


MEMORANDUM

TO: LOMBARD PLAN COMMISSION
Donald Ryan, Chairperson

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

DATE: July 18, 2016

SUBJECT: PC 16-08A; 400, 406, 412, 420, and 440 S. Finley Road (Finley Park Subdivision)

At the June 16, 2016 meeting of the Lombard Village Board of Trustees, the Board remanded a petition for a map amendment and subdivision approval with a companion sidewalk variance, previously referred to as PC 16-08, back to the Village Board for an additional public hearing. The remand is intended to consider an amended petition to address modified sidewalk and public improvement plans within the Hickory Street public right of way.

As amended, the petitioner now requests that the Village take the following actions on the subject property located within the R1 Single-Family Residence District (change from the original petition is in italics), which was readvertised as PC 16-08A:

1. Approve a Map Amendment rezoning the entire property back to the R2 Single-Family Residence District;
2. Approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) *to eliminate the requisite sidewalk on the north side of Hickory Street*; and
3. Approve a Major Plat of Subdivision.

BACKGROUND

The Plan Commission held a public hearing on May 16, 2016 to consider zoning actions for the proposed Finley Park Subdivision. The Plan Commission considered the petition and public testimony raised at the meeting and through its deliberations recommended approval of the petition, subject to conditions.

As part of the original request the Plan Commission supported a variation from the sidewalk requirements which would allow the required sidewalk on the north side of Lot 6 and located within the Hickory Street right-of-way. However, subsequent to the public hearing and prior to Village Board consideration, the petitioner undertook final engineering activities. Through this research, staff raised concerns with the shallow nature of the existing 90" combined sewer pipe that exists within the Hickory Street right of way that currently provides a primary connection

from other sewer lines and feeding eventually to the Glenbard wastewater treatment facility. Staff stated that the pipe will need to be improved with a thickened concrete street section or other Village approved requirements. The result of this effort is that the right of way cross section will need to be regraded to provide for adequate cover. As a result, the proposed significant grade change will restrict the ability of the sidewalk being constructed per code on the north side of the street. Per the recommendation of the Community Development and Public Works staffs, the proposed sidewalk, which is required by code, would not be installed. Pulte Homes is aware of this issue and they supported the recommended change and amended petition.

This modification differs from the Subdivision and Development Ordinance requirements and from the testimony offered at the original public hearing. The original request was to waive the sidewalk requirement along proposed Lot 6. The revised petition will waive the sidewalk requirement on the north side of Hickory, but would require the Lot 6 sidewalk, with a companion crosswalk for Vance Street, if in the event that a sidewalk connection is needed in the future.

The Village Board the remand was approved in order to conduct a further public hearing regarding the variance request. As a new public hearing, it will to allow an opportunity for the issues pertaining to the amended variation request to be raised in a public hearing format. This action ensures that the public hearing record has been perfected and that the public hearing provisions established in *Klaeren v. Lisle* are satisfactorily addressed.

REFERENCE MATERIALS

For the Commissioner's reference, staff is providing a copy of the following information:

1. Copies of the IDRC staff report as previously presented to the Commissioners;
2. Approved minutes from the May 16, 2016 Plan Commission meeting pertaining to this petition;
3. Correspondence related to PC 16-08A, including an updated plan set prepared by the petitioner and consisting of the following:
 - a. Amended preliminary plat of subdivision, prepared by Roake & Associates, dated June 14, 2016
 - b. Amended site/engineering plan, prepared by Roake & Associates, dated June 14, 2016
 - c. Previously provided ALTA land title survey prepared by Roake & Associates, dated March 4, 2016
 - d. Response to standards for variations

MEETING FORMAT

The format of the Plan Commission meeting should be as follows:

1. Staff will outline the reason for the remand and will provide a brief history of the petition.
2. The petitioner will be given an opportunity to present their petition and offer additional testimony regarding their amended request. Once completed, an opportunity to cross-examine the petitioner by anyone in the public will be provided and shall relate specifically to the petitioner's presentation and the submitted materials.
3. Upon completion of petitioner's cross-examination, any objector will be offered the opportunity to speak. Once completed, an opportunity to cross-examine the objector by anyone in the public will be provided and shall relate specifically to the objector's presentation.
4. Staff will present the remand memorandum. Once completed, an opportunity to cross-examine staff by the petitioner and anyone in the public will be provided.
5. After completion of the cross-examination, the public participation period will be closed. The Plan Commissioners shall then be given an opportunity to discuss the petition. Questions may be asked to staff, objectors or the petitioner. The Plan Commission should provide a response to each of the issues raised by the petitioner and/or objectors.
6. The Plan Commissioners shall then vote on the petition to amend their recommendation as deemed necessary and appropriate based upon the submitted plans and testimony presented.
7. The recommendation will be forwarded to the Village Board for consideration at their July 21, 2016 meeting.

RECOMMENDATION

At such time that the Plan Commission is ready to make a motion, the IDRC offers the following:

Based on the submitted petition and the testimony presented, the Plan Commission reaffirms its initial recommendation of approval as originally set forth within PC 16-08 and further finds that the petitioner's amended proposal, as set forth in PC 16-08A, **complies** with the Standards for Variations as set forth in the Zoning and Subdivision and Development Ordinances and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission

and therefore, I recommend to the Corporate Authorities **approval** of the requests associated with PC 16-08 and PC16-08A, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Roake and Associates, Inc. and Signature Design Group, based upon the revised date of June 16, 2016, as applicable; and
2. The petitioner shall seek final engineering approval from DuPage County and the Village. Upon such approval, the petitioner shall submit a final plat for Village Board approval and recording.

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

Pulte Homes – 400, 406, 412, 420, 440 S. Finley Road

May 16, 2016

Title

PC 16-08

Petitioner

Pulte Homes
1900 E Golf Road
Schaumburg IL 60173

Property Owner

DuPage County Health
Department
111 N County Farm Road
Wheaton IL 60187

Property Location

400, 406, 412, 420, and 440 S.
Finley Road
PINs: 06-07-303-002, -003, -
004, -005, and -027
Trustee District #1

Zoning

R1

Existing Land Use

DuPage County crisis care center
and four (4) single family homes

Comprehensive Plan

Low Density Residential

Approval Sought

Approval of a map amendment,
variation, and a preliminary major
plat of subdivision

Prepared By

Jennifer Ganser, Assistant
Director



Location Map

PROJECT DESCRIPTION

The petitioner proposes a new single-family subdivision with sixteen (16) homes using the R2 zoning district. A preliminary plat will be reviewed by the Plan Commission with the final plat going before the Village Board of Trustees.

APPROVAL(S) REQUIRED

The petitioner requests that the Village take the following actions on the subject property located within the R1 Single-Family Residence District:

1. Approve a Map Amendment rezoning the entire property back to the R2 Single-Family Residence District;
2. Approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6; and
3. Approve a Major Plat of Subdivision.

EXISTING CONDITIONS

The subject properties are currently owned by DuPage County Health Department. The crisis care center and four (4) single family homes would be demolished.

PROJECT STATS

Lot & Bulk

Parcel Size	Approximately 5 acres
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Submittals

1. Petition for Public Hearing;
2. Response to Standards;
3. Land Title Survey, prepared by Roake and Associates Inc., dated March 4, 2016;
4. Preliminary Landscape Development Plans, prepared by Signature Design Group, dated April 11, 2016;
5. Preliminary engineering plan for Finley Park subdivision prepared by Roake and Associates Inc., dated March 3, 2016;
6. Preliminary plat of subdivision for Finley Park, prepared by Roake and Associates Inc., dated March 8, 2016; and
7. Existing and Proposed Conditions exhibit for Finley Park Subdivision; prepared by Roake and Associates Inc., dated May 9, 2016.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments.

Fire Department:

The Fire Department has no issues or concerns.

Private Engineering Services (PES):

PES has the following comments:

1. The Village and petitioner had a pre-application meeting with DuPage County on March 23rd in regards to the special management areas in and around the proposed development. The current site plan showing separated compensatory storage from the detention storage is reflection of preliminary comments provided by DuPage County at that meeting.
2. The development will be required to provide for compensatory flood storage, as they are proposing to fill in the regulatory floodplain.
3. The detention basins, based on County comments, will be designed for zero release rate volume storage, as it outlets at an elevation lower than the base flood elevation to the adjacent floodplain.
4. The petitioner is anticipating providing approximately an additional 0.7 acre-feet of detention volume over what is preliminarily calculated for required volume for the development. This will need to be verified during Final Engineering detailed calculations review.
5. The detention basin will need to provide for the required 1-ft of freeboard. This will need to be addressed during final engineering. Per the preliminary calculations, the high-water elevation was shown at 688.08 and the freeboard elevation shown on the preliminary engineering plan is 689.00, 0.08-ft short.
6. Basins shall be designed to not allow for stagnate water. They should positively drain to the outflow pipes. If the bottom of the basin is sloped at less than 1%, underdrains may be required. Sediment basins will need to be reviewed during final engineering for compliance with Village and County Ordinance requirements.
7. Additional comments may be provided after final engineering plans.

Public Works:

The Department of Public Works has the following comments:

1. Village Code §154.304 requires that the adjacent Hickory Street right-of-way be fully improved. However, The Department of Public Works would not object to forgoing a sidewalk on the south side of Hickory from the new roadway ("Miller Court") westward. Thus, sidewalk will be required on the south side from the new roadway eastward, and also on the north side of Hickory. The same code also requires streetlights and parkway trees on both sides of Hickory Street for the entire length abutting the development
2. The existing, abandoned 6-in diameter water service at the northwest corner of the property shall be disconnected at the water main.

Planning Services Division:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single-family residential
South	CR	Open space
East	R2	Single-family residential
West	CR	IL Route 53 and open space

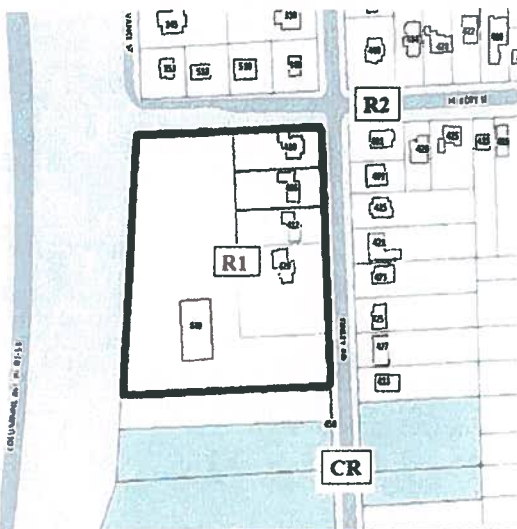
Staff finds the proposed subdivision to be consistent with the surrounding zoning and land uses. Pulte plans on developing all sixteen (16) lots. Lots are not intended to be available for individual developer and purchases.

2. Comprehensive Plan Compatibility

The site and requests are consistent with the Comprehensive Plan designation of Low Density Residential. As the property is currently rezoned R1, single-family homes could be built by right per the R1 bulk requirements.

3. Zoning Ordinance Compatibility

The petitioner is requesting a rezoning from R1 to R2. Staff notes that but for the subject properties, the remainder of the residences in the area are zoned R2, as shown on the below map.



For reference purposes, the differences between the two districts are as follows:

	R1	R2
Minimum Lot Area	10,000 square feet	7,500 square feet
DU/A	4.3	5.8
Minimum Lot Width	75'	60'
Front Yard Setback	30'	30'
Interior Side Yard Setback	7.5'	6'
Corner Side Yard Setback	20'	20'
Rear Yard Setback	40'	35'

All lots are shown to meet or exceed the R2 bulk requirements. The site was rezoned to R1 from R2 in 1981 through PC 81-12. The Plan Commission noted two findings of fact on the rezoning:

1. other property owned by the College was zoned R1; and
2. the property must be rezoned to R1 to be utilized as part of the College, because the appropriate conditional use for a non-boarding College is only listed in the R1 district.

The property is bordered by the R2 district to the north and east. To the west the site borders right-of-way property for Columbine Avenue/Route 53. The south border is zoned CR and owned by the Village of Lombard (Charles Lane Pond). The developer is also seeking the R2 zoning so that a larger of the portion of the southern end of the property can be held in common ownership for stormwater detention purposes. Staff supports the rezoning.

4. Variance

One variance is being requested, which has staff support. The sidewalk from the new roadway westward on the south side of Hickory Street at lot 6 is proposed to be eliminated. This sidewalk would not lead to another sidewalk or street. Furthermore, Pulte will be installing sidewalks in the remainder of the development as well as the opposite side of Hickory Street.

5. Plat

This division is considered a major plat of subdivision as it is greater than one (1) acre in size. Therefore the project must be reviewed and approved by the Plan Commission and Village Board of Trustees. The Plan Commission is reviewing a preliminary plat. As no variances are being granted for the existing buildings, the final plat will be approved by the Board of Trustees at a later date subject to final engineering and the demolition of the existing buildings. The final plat will not appear before the Plan Commission again, unless there are major changes to the plat. Pulte has one (1) year to have the final plat approved. The final plat will need to be in substantial conformance with the preliminary plat. Staff supports the resubdivision.

6. Stormwater Management

Per Pulte Homes, the plan shows 2.8 acre feet of detention being provided. Jim Caneff of Roake and Associates, Inc. stated via email "that the storm water detention volume required for a detached single family residential subdivision such as this can be estimated as 0.35 * Gross Acreage of the Subdivision. In this case, that would be 0.35 * 5.8 = 2.03 acre-feet of storage required. Therefore, this site has approximately 0.77 acre-feet of excess storage provided. Final excess detention volumes will be completed as the permitting documents are completed further in the subdivision process."

The Village can only require what is needed per Code, the DuPage County Stormwater Ordinance and any Lombard amendments. The extra detention is above and beyond what currently exists on the site today. The stormwater management will be owned and maintained by the Homeowner's Association.

Pulte is proposing wetland planting and those will be reviewed by DuPage County. Though not directly related to stormwater, Pulte will be planting the requisite parkway trees both in the development and on the north side of Hickory Street.

SITE HISTORY

1977 PC 77-15

The site was utilized by Midwest College for Engineering. They went before the Plan Commission for a possible expansion for 400, 406, and 420 S. Finley Road.

1981 PC 81-12

412 S. Finley Road received a rezoning from R2 to R1 and a conditional use permit for a college.

1987 PC 87-13

The DuPage County Health Department received a conditional use at 400, 406, 412, 420, and 440 S. Finley Rd for a central intake, case management and stabilization unit in the R1 district.

FINDINGS & RECOMMENDATIONS

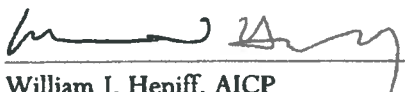
Staff finds that the rezoning with associated variance and preliminary major plat is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the rezoning with associated variance and preliminary major plat and finds that they **comply** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Department Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 16-08.

Based on the submitted petition and the testimony presented, the proposed request for a rezoning with associated variance and preliminary major plat does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting said request is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 16-08, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Roake and Associates, Inc. and Signature Design Group; and
2. The petitioner shall apply for and receive final engineering approval from DuPage County and the Village. Upon such approval, the petitioner shall submit a final plat for Village Board approval and recording.

Inter-Departmental Review Committee Report approved by:


William J. Heniff, AICP
Director of Community Development

c. Petitioner

VIII. STANDARDS FOR MAP AMENDMENTS (REZONINGS)

SECTION 155.103 (E)(8)(a) OF THE LOMBARD ZONING ORDINANCE

Where a map amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters;

1. Compatibility with existing uses of the property within the general area of the property in question;
 - a. The proposed residential use of the property in question would be compatible with existing surrounding residential land uses.
2. Compatibility with the zoning classification of property within the general area of the property in question;
 - a. The proposed R2 (single family residential) zoning classification would be the same zoning classification as the properties to the north and to the east of the property in question. The existing zoning classification of the property to the south of the property in question is CR (conservation/recreation district). The western property line of the property in question is the Village limits with IL Route 53 beyond.
3. The suitability of the property in question to the uses permitted under the existing zoning classification;
 - a. The proposed land use of the property in question is an allowed land use under the existing zoning classification.
4. Consistency with the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;
 - a. The proposed zoning classification is consistent with the surrounding area.
5. The compatibility of the surrounding property with the permitted uses listed in the proposed zoning classification;
 - a. The surrounding property is compatible with the permitted uses in the R2 (single family residential) district.
6. The objectives of the current Comprehensive Plan for the Village of Lombard and the impact of the proposed amendment of said objectives;
 - a. The proposed residential land use is consistent with the current Comprehensive Plan for the Village of Lombard in that this new development is complementary with the scale and character of surrounding residential uses and will provide new consumer inspired floor plans that will contribute to the long term neighborhood stability.
7. The suitability of the property in question for permitted uses listed in the proposed zoning classification;
 - a. The proposed land use of the property in question is suitable with the permitted uses in the R2 (single family residential) district.

XI. STANDARDS FOR VARIATIONS

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.
 - a. If sidewalk were to be installed on the side yard of lot 6, west of the proposed road on Hickory St., it would lead to nowhere since the subject property is immediately adjacent to the IL Rte. 53 (S. Columbine Ave.) and there is currently no sidewalk installed on the west side of Vance St.
2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.
 - a. The subject property is immediately adjacent to the IL Rte. 53 (S. Columbine Ave.) and there is currently no sidewalk installed on the west side of Vance St.
3. The purpose of the variation is not based primarily upon the desire to increase financial gain.
 - a. The variation is not based primarily upon the desire to increase financial gain.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
 - a. The difficulty or hardship has not been created by any person presently having an interest in the property.
5. The granting of the variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - a. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The granting of the variation will not alter the essential character of the neighborhood; and,
 - a. The granting of the variation will not alter the essential character of the neighborhood.
7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - a. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.



Village of Lombard

Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org

Minutes

Plan Commission

Donald F. Ryan, Chairperson
Commissioners: Ronald Olbrysh, Martin Burke,
Ruth Sweetser, Andrea Cooper, Stephen Flint and
John Mrofcza
Staff Liaison: Jennifer Ganser

Monday, May 16, 2016

7:30 PM

Village Hall - Board Room

160199

PC 16-08: 400, 406, 412, 420, and 440 S. Finley Road, Single Family Subdivision

Requests that the Village take the following actions on the subject property located within the R1 Single-Family Residence District:

1. Approve a Map Amendment rezoning the entire property back to the R2 Single-Family Residence District;
2. Approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway westward on the south side of Hickory Street at lot 6; and
3. Approve a Major Plat of Subdivision. (DISTRICT # 1)

Sworn in to present the petition was Mr. William Heniff, Director of Community Development, Jennifer Ganser, Assistant Director of Community Development, Ms. Jana Bryant, Private Development Engineer and the petitioners, Mr. Jim Caneff of Roake & Associates, Mr. Greg Sagen of Signature Design Group, and Mr. David Cumming of Pulte Homes.

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Mr. Cumming gave an overview of the presentation and of Pulte Homes. He noted they are the contract purchaser of the site. It is approximately five (5) acres and zoned R1. To the south and west is CR zoning, to the east and north is single family residential. He said they are proposing a rezoning to R2 and a plat of subdivision to sixteen (16) lots. Mr. Cumming said all lots meet and exceed the bulk requirements. Two lots will contain comp storage. Hickory Street will be improved to Village standards. He mentioned the variance for a reduced sidewalk along lot 6. Mr. Caneff then discussed the existing

conditions of the site with 30% impervious. With the proposed improvements and the proposed detention, he said there will be 47% impervious. He discussed the comp storage and detention as it relates to the DuPage County Stormwater Ordinance. He noted that additional storage is being provided on the site. Preliminary discussions have occurred with the DuPage County Stormwater Department. Next, Mr. Sagen noted the shade trees, ornamental trees, and evergreen trees. He said parkway trees will be added in the development and along Hickory Street. Trees will be 2.5 inches caliper. He said they are willing to provide parkway trees on the north side of Hickory as well. He discussed the detention basins and their landscaping. All are designed to meet DuPage County's requirements. He discussed a common concern of increased mosquitos but noted that the extra water also brings extra predators for mosquitos which make for no net impact. He referred to the basin cross sections to show how they would look and where the proposed plantings would go. Mr. Cumming discussed architecture and said they are proposing four models. All homes will have full basements. He discussed the interior features and showed pictures of three potential elevations.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Mr. Louis Capra asked if the homes will be part of the flood zone and if this development takes into account the previous flooding in the area. Mr. Kurt Langworthy noted the detention area floods consistently. He asked how high the berm will be compared to the current elevations. He asked if the detention will be combined with the existing Lombard storm sewer drain system. Mr. Caneff said the comp storage is a continuation of the flood plain. He noted they are providing for double the comp storage required. He said the detention is for run off on their site and is in excess of what is required. The County has required a backflow preventer. He said the berm will be more of a depressional area in order to provide detention. He added that the site will add 50,000 square feet of impervious coverage and they are providing for 2.8 acre feet of storage. He said they will be helping the situation.

Chairperson Ryan asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She said the petitioner proposes a new single-family subdivision with sixteen (16) homes using the R2 zoning district. A preliminary plat will be reviewed by the Plan Commission with the final plat going before the Village Board of Trustees, unless there are major changes to the site plan. They are also asking for the Village to approve a variation from Section 154.304 (D)(3) and Section 154.305 (D)(3)(b) to eliminate the sidewalk from the new roadway

westward on the south side of Hickory Street at lot 6. The subject properties are currently owned by DuPage County Health Department. The crisis care center and four (4) single family homes would be demolished. Both engineering and Public Works had comments, which will be addressed. Staff finds the proposed subdivision to be consistent with the surrounding zoning and land uses. Pulte plans on developing all sixteen (16) lots. Lots are not intended to be available for individual developer and purchases. The site and requests are consistent with the Comprehensive Plan designation of Low Density Residential. As the property is currently rezoned R1, single-family homes could be built by right per the R1 bulk requirements. She noted the petitioner is requesting a rezoning from R1 to R2. Staff notes that but for the subject properties, the remainder of the residences in the area are zoned R2. The site was rezoned to R1 from R2 in 1981 through PC 81-12. The Plan Commission noted two findings of fact on the rezoning:

1. other property owned by the College was zoned R1; and
2. the property must be rezoned to R1 to be utilized as part of the College, because the appropriate conditional use for a non-boarding College is only listed in the R1 district.

Ms. Ganser said one variance is being requested, which has staff support. The sidewalk from the new roadway westward on the south side of Hickory Street at lot 6 is proposed to be eliminated. This sidewalk would not lead to another sidewalk or street. Furthermore, Pulte will be installing sidewalks in the remainder of the development as well as the opposite side of Hickory Street.

Ms. Ganser said this division is considered a major plat of subdivision as it is greater than one (1) acre in size. Therefore the project must be reviewed and approved by the Plan Commission and Village Board of Trustees. As no variances are being granted for the existing buildings, the final plat will be approved by the Board of Trustees at a later date subject to final engineering and the demolition of the existing buildings. The final plat will not appear before the Plan Commission again, unless there are major changes to the plat. Pulte has one (1) year to have the final plat approved.

Regarding stormwater, the plan shows 2.8 acre feet of detention being provided and reviewed by both DuPage County and the Village. The extra detention is above and beyond what currently exists on the site today.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Sweetser noted that the college was called the Midwest

College of Engineering. Mr. Heniff noted that Jana Bryant is in the audience for any questions. Commissioner Sweetser asked if together with the existing facilities and the proposed facilities, would the volume of water on Finley, in the past, be taken care of. Ms. Bryant noted it won't solve the problem and the street will most likely continue to flood. Chairman Ryan asked if this would add to the flooding or ease it. Ms. Bryant said it won't make it worse than it is now. She noted Pulte calculated the run off and it shows a significant reduction. She said it will release less water at a slower rate. Commissioner Flint said he hopes the situation would be improved. Chairman Ryan noted that adding extra homes, the situation won't worsen. Commissioner Mrofcza asked about the eight (8) foot basements and any continued flooding. Mr. Caneff said the base elevation now is 688 and the homes will have a top of foundation of 695. If the sump pumps are discharging there will be 4.5 feet between the top of foundation and the predicted high water elevation.

A motion was made by Commissioner Burke, seconded by Commissioner Flint, to recommend to the Corporate Authorities approval of this petition subject to following two (2) conditions.

- 1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Roake and Associates, Inc. and Signature Design Group; and**
- 2. The petitioner shall apply for and receive final engineering approval from DuPage County and the Village. Upon such approval, the petitioner shall submit a final plat for Village Board approval and recording.**

The motion carried by the following vote:

Aye: 5 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, John Mrofcza, and Stephen Flint

Absent: 1 - Andrea Cooper

XI. STANDARDS FOR VARIATIONS

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE

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

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.
 - a. Currently there is an existing 90 inch combined sewer that runs east/west and generally down the center and immediately adjacent to existing under improved Hickory Street. The 90 inch sewer is extremely shallow and in order to improve Hickory Street for the entirety of the length adjacent to the subject property, the finish road grades need to be raised to provide cover over the pipe in the areas of the road improvements. The proposed grades for the road need to be transitioned back to existing grades at the right of way line on the north side of Hickory Street. This necessary grade transition will make it unfeasible to install sidewalk given the lack of space between the back of curb and the property line to the north. Therefore, a variance is being requested to eliminate the need for the installation of sidewalk on the north side of under improved Hickory Street. Sidewalk will now be proposed to be installed on the side yard of lot 6, whereas the variance to not require this portion of sidewalk was recommended to Village Board by the plan commission at the May 16, 2016 meeting.
2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.
 - a. The existing 90 inch combined sewer that runs east/west and generally down the center of existing under improved Hickory Street is extremely shallow and is a unique scenario for the subject property.
3. The purpose of the variation is not based primarily upon the desire to increase financial gain.
 - a. The variation is not based primarily upon the desire to increase financial gain.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
 - a. The difficulty or hardship has not been created by any person presently having an interest in the property.
5. The granting of the variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Pulte Homes – Finley Park Subdivision

- a. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The granting of the variation will not alter the essential character of the neighborhood; and,
 - a. The granting of the variation will not alter the essential character of the neighborhood.
7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - a. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.