

March 1, 2007

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);
 - 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.

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.

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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 mazzaniene ceiling heights are seven feet clear and the ground level has a clear ceiling height of eight feet and two inches to accomodate 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

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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 flat-arched 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 dimensional elevations. 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

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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

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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 cuts 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 off-street 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.

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 Olbrish 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 Olbrish 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.

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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 off-street 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 hodge-podge 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 minimum 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 are not 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 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 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