meyers or Roosevelt Road.

Mr. Kevin Lavin, the President of the Congress Knolls Civic Association, asked where does the water currently drain. Mr. Pastrana said to the east. Ms. Bryant said towards 22nd, into regulatory floodplain. Mr. Lavin said the pond was at capacity after a moderate rainfall. Mr. Pastrana said he was there this evening and it's empty. Mr. Lavin said the one on 22nd Street. Mr. Pastrana asked how do you know it was at capacity. Mr. Lavin said he was pictures, he wasn't sure, but observed it. He asked if the current development drains to same area. Mr. Pastrana said yes. Mr. Lavin said how long does that take. Mr. Pastrana said it has to retain water for 48 hours. Mr. Lavin said the current pond was and still at capacity. Mr. Pastrana said it will slowly drain in. Mr. Lavin asked if there is an overflow. Mr. Pastrana said yes, in the restrictor. Mr. Lavin asked how many gallons it is. Mr. Pastrana said it 0.95 acre feet, or approximately 309,559 gallons. Mr. Lavin asked is the development at Yorktown is the same system. Mr. Pastrana said no. Ms. Bryant said it is routed to the detention basin at Yorktown. Mr. Lavin asked how the impact will be without a study. Mr. Pastrana said this will reduce flooding by 5 inches, they looked at the localized drainage area and other areas are downstream so if the local area benefits the area downstream will benefit.

Mr. Lavin asked about traffic in Congress Knolls. Mr. Millan said a traffic study analyzes peak hours of a rush period. They assume the hotel is 100% occupied, typical occupancy is about 80%, but we assume 100%. In the morning there are 56 trips in and out, in the afternoon it is 60 trips in and out. Mr. Millan drove the area several times, and was there three times at am and pm periods. He looked at different routes. The traffic study notes adding around 20 vehicles from the east; leaving they will go west. Mr. Lavin asked what is it currently at. Mr. Millan said westbound is over 400 in AM, 800 during PM peak. Mr. Lavin asked about street definition. Mr. Millan said 22nd Street is a minor arterial; arterials receives traffic from collector streets. Mr. Lavin asked if the median removal changes the road classification. Mr. Millan said no, it changes the capacity. 22nd street is under capacity. It's a level A, which is very good. Mr. Lavin asked about Vista and the timing and if there have been studies on the actual speed of Vista, as the report stated the speed limit. Mr. Millan said you could also speed on Meyers Rd. Mr. Lavin said the Sheriff stated they were low on resources and said there was a drop in traffic tickets, but if there is a reduction in traffic patrols maybe a study should be done about the actual speed vs the posted speed. Mr. Millan said from what I have seen the shorter route is always the faster. Google will tend to give the faster route. We did several runs at the speed limit over 2 days. Mr. Lavin asked would it be a benefit to provide more information on cut thru traffic. Mr. Millan said they counted during the peak periods, in the morning no one went thru Vista. In the afternoon there was one car. On Vista there were 10 cars making a right in the morning and 13 in the afternoon. Mr. Lavin asked does the school time fall in the peak period. Mr. Millan said schools typically don't fall in the afternoon peak period, its usually higher later when people are leaving work. Mr. Lavin asked if additional information should be provided because there is a large school. Mr. Millan said the hotel doesn't peak when the school does..

Mr. Lavin asked will Hilton Tru be developing additional hotels in this market. Mr. Ali said they do have plans but not specific locations. Mr. Lavin said if others were developed what would happen to this one. Mr. Ali said there are a lot of offices in this area which makes this a good

market for Hilton. Chairman Ryan said these questions have nothing to do with land use and this petition. Mr. Lavin said the questions have to do with the draw of customers and feasibility. Chairman Ryan said that has nothing to do with this specific petition.

Mr. Lavin asked will the proposed project be at the same grade as the current structure. Mr. Pastrana said the site will be leveled off at the halfway point and it will be about 4 to 6 feet higher. The north end will be leveled off. Mr. Lavin asked can you lower the south end so the elevation change isn't drastic. Mr. Pastrana said yes, but we are trying to remove property from the detention pond to the north and this will allow much of the water to go to 22nd. Mr. Lavin asked if the water would drain to the retention pond near the office buildings. Mr. Pastrana said yes. Mr. Lavin asked if the landscape architect considered a drainage system that would be incorporated into pervious pavers to retain some water on location. Mr. Pastrana said the detention pipes have a volume control component. The bottom quarter will be retention storage. You have to retain for a certain number of hours before releasing it to the system, with pavers you would still have drain tiles to drain the water. All systems perform the same function.

Mr. Lavin asked how will the vacant parcels on the north be affected regarding their property values. He said I don't think we have anyone to discuss that. Mr. Guisinger said no, but you can submit information.

Mr. Lavin asked are there other properties with this type of lighting. Mr. Pastrana said yes, but without the back light control. Mr. Lavin asked how dependable they are. Mr. Pastrana said very low maintenance; they are LED. Mr. Lavin asked about issues with the movement sensor. Mr. Pastrana said they don't detect objects larger than a certain size, and compared it to the motion detector in a house.

The Cross Examination period concluded.

There was a 10 minute break.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment.

George Bedard, 18w181 21st place, said his house is next to the development. He didn't realize the grade would be raised. He is concerned about privacy. He feels the development is in the wrong area. He said he was in the real estate business and his property will be reduced 30-50% next to a hotel, other property nearby will also be affected. Water comes from Highland and goes into detention next to my home and then back fills, he hasn't seen anyone clean out the pond, the soil underneath is very organic, and the pipes haven't been maintained. He asked if anyone knows the occupancy rate of the current hotels. He said the property was never zoned office, he is bothered by the elevation grade changes, he remembers the townhomes which was an appropriate buffer between the office and residential. He believes the Village has responsibility to Congress Knolls because of a boundary agreement with Oak Brook Terrace. He said there are 3 houses for sale on Meyers Rd, you could add 3 more houses and do the same thing at other residential areas.

Jean Pagorek, 1S646 Fairview, asked about a rope she saw stretched across 22nd, east of Meyers, asked if anyone looked at the additional traffic on 22nd from the new Yorktown development, she has seen a big increase of traffic on Vista, with no sidewalks it's an unsafe area, she asked if there is comprehensive traffic plan, and what incentives were given to the developer.

Suzan Kramer, representing 55 neighbors of Abbey Woods, thanked the Plan Commission for opportunity to present. She is opposed, believes it is overly intense and obtrusive use adjacent to residential, developer is unable to address standards for a conditional use. 1 – The 24 hour nature will be detrimental to a peaceful neighborhood, and not mitigated with an 8' fence. 2 – Decrease in privacy, will block sunlight, create noise, glare, and impact on the property values. 4 – Flooding is a concern, increase of the FAR increases the flooding risk and boosts density. 5 – Adequate measures not taken to mitigate the traffic, increased traffic will tax area, people may be making u-turns. 6 – The Comprehensive Plan states Lombard wants compatible development, this is a decent development in the wrong location, can't provide adequate buffers, the townhomes were compatible. Fountain Square was denied the first time to provide for a better development and asked for the request to be denied.

Loran Eatman, lives on Vista near 22nd, he is incorporated into Lombard. Believes when the zoning is for residential, you have a reasonable right to think that it will be residential, could change property values, the 45' height doesn't include parapet or screening, wonders if this is spot zoning, feels its incompatible.

James Rader, lives in Congress Knolls on Chase, safety issues near Target, increased traffic, short-cut traffic, should take into consideration the neighborhood.

Rich Penner, 532 Rosebud Drive N, lived here for 27 years, thinks this is inappropriate and incompatible for the location, will effect property values.

Mr. Sargis asked if he could make a final comment. Mr. Guisinger said he'll have an option for closing remarks at the end for his client.

Chairperson Ryan asked the petitioner to respond to the public comments.

Mr. Razvi said he has no report on property values. Mr. Pastrana said he haven't done an overall drainage study, did a local study, noted the new development is the same amount of detention, storage, and impervious areas the townhomes. It's a different product, but engineering is designed the same.

Mr. Heniff said based on the DuPage County Convention and Visitor Bureau 60-70% occupancy rates in the corridor. He noted the difference between the Zoning Ordinance and the Comprehensive Plan. The 2014 Comprehensive Plan is the vision document for the village. The Zoning Ordinance is the regulatory document. Legally speaking the two should be in sync. The property was not zoned office in the past. The 1998 Comprehensive Plan designated the property for community commercial. Zoning is R4. R4 is general residential, allows single family, townhomes, apartments, and condos. Zoning is what you can legally do; the

Comprehensive Plan is the vision document. We are having the public hearing because it's zoned R4 and a hotel can't be developed, therefore the petitioner is asking for a rezoning.

Mr. Pastrana said we are leveling off the property, ranging from zero to a max of 5' at the north end. It allows for better drainage.

Staff did not know what the traffic rope was for. Mr. Millan said currently 22nd street carries 16,100 vehicles per day; however the carrying capacity is 36,800. KLOA applied a growth factor to the numbers. This takes into account the mall redevelopment and other things we aren't aware of. The growth factor is from the Chicago Metropolitan Agency for Planning (CMAP). Mr. Heniff said no incentives were given to the developer.

Mr. Bader said many people are coming in cabs, and most of the parking is on the west side away from the residential and the entrance is on 22nd street. The noise mostly faces the street. Mr. Ali said the building height is 42' and with the enclosed unit it is 45'. They need a variance from FAR because the hotel is 4 stories. It is less than FAR variances for other hotels in area.

Mr. Heniff said 22nd and Fairfield stop lights or signals would be handled by the Public Works Committee and looked at thru the Capital Improvement Program (CIP).

Ms. Bryant said ponds are inspected every 5 years. Pipes are checked if thought they are holding water. Mr. Heniff said the Village does not maintain private property detention facilities. If a pipe is blocked Public Works should be called. Mr. Heniff said we look if the property is consistent with the Comprehensive Plan and the Zoning Ordinance, not necessarily the highest and best use. That is usually a real estate term. We look if its code compliant or not. Mr. Razvi said his client did a feasibility study, and found a hotel would be needed.

Chairman Ryan said that concludes the questions and rebuttals.

A motion was made by Commissioner Sweetser and seconded by Ron Olbrysh to continue the public hearing for PC 18-08 to May 21, 2018, due to time. The motion carried.

May 21, 2018 Plan Commission Meeting

Ms. Ganser said tonight's Plan Commission public hearing pertains to the property at 550 E. 22nd Street, in which a Hilton Tru Hotel is being considered. The petition was continued from the April 16, 2018 meeting. All testimony offered at the previous meeting, both written and spoken, is already part of the public hearing record. Therefore that information does not need to be repeated at tonight's continued public hearing. Tonight's Plan Commission meeting will follow the same procedures stated at the April 16, 2018 public hearing. As such, tonight's meeting will start at Item G and follow from that point onward. Ms. Ganser continued to read the procedures.

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development; William J. Heniff, Director of Community Development; Jana Bryant, Private Development Engineer; Javier Millan, Senior Consultant with KLOA, Inc., the petitioners, and members of the public.

Sue Kramer said she is representing herself and 55 homes in Abbey Woods. They are opposed and believe this is incompatible with development and the Comprehensive Plan. The project is unable to meet the standards; hotels create more crime and people will be observing our neighborhood and property values will decrease.

George Bedard said he lives adjacent to the property. He noted the attorney for the townhomes is a commissioner for the Village as well as the hotel architect is a Plan Commissioner. There are no multi-story buildings between Fairfield and Vista. He said there are other properties in the Village better suited for a hotel. He said the FAR is a minimum of 0.35 and there is no max listed. He said that many existing Hilton Tru's are near college towns and expressways. He noted there are more hotels being built near O'Hare Airport.

James Rader said this will affect those in Lombard and Congress Knolls. He said the property is not large enough. He relayed a story of Abraham Lincoln.

Jean Pagorek said she is concerned if another hotel is needed in Lombard. She heard that an 80% occupancy rate is needed for a hotel to be successful, and this hotel may have a lower occupancy rate per the report.

The Public Participation section concluded.

Mr. Mark Sargis asked to speak to the owner. Mr. Nick Karmin, representative of the owner, was sworn in. Mr. Sargis asked their relationship and Mr. Karmin said he manages the properties such as job sites, apartments, others. Mr. Sargis asked if any are hotels and Mr. Karmin said he did have hotels. Mr. Sargis asked the owners name and Mr. Karmin said Sam Shakir. Mr. Sargis asked how many hotels he has owned and sold, Mr. Karmin said around 6 but kept a hotel in Panama. Mr. Sargis clarified that Mr. Shakir sold the hotels after a few years and Mr. Karmin agreed. Mr. Sargis asked if Mr. Karmin was involved in the townhomes and Mr. Karmin said yes. He said they did not build the townhomes because they would have been high end and more than \$450,000. A FHA loan would not have covered that and conventional loans are hard to obtain. Mr. Sargis asked if the nature of the townhomes were the same from the Plan Commission and Mr. Karmin said yes, but later learned of the financing issue. Mr. Karmin said they are building condos in Glen Ellyn and that's when they realized the financing issue. Mr. Sargis asked what other projects they are developing and Mr. Karmin said Georgetown by the River in Glen Ellyn. Mr. Sargis asked what other uses they considered. Mr. Karmin said apartments were discussed, but then Hilton Tru approached Sam. Mr. Sargis asked who Green Dot Builders is and Mr. Karmin said a construction firm that would construct this project. Mr. Sargis asked if Mr. Karmin was involved in any lawsuits with Sam. Mr. Guisinger asked for the relevance of the litigation. Mr. Sargis said the townhome applicant changed their mind which questioned the feasibility. Mr. Guisinger asked what standard that is applicable for. Mr. Sargis said so that the operation wouldn't be detrimental to the neighborhood. He noted the management contract is cancellable and that we have learned that the owner will flip this property in a few years. Mr. Guisinger said he disagrees and asked Mr. Sargis to move on. Mr. Brian O'Connor asked if Mr. Karmin is familiar with the Overture condos at Yorktown. He said the price is approximately \$500,000 and up. He asked to see a copy of the project feasibility report. Mr. Razvi said the feasibility study is a study reviewed by Hilton and Steve Bader, and

they are not authorized to give it out. Mr. O'Connor said he would like to review it. Mr. Guisinger asked Mr. O'Connor to move on. Mr. Razvi said Mr. Shakir told him he could not secure a construction loan for the project. Mr. O'Connor asked again if the feasibility report is relevant. Mr. Guisinger asked him to resume questioning the witness. Mr. O'Connor asked if the townhomes had a feasibility report and Mr. Karmin said yes.

Mr. Sargis called Mr. Flint as a witness. Mr. Flint was sworn in. Mr. Sargis asked if he is the applicant and when was first employed. Mr. Flint said he was employed last summer for the project. Mr. Sargis asked if that was before the neighborhood meeting and Mr. Flint said yes. Mr. Sargis said the owner didn't speak at the meeting. Mr. Flint said he was the lead speaker and the rest of the team was present. Mr. Sargis asked how long Mr. Flint was on the Plan Commission and Mr. Flint said almost 30 years. Mr. Sargis asked if Mr. Flint represented other applicants in the Plan Commission. Mr. Flint said in the last 10 years he may have with another firm. Mr. Sargis asked if Mr. Flint worked with Sam Shakir before, and Mr. Flint stated he is working with Sam on Georgetown on the River. Mr. Flint stated that he discussed with Sam that he would recuse himself. Mr. Guisinger said the questions are geared towards a conflict of interest and that matter is no longer before the Board, as he has recused himself. Mr. Sargis said there is an appearance of impropriety. He also noted the townhome project used an ECDC member as the attorney for the project. Mr. Guisinger asked Mr. Sargis to move on. Mr. Sargis asked Mr. Flint if he represented one other matter before the Plan Commission. Mr. Guisinger and Chairman Ryan asked Mr. Sargis to move on. Mr. Sargis presented "Objectors Exhibit #1", the response to a FOIA request on PC 18-08. Chairman Ryan asked Mr. Sargis to move on. Mr. Sargis said he was told his FOIA was too burdensome. Mr. Sargis asked if Mr. Flint has a written contract and compensation. Mr. Flint said yes, it's time and materials. Mr. Sargis asked how much and Mr. Guisinger said this is a Plan Commission and these questions are not relevant. Mr. Sargis said he is trying to determine if the economic disclosure was properly done. Mr. Sargis asked if Mr. Flint has seen the feasibility studies and Mr. Flint said for the hotel. Mr. Sargis asked what the biggest challenges were. Mr. Flint said the parking was, and that was resolved, he noted that other hotels have a larger FAR. Mr. Sargis asked about the parking and Mr. Flint discussed the parking code. Mr. Sargis asked about the property to the east and Mr. Flint said it has access to the traffic light. They discussed 22nd Street and the number of one and two story buildings. Mr. Sargis asked if Mr. Flint has worked on other hotels. Mr. Flint said no, but the building is mostly a prototype. Mr. Sargis asked about other commercial projects and Mr. Flint went thru some past projects. Mr. Sargis asked if Mr. Flint represented other Lombard properties. Mr. Flint said he was before the ZBA for a porch. He also noted he is on the school district and had to recuse himself for a Plan Commission project.

Mr. Sargis gave a powerpoint presentation that discussed landuse and neighborhood compatibility. He showed a map of Hilton Tru's and a sample of Midwest Hilton Tru's. He said the hotels are near college towns, expressways and shopping. None are near residential areas. He reviewed the Lombard area hotels. Mr. O'Connor presented data on crime, based on a FOIA from the Lombard Police Department. The crimes are over an approximate 2 year period. Mr. O'Connor said he stopped by the Police Department on Friday, called 5 times today, and has not received a phone call back. Mr. Sargis showed pictures of recent rains from the neighbors and discussed stormwater. Mr. Sargis discussed the character of the neighborhood and the north versus south side of 22nd Street. He noted the properties on the north side of 22nd Street are low

rise and the most on the south side are multi-story. He noted the site is surrounded by residential, except the office to the west. He reviewed items of relevance from the Comprehensive Plan. He noted there should be additional transitions from commercial to residential.

Mr. O'Connor called Mr. Flint for additional questions. He asked Mr. Flint what he thinks Congress Knolls would be zoned as. Mr. Flint said R1. Mr. Flint agreed with Mr. O'Connor that the unincorporated residents are allowed the same rights as Lombard. Mr. O'Connor reviewed the standards for map amendment, conditional use, and variance with Mr. Flint. They went thru many of Mr. Flint's answers in response to standards. Mr. O'Connor noted this hotel will be the first in Lombard adjacent to residential. Mr. Flint reviewed the transitional yards. Mr. O'Connor stated he believes Mr. Flint has not adequately responded to the standards for the petition.

The petitioner was allowed time for rebuttal. Mr. Razvi noted the hotel is aimed at young urban professionals. It will be fenced in on the sides next to residential with an 8' fence. He noted Mr. Shakir is a developer and a construction loan couldn't be obtained for the townhomes. He said Mr. Flint is here to make sure the local codes are followed. He said a Hilton franchise is one of the most difficult franchises to obtain. He noted apartments are difficult, there could be balconies, more traffic, families with children and school buses. He said the hotel will have cameras and be very secure. He thanked the Plan Commission.

There was a 10 minute break.

Chairman Ryan said the Plan Commission will accept the PowerPoint presentation into the public record.

Chairman Ryan asked for the staff report.

Ms. Ganser presented the staff report and addendum report, which was submitted to the public record in its entirety, as well as additional public comment received after the packet went out. The petitioner proposes a Hilton Tru Hotel. The hotel is proposed at 44,681 gross square feet, four stories tall, 96 rooms, and 96 parking spaces. The petitioner was granted entitlements to build 26 townhomes in 2016, PC 16-10. Should this development be approved, those entitlements will be revoked. The site is surrounded by a mix of land uses. The site would receive sole access from 22nd Street which is predominantly a commercial street within Lombard, with other hotel uses. The petitioner is requesting a rezoning to the Office District. The 2014 Comprehensive Plan designated the property Office and the 1998 Comprehensive Plan designated the property as Community Commercial. Both documents were approved by the Village Board and reviewed by the Plan Commission. The 2014 Comprehensive Plan is the current Comprehensive Plan guiding the Village. Given the nature of 22nd Street as a minor arterial roadway and the adjacent non-residential land uses to the west, staff supports the rezoning to Office which is consistent with the Comprehensive Plan. Along with a rezoning, the petitioner is requesting a conditional use for a hotel. A hotel, which will likely serve business travelers, is consistent with the Office zoning. Staff notes the proposed hotel would meet the bulk requirements in the Office District, with the exception of a requested variance for Floor

Area Ratio. Staff notes that with the current R4 Zoning designation, an apartment could be built as of right, with no public hearing before the Plan Commission. The Hilton Tru is proposed to be 44,681 gross square feet in area. The petitioner is seeking relief from the 0.35 floor area ratio (FAR) requirements in the O – Office District for a FAR of 0.48. Only the Office and Industrial District have a FAR requirement in the Zoning Code. Residential Districts do not have such a requirement. The petitioner could have purchased the adjacent properties to the north or east, and met the FAR threshold. However, the hotel development will solely be located on the parcel of 550 E. 22nd Street. In order to have the project wholly located on the site, without the need to acquire additional abutting residential land for non-residential purposes, a variance is being requested. Staff notes that purchasing the adjacent properties could create a negative impact as the development would be closer to the residential areas. Most hotels in the Village do not meet the 0.35 FAR threshold as shown in the attached chart. The hotel would follow the Village Photometric Code. Lighting will be provided for the parking lot, but will meet requirements at the property line to ensure the abutting properties will not receive any overflow light. To ensure compatibility with the other abutting properties, and to follow Village Code, the petitioner is proposing a perimeter fence and plantings, to serve as a screening function. There is a thirty foot (30') transitional landscape yard to the north Residential District, per Code. The landscaping is shown to the north and east of the fence, allowing the residential uses to have the benefit of additional landscaping. As the property to the east is unincorporated DuPage County, the transitional landscape yard is not required, however the petition is intending to meet this requirement as the site plan does incorporate landscaping on the east side as well. This is noted as a condition of approval. The trash dumpster will be enclosed and screened per Code. Upon further review, staff noted the trash dumpster could be moved to the northwest portion of the property. This is noted as a condition of approval. The site will be solely accessed by 22nd Street. The east drive is proposed to be a right-in. The western access drive access shall be designed as a full-in, right-out facility, with the left turn lane constructed within the existing 22nd Street parkway. The Village's traffic consultant, KLOA, completed a traffic study. Capacity analysis shows the area will continue to operate at an overall acceptable level of service should the hotel be approved and built. The development will need to provide the required stormwater detention and Best Management Practices (BMP) per the DuPage County Stormwater Ordinance. Final engineering is subject to review during the permit process and that is when the required detention amounts will be determined. The addendum report discusses parking changes as part of PC 18-01 and a trip generation comparison done by KLOA. Staff recommends approval of the petition subject to the conditions in the staff report.

Chairman Ryan asked for any questions of the staff report.

Mr. O'Connor asked Ms. Bryant if staff did a sub-area study, as required by the Comprehensive Plan. She said those studies would have been done by Public Works. Mr. Heniff said as a point of clarification, the Comprehensive Plan does not say that a sub-area is required, it encourages that. Mr. O'Connor said he would like to talk to Public Works. Ms. Bryant said per the County's Stormwater Ordinance this development will meet existing release rates, or 0.1, whichever is more restrictive. Mr. O'Connor said this hasn't been permitted by the County yet. Ms. Bryant said the Village is allowed to review in-house stormwater issues, as we are a partial waiver community. Mr. O'Connor said Congress Knolls is protected by the York Township Highway Department and asked if staff talked with them about stormwater. Ms. Bryant said they

would tie into the storm system on 22nd Street which is owned and maintained by the Village of Lombard so the hotel would not be connecting to the township's system. Mr. O'Connor asked about the berm. Ms. Bryant said this development will be designed with underground detention and the water directed toward 22nd Street. She said final engineering will be reviewed at the time of permit. Mr. O'Connor asked Mr. Milan about the traffic counts on 22nd Street. Mr. Milan said that is the average daily traffic counts. Mr. O'Connor referred to a table in the Comprehensive Plan; Mr. Milan said the carrying capacity for four-lane arterials is 36,000. Mr. O'Connor asked why the Comprehensive Plan called for less traffic. Mr. Heniff said that calls for average trips, he referenced that KLOA found that 22nd Street would still operate at an A or B level of service. Mr. O'Connor asked about a stoplight at 22nd and Fairfield. Mr. Heniff said that would be part of the Public Works Capital Improvement Program. Mr. O'Connor noted the address for the neighborhood meeting was incorrect and Mr. Heniff said staff found that out after the meeting, and noted for the public record, that the meeting was not a required public hearing. Mr. O'Connor asked if Mr. Milan tested cut through traffic on School Street and Mr. Milan said he did not. Mr. Heniff said the Congress Knolls roads are maintained by York Township. Mr. O'Connor asked about the pork chop on 22nd Street and the capacity. Mr. Milan said the left hand turn lane on 22nd was maximized for storage. Ms. Ganser said the storage is 100' and a taper of 175'. Mr. Milan said that is about four cars storage. Mr. O'Connor said it's a sharp turn to get in and the lobby is in front and could lead to more congestion and asked if there would be more evening congestion. Mr. Milan said he doesn't believe so as the traffic study noted a hotel is random arrival, unlike a school with peak times. He said the analysis shows it will work properly. Mr. O'Connor asked Ms. Ganser if she was the staff in the nuisance/crime section of the staff report and she replied she is part of that staff. He asked who she talked to and she replied, Roy Newton the Police Chief. He asked if she talked to him recently and if she asked him to return his call. Ms. Ganser said she is sure he will return phone calls when appropriate. Mr. O'Connor noted the Sheriff's report that said they have one of the safest neighborhoods in DuPage County. Mr. Heniff said noted the low crime and said that many of the current hotels are within 1 mile and close proximity to Congress Knolls. It suggests that the hotels aren't having an adverse impact on the neighborhood. Mr. O'Connor said the other hotels are buffered with business parks or shopping centers. This will be right in the neighborhood and strangers could be walking thru the neighborhood. He asked if this precedence would allow others to assemble 2 acres and build a hotel, even if there was residential adjacent. Mr. Heniff said he would disagree and noted the Lombard Zoning Ordinance allows for hotels in certain zones. He said each case needs to be looked at for their own merit and it would be on a case by case basis. Mr. O'Connor asked if Village Counsel agrees with that statement. Mr. Guisinger said he is not subject to cross examination, but said as a matter of general zoning law, special uses are judged on an individual basis. He said the law is quite clear that you don't set precedence when you grant a special use because each piece of property is unique. Mr. O'Connor said he thinks this is occurring because Congress Knolls is unincorporated. Mr. O'Connor said the petitioner said this would generate money for the Village and the standards speak to that. He noted the Comprehensive Plan speaks to transitions in neighborhoods and a compatible scale.

Mr. Sargis asked Mr. Milan if he's a consultant for the Village or the applicant. Mr. Milan said for the Village. Mr. Sargis asked about the payment. Mr. Milan said the petitioner pays a fee that the Village uses to pay his firm. Mr. Sargis asked about going west bound, the right turn, and the neighboring property the petitioner could have purchased. Mr. Milan said it would better

to have a signal and to have more movements. He noted the westbound movement would be the same, the left turn movement would have signal. Mr. Sargis said an 8' fence would not screen a third and four story hotel and Mr. Heniff agreed. Mr. Sargis asked if the current topography suggests the north 2/3 drains to the north and Ms. Bryant agreed, he asked if there is drainage to the south and she said there is a drainage divide. Mr. Sargis asked if she has reviewed the submittal from the last meeting. Ms. Bryant said it was a drainage exhibit and she does not have a copy. She said it would be reviewed during final engineering.

Chairman Ryan said that concludes the staff report.

Mr. Heniff said he wanted to offer some follow up to correct the public record. He said a reference was made to the petition signatures against the development and if staff had them all. He said there were a number received at the last Plan Commission meeting plus more for the May meeting. Everything has been entered into the public record. He noted the townhome approval in 2016 and said the property owner did seek a 1-year time extension until July 2018. If no action is taken, and no extension is requested, the relief would lapse. He said Overture is a rental property with rents between \$2,000 to \$3,500 a month. Mr. O'Connor said the rent range is roughly equivalent to a \$500,000 townhome, Mr. Heniff said all budgets are different. Mr. O'Connor said he believes the townhomes would be the best use and would like to review the feasibility plan and the engineering plans. He noted the proposed Hilton Tru in Lombard is near an expressway, Yorktown Mall, and National University of Health Sciences. Mr. Sargis clarified that his chart was showing adjacent uses.

Mr. Sargis showed objectors exhibit 3 which was a FOIA for RSS Homes. Mr. Heniff said Village staff received a copy. Mr. Heniff said he hasn't seen the response until now and that the Village has 5 days to respond, which is tomorrow. He said the Village has to go thru each email to see if it's relevant to the FOIA. Mr. Sargis said he found it surprising there could be so many emails on the request. Mr. Heniff read the FOIA request. Chairman Ryan asked to move on.

Chairman Ryan asked for other comments, and hearing none, he said the public hearing is now open to the Commissioners for any comments or questions. Chairman Ryan recommended a motion of continuance to June 11, 2018 to make a vote, which gives the Plan Commission three weeks to review the matter.

A motion was made by Commissioner Burke and seconded by Commissioner Sweetser to continue the public hearing for PC 18-08 to a Special Meeting on June 11, 2018. The motion carried.

June 11, 2018 Plan Commission Meeting

Ms. Ganser said tonight's Plan Commission public hearing pertains to the property at 550 E. 22nd Street, in which a Hilton Tru Hotel is being considered. The petition was continued from the April 16, 2018 and the May 21, 2018 meeting. All testimony offered at the previous meetings, both written and spoken, is already part of the public hearing record. Therefore that information does not need to be repeated at tonight's continued public hearing. Tonight's Plan Commission meeting will follow the same procedures stated at the April 16 and May 21, 2018

public hearing. As such, tonight's meeting will start at Item M. and follow from that point onward. Ms. Ganser continued to read the procedures.

Commissioner Olbrysh stated for the record that he was absent for the May 21, 2018 Plan Commission meeting, however he did watch the entire meeting.

Ms. Ganser said staff received three materials submitted today. One is a summary from Brian O'Connor regarding his opposition, the second is an article entitled "Residents Keep Up Opposition to Proposed Oswego Car Wash", and the third is materials from Mark Sargis which include a FOIA from the Police Department and a summary. She noted that as the information was received today, and unless there is an objection by the Plan Commission, the materials will be forwarded to the Board of Trustees at their July meeting.

Chairman Ryan noted that the meeting is open for Commissioner comments.

Commissioner Burke said the opposition to the development stated that the development would drastically reduce property values of surrounding homes. No statistics or studies were quoted or submitted during testimony. How should the commission judge that testimony? Ms. Ganser said to staff's knowledge a certified appraiser did not submit information so therefore the Plan Commission can judge that testimony as opinion. Commissioner Burke said during a cross examination attorneys questioned Mr. Flint regarding the Standards. There was clearly a disagreement about several of the standards. How does the staff view the differences of opinion and can the staff state their opinion on the statements regarding the standards in the petition. Ms. Ganser said staff is recommending approval with conditions and therefore staff finds that the standards have been met. Commissioner Burke said the opposition repeatedly commented on the financial viability of the project. He said believes that not to be in Plan Commission's purview, is that correct? Ms. Ganser and Mr. Heniff said that is correct. Commissioner Burke said opposition discussed whether the previously approved townhome development was the highest and best use for the property. The petitioner stated that the townhome development was not viable due to the cost. Neither side presented evidence to support their statements. How should the Commission consider this? Ms. Ganser said staff is only considering the petition before us today, the hotel. Commissioner Burke said several members of the public and their attorneys stated that flooding will worsen in the area. Can the Village engineer reiterate the Villages' stance on drainage for the development and area? Ms. Bryant said the Village follows the DuPage County Stormwater Ordinance and local amendments, and as long as the requirements are met we would provide a permit. Commissioner Burke asked about redirecting the stormwater. Ms. Bryant said currently the north 2/3 of the site drain to the depressional area/detention basin that is causing issues. That water would be redirected to an underground detention facility and then released into the 22nd Street right-of-way. Commissioner Burke said in their PowerPoint presentation opposition argued that the comprehensive plan is at odds with this development. Can staff please clarify their stance on Comprehensive Plan and its recommendation in favor of this project? Mr. Heniff said the Comprehensive Plan is a vision document and identifies this site for office use, and prior for commercial use. Over the past 20 years the Comprehensive Plan identified this site for non-residential uses. The petitioner seeks a rezoning which is consistent with the Comprehensive Plan. Commissioner Burke asked if the Village provided the attorneys all of the correspondence with Mr. Flint on this project and has the police department provided the attorneys with information as requested? Ms. Ganser said as

of this morning all FOIA's regarding this project was answered. Commissioner Burke said was there any obligation for the applicant to provide the opposition with studies/budgets as requested for the townhomes and hotel project? Ms. Ganser said that is not required.

Commissioner Olbrysh said he also had concerns on the questions that Commissioner Burke raised. He asked if the rezoning to office is consistent with the Comprehensive Plan. Mr. Heniff said yes.

Commissioner Sweetser said the word neighborhood can be arbitrary. She asked if staff had a better definition. Mr. Heniff said it can be subjective and can be looked at on a case by case basis. He said the Plan Commission is tasked to weigh the development proposal against the Zoning Ordinance, standards and Comprehensive Plan. Commissioner Sweetser asked about the Comprehensive Plan call for buildings and buffers and if that only applies to Lombard or if it can be applied beyond our borders. Mr. Heniff said we want information from the public, even if not in the corporate limits. State Statues allows us to look at the unincorporated properties as well, as they could potentially be annexed in the future. The State refers to a 1.5 mile planning area and noted Lombard does have boundary agreements with some surrounding municipalities.

Commissioner Mrofcza asked if the additional stormwater runoff detention is part of the development or at the expense of the Village. Ms. Bryant said the developer would pay for that as part of their development plans.

Mr. Mark Sargis noted Item M of the Procedures allows for the public to comment if allowed by the Plan Commission. He asked to make an offer of proof on a recently received FOIA request. Chairman Ryan said staff read what was received today and it will be forwarded to the Village Board. Mr. Michael Mars said there has been many hours of testimony and though the FOIA timing may be unfortunate, that is the not the fault of the Plan Commission. He said an offer of proof is not necessary and asked if other members of the Plan Commission need to hear additional information. Chairman Ryan asked if any Commissioners want to hear additional information. Commissioner Olbrysh said there has been six hours of testimony and he believes the Plan Commission has heard everything there is to hear on the matter.

On a motion by Commissioner Burke and a second by Commissioner Olbrysh, the Plan Commission voted 4-0 to recommend that the Village Board approve the petition associated with PC 18-08, subject to the following ten (10) conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request and as modified by the conditions of approval set forth herein.
2. The Floor Area Ratio (FAR) for the subject property shall not exceed 0.48.
3. The petitioner shall satisfactorily address all other development comments identified within the Inter-Department Review Report as part of any future permits as part of the project.
4. The petitioner shall be required to apply for and receive building permits for any demolition activity and/or improvements to the subject property.

5. The proposed Weathermaker 48TC rooftop mechanical unit (or approved equal), and/or any rooftop mechanical unit(s), shall be screened per Code and provide sound attenuation panels.
6. The trash/recycling area shall be screened per Village Code and shall be moved to the northwest portion of the site.
7. The fence and landscaping shall be maintained in good condition at all times.
8. The landscaping on the east side of the property shall be increased to 30' from 28.5'.
9. The petitioner shall provide the Village with a final photometric plan for review and approval after the proposed light standards are installed and fully operational that demonstrates compliance with the Village's photometric requirements.
10. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension been granted by the Village Board.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAP AMENDMENT (REZONING) TO THE LOMBARD ZONING ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

(PC 18-08: 550 E. 22nd Street, Hilton Tru)

(See also Ordinance No.(s) _____)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting a map amendment for the purpose of rezoning the property located at 550 E. 22nd Street, and described in Section 2 hereto, from R4PD Limited General Residential Planned Development District to O Office District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 16, May 21, and June 11, 2018, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the rezoning described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS as follows:

SECTION 1: That Title 15, Chapter 155 of the Code of Lombard, Illinois, otherwise known as the Lombard Zoning Ordinance, be and is hereby amended so as to rezone the property described in Section 2 below to O Office District.

Ordinance No. _____
Re: PC 18-08
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SECTION 2: This ordinance is limited and restricted to the properties generally located at 550 E. 22nd Street, Lombard, Illinois, and legally described as follows:

LOT 2 IN FAIRFIELD PLAZA SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1986 AS DOCUMENT R86-95639, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-20-405-013

SECTION 3: That the official zoning map of the Village of Lombard be changed in conformance with the provisions of this ordinance.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2018.

Keith T. Giagnorio, Village President

ATTEST:

Ordinance No. _____

Re: PC 18-08

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Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk

ORDINANCE NO. _____

**AN ORDINANCE GRANTING APPROVAL OF A CONDITIONAL USE
PURSUANT TO THE LOMBARD ZONING ORDINANCE FOR HOTELS
AND MOTELS WITH A VARIANCE FOR FLOOR AREA RATIO (FAR)**

(PC 18-08: 550 E. 22nd Street, Hilton Tru)

(See also Ordinance No(s). _____)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code) for a hotel with a variance for floor area ratio (FAR), as set forth in Section 1 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on April 16, May 21, and June 11, 2018, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use for a hotel with a variance for floor area ratio (FAR) described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use for hotels and motels with a variance for floor area ratio (FAR), are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Approve a conditional use pursuant to Section 155.412(C)(8) of the Lombard Zoning Ordinance for hotels and motels; and
2. Approve a variance pursuant to Section 155.412(H) of the Lombard Zoning Ordinance for the floor area ratio (FAR) to exceed 0.35 FAR.

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 550 E. 22nd Street, Lombard, Illinois, and legally described as follows:

LOT 2 IN FAIRFIELD PLAZA SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 1986 AS DOCUMENT R86-95639, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-20-405-013

SECTION 3: This Ordinance is approved subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request and as modified by the conditions of approval set forth herein.
2. The Floor Area Ratio (FAR) for the subject property shall not exceed 0.48.
3. The petitioner shall satisfactorily address all other development comments identified within the Inter-Department Review Report as part of any future permits as part of the project.
4. The petitioner shall be required to apply for and receive building permits for any demolition activity and/or improvements to the subject property.
5. The proposed Weathermaker 48TC rooftop mechanical unit (or approved equal), and/or any rooftop mechanical unit(s), shall be screened per Code and provide sound attenuation panels.

6. The trash/recycling area shall be screened per Village Code and shall be moved to the northwest portion of the site.
7. The fence and landscaping shall be maintained in good condition at all times.
8. The landscaping on the east side of the property shall be increased to 30' from 28.5'.
9. The petitioner shall provide the Village with a final photometric plan for review and approval after the proposed light standards are installed and fully operational that demonstrates compliance with the Village's photometric requirements.
10. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension been granted by the Village Board.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2018.

Keith T. Giagnorio, Village President

ATTEST:

Ordinance No. _____
Re: PC 18-08
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Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk