



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 18, 2015

7:30 PM

Village Hall - Board Room

Call to Order

Chairperson Ryan called the meeting to order at 7:30 p.m.

Pledge of Allegiance

Chairperson Ryan led the Pledge of Allegiance.

Roll Call of Members

Present 7 - Donald F. Ryan, Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Also present: Jennifer Ganser, Assistant Director of Community Development; Matt Panfil, AICP, Senior Planner, and Jason Guisinger, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

Ms. Ganser read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

[150237](#)

PC 15-05: 324, 334, and 351 N. Buckingham Court

Pursuant to Section 155.504 (A) (major changes in a planned development), the petitioner requests that the Village amend Ordinance Numbers 5586 and 5848 as they relate to the Buckingham Orchard/ Lyonhart Manor Planned Development, located within the R4PD Limited General Residence District Planned Development, consisting of the following deviations:

1. Approval of a deviation from Section 155.409 (F)(3)(c)(ii) to allow for a 14.36' interior side yard setback on an exterior lot

- where fifteen feet (15') is required for the property located at 324 N. Buckingham Court;
2. Approval of a deviation from Section 155.409 (F)(3)(c)(ii) to allow for a 13.85' interior side yard setback on an exterior lot where fifteen feet (15') is required for the property located at 334 N. Buckingham Court; and
 3. Approval of a deviation from Section 155.409 (F)(3)(c)(ii) to allow for a 11.70' interior side yard setback on an exterior lot where fifteen feet (15') is required for the property located at 351 N. Buckingham Court. (DISTRICT #1)

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

Sworn in to present the petition was Matt Panfil, AICP, Senior Planner, and the petitioners, Rob Zoromski of M/I Homes, LLC, and Bill Zalewski, P.E. of VantagePoint Engineering, a consultant for M/I Homes, LLC.

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. Zalewski began by explaining that M/I Homes purchased and finished completion of the empty lots in the Buckingham Orchard subdivision and then proceeded to finish the vacant lots in the Lyonhart Manor subdivision. The townhome buildings were constructed in compliance with the required thirty foot (30') minimum separation between groups of attached single-family homes. After the construction was completed, three (3) of the homes had side yard setbacks less than the minimum required fifteen foot (15') setback. He noted that changing the property lines would have been a monumental task and rewriting legal descriptions would be very complicated. Since they did meet the thirty foot (30') separation between building requirement, this compensated for the fifteen foot (15') side yard setback deficiencies. Everything else meets code and the Lombard Fire Department is satisfied. They are requesting a variance in three locations to be under the fifteen foot (15') minimum side yard setback requirement.

Mr. Zoromski stated that he wanted to clarify that when mentioning the thirty foot (30') setback, him and Mr. Zalewski are referencing the fire separation requirement. The fifteen foot (15') side yard setback is the regulation within the Zoning Ordinance of which they are requesting variances. They have met with both of the homeowners associations and everyone is in agreement.

Chairperson Ryan asked for public comment, and, hearing none, he

asked for the staff report.

Mr. Panfil submitted the staff report to the public record in its entirety. Mr. Panfil began his presentation by stating that there was a small error in regards to the specific ordinances identified for amendment by the public notice and IDRC Report. Ordinance Number 5586 is correct in all documents; however, any reference to Ordinance Number 5848 should have referenced Ordinance Number 5855. Staff consulted with the Village Attorney regarding the error and the Village Attorney has determined that the error did not impact the request to the extent that a new notice was required.

Mr. Panfil stated that for the R4 Limited General Residence District the Lombard Zoning Ordinance requires a fifteen foot (15') setback for interior side yards of exterior townhome units. The Zoning Ordinance also requires a thirty foot (30') separation between structures in the R4 District. The request at hand is the result of the final as-built documents depicting three (3) instances where the interior side yards of exterior units were less than the required fifteen feet (15'). However, in all instances the thirty foot (30') minimum building separation has been maintained.

Mr. Panfil stated that per the Lombard Zoning Ordinance, reductions in the dimensions of peripheral yards are considered to be a major change to a planned development and therefore require a public hearing before the Plan Commission.

Mr. Panfil then cited the specific deviations requested from Section 155.409 (F)(3)(c)(ii): a 14.36' interior side yard setback on an exterior where fifteen feet (15') is required for the property located at 324 N. Buckingham Court; a 13.85' interior side yard setback on an exterior lot where fifteen feet (15') is required for the property located at 334 N. Buckingham Court; and an 11.70' interior side yard setback on an exterior lot where fifteen feet (15') is required for the property located at 351 N. Buckingham Court.

There were no issues or concerns expressed by the Inter-Departmental Review Committee.

Mr. Panfil concluded that staff finds the proposal to be consistent with the surrounding zoning and land uses, the objectives of the Zoning Ordinance, Buckingham Orchard / Lyonhart Manor Planned Development, and the intent of the Comprehensive Plan. As the request is to accept the subject properties as existing, there are no recommended conditions of approval.

Chairperson Ryan asked for public comment, and, hearing none,

opened the meeting for comments among the Commissioners.

Commissioner Sweetser asked where the errors in the construction process occurred, to which Mr. Panfil replied that in his estimation it seems the thirty foot (30') building separation was kept in mind at all times, but there may have been some oversight of the equal fifteen foot (15') side yard setbacks.

Commissioner Burke stated that for the properties adjacent to the subject properties it would appear that they would be able to construct a small addition and still meet their minimum required side yard setback, but then create nonconformity in regards to the required thirty foot (30') building separation. Mr. Panfil responded that the petitioner may be able to confirm, but he did not believe the homeowners associations would approve such a request. Mr. Zoromski confirmed that there is a declaration for the homeowners association that would not allow such an addition. Mr. Panfil added that even if the homeowners association were to approve of such an addition, the thirty foot (30') building separation is still a part of Village Code and any encroachment into the space would be caught during the Village's building permit review process.

A motion was made by Commissioner Burke, seconded by Commissioner Sweetser, to recommend to the Corporate Authorities approval of this petition. The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

[150238](#)

PC 15-11: 800 Parkview Boulevard, Soaring Eagle Academy

Requests that the Village grant a conditional use, pursuant to Section 155.412 (C) (19) of the Zoning Ordinance, to allow for Schools, private, full-time: Elementary, middle, and high within the O Office District. (DISTRICT #2)

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

Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, and the petitioners Mark Montana and Deanna Tyrpak, of Soaring Eagle Academy.

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. Montana said he is working on behalf of Soaring Eagle Academy. They are requesting a conditional use permit to relocate the school from Burr Ridge.

Ms. Tyrpak introduced herself as a founder and Executive Director of Soaring Eagle Academy. She noted the school is a non-profit and Illinois State Board of Education approved non-public therapeutic day school. They work with children with autism. She described the school's history and methods of teaching. She noted the students are assigned an assistant to be with the student at all times. She described the safety aspects to keep the students safe during the day. They are in session for 181 days and, in addition, 39 days in the summer. Staff is on site from 8am to 4pm. No before or after school care is offered.

Mr. Montana said they have been working with an architect to determine current and future space needs. This site has a sense of exclusivity for both the students and neighborhood. He noted they would like to connect the two parking areas for one unified parking lot and that a vehicle could circle through. Two fences would also be added around the perimeter of the lot and around the student play area.

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

Hearing none, Chairperson Ryan asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. Ms. Ganser said Soaring Eagle is a prospective leasee of 800 Parkview Blvd. They plan to operate their business within an existing tenant space on the subject site. They would utilize the entire building. PES had one comment on the connector drive, which was shared with the petitioner. Staff finds the use compatible with the surrounding land uses and comprehensive plan. This is single tenant building, proposed to be wholly occupied by Soaring Eagle Academy, keeping the student traffic on their site only. Students arrive via bus, cab, or parent drop off. Some students arrive together which minimizes traffic. The petitioner plans to have an outdoor play area on the west side of the building that would be fenced off. They also plan to add a perimeter fence due to the pond to the west of the building. The fences would require a building permit. 800 Parkview Blvd is part of the overall Woodlake Planned Development. Soaring Eagle Academy went before the Plan Commission in 2009, PC 09-07, at 355 Eisenhower Lane South. Though they received approvals from the Village Board, they ultimately did not move forward with that location. Staff feels the amendment meets the standards and recommends approval of the petition subject to the conditions in the staff report.

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

Commissioner Olbrysh asked if the staff member assigned to the student stays with the student over the years. Ms. Tyrpak said they do try their best, but also have a team of other professionals to aid the students.

Commissioner Sweetser asked about the school's policies. She also asked if this location was a short term solution. Ms. Tyrpak said they are raising capital with the hopes that this location becomes their home.

A motion was made by Commissioner Olbrysh, seconded by Commissioner Flint, to recommend to the Corporate Authorities approval of this petition subject to the conditions.

- 1. The conditional use permit is exclusively for the tenant space at 800 Parkview Blvd. Any expansion of the establishment within the existing building beyond the plans submitted as part of PC 15-11 shall require an amendment to the conditional use;**
- 2. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;**
- 3. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements; and**
- 4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the business is not established by said date, this relief shall be deemed null and void.**

The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

[150239](#)

PC 15-12: 707 E. Butterfield Road (Embassy Suites Hotel)

Pursuant to Section 155.504 (A) (major changes in a planned development), the petitioner requests that the Village amend Section One of Ordinance No. 3009 to further reduce the required parking from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262, within the OPD Office Planned Development Zoning District. (DISTRICT #3)

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

Sworn in to present the petition was Matt Panfil, AICP, Senior Planner, and the petitioners, Jan Kuehnemann of FelCor Lodging Trust; Tracy Kasson, attorney at Rathje & Woodward, LLC; Mary Eckhoff; and

Mark Fuller of American Surveying and Mapping, Inc., a consultant for FelCor Lombard Hotel, LLC.

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. Kasson began by stating he is representing the petitioner and owner. The petitioner is FelCor Lombard Hotel, LLC. They are requesting an amendment to Section One of Ordinance No. 3009, which was granted in the late 1980s. They want to reduce the number of previously approved parking spaces from 288 spaces to 268 spaces and to increase the number of suites from 260 to 262 for the Embassy Suites Hotel located 707 E. Butterfield Road. Mr. Kasson explained this is to memorialize what has existed on the property for well over twenty (20) years.

Mr. Kuehnemann said the property was developed in 1988 by Embassy Suites and GACL. FelCor acquired GACL's fifty percent (50%) interest in the property in 1995 and in 2014 they acquired the remaining fifty percent (50%) from Hilton, which had acquired Embassy Suites through a merger with a company called Promise in 1999. FelCor has been involved with the property for twenty (20) years. Hilton has been with the property as the operator since the opening of the hotel in 1988. The situation they are trying to rectify is the overage in the number of rooms. They do not have any records of the building permits, but they discovered that two presidential suites were reconfigured and each was divided into two rentable rooms. There has been no addition of square footage to the building.

With regard to the parking count, when the property was built the eastern property was not developed and Technology Drive did not exist. The property only had direct access to Butterfield Road through a single curb cut. In 1993, Waste Management owned the neighboring parcels and developed Technology Drive. This created a safer and more convenient access to the hotel. The property now has a main entrance and back entrance. As a result of the additional entrance, the property lost sixteen (16) parking spaces on the east side. Around the same time the property increased the number accessible parking spaces on the northern side near the main entrance and lost an additional four (4) parking spaces. The parking situation has existed for over twenty (20) years.

Mr. Kasson said there have been no operational issues because of the loss. He said it was contemplated in the annexation agreement that they would allow cross access if the property to the east ever developed. It developed much better with Technology Drive which led

to a traffic light.

Chairperson Ryan asked for public comment, and, hearing none, he asked for the staff report.

Mr. Panfil submitted the staff report to the public record in its entirety. Mr. Panfil stated that in 1988, a conditional use for a planned development was granted for 707 E. Butterfield Road to allow for a ten (10) story 230,000 square foot hotel. Section One of Ordinance Number 3009 specifically allowed for an increase in the floor area ratio to 1.20, a reduction in the amount of required parking spaces from 297 to 288 spaces, and the construction of 260 suites. When the hotel was completed in 1989, it had its own access point on Butterfield Road and provided 289 parking spaces.

Mr. Panfil stated that it was not until a recent due diligence review that the petitioner identified two nonconforming conditions regarding the amount of on-site parking spaces and the number of suites allowed within the hotel.

The change in the amount of parking spaces provided is related to the development of Technology Drive. Two (2) new access points to the hotel were created off of Technology Drive and the access point on Butterfield Road was closed. The changes to the site reduced the total number of parking spaces to 268. Mr. Panfil added that the original approval was for 260 suites, but the current total number of suites is 262.

Mr. Panfil stated that, unfortunately, neither the petitioner nor the Village have any records of building permits or site plan approvals associated with either of these changes. The petitioner is now seeking to make the site compliant by requesting approval of the existing conditions. Mr. Panfil emphasized that there are no proposed physical changes to the site.

Mr. Panfil stated that per the Lombard Zoning Ordinance, changes in an approved plan development that change the final governing agreements of the planned development require a public hearing before the Plan Commission.

Mr. Panfil stated that there were no issues or concerns expressed by the Inter-Departmental Review Committee.

Mr. Panfil concluded that staff finds the proposal to be consistent with the surrounding zoning and land uses, the objectives of the Zoning Ordinance, Embassy Suites Planned Development, and the intent of the Comprehensive Plan. As the request is to accept the subject

properties as existing, there are no recommended conditions of approval.

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

Commissioner Sweetser commented that she found the petitioner's testimony to be sufficient.

Commissioner Cooper asked if 297 parking spaces would be required by Village Code if there were no parking variations granted. Mr. Panfil stated that the parking required by Village Code may actually be a slight bit higher, taking into consideration the two (2) extra suites that were constructed. Commissioner Cooper then asked the petitioner to confirm that in their experience the 262 parking spaces were sufficient, to which the petitioner replied in the affirmative.

Commissioner Burke asked staff if the Village can confirm the petitioner's statement. Mr. Panfil responded that there are no records of any incidents or complaints due to insufficient parking.

Commissioner Cooper asked if it was possible the Village Code requires too much parking for hotels. Mr. Panfil stated that staff can research the issue.

A motion was made by Commissioner Sweetser, seconded by Commissioner Cooper, to recommend to the Corporate Authorities approval of this petition. The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Business Meeting

The business meeting convened at 8:17 p.m.

Approval of Minutes

Commissioner Burke asked about PC 15-09 regarding the petition for Noon Whistle and the discussion about the fence behind the building. Ms. Ganser said they did send someone from staff to take a look at the fence. Mr. Panfil said a letter went out to the property owner to perform some maintenance.

On a motion by Commissioner Olbrysh, and seconded by Commissioner Flint,

the minutes of the April 20, 2015 meeting were approved.

The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Commissioner Olbrysh noted that the April 27, 2015 minutes show him in attendance however he was not at the meeting.

On a motion by Commissioner Mrofcza, and seconded by Commissioner Sweetser, the minutes of the April 27, 2015 meeting were approved with the aforementioned correction. The motion carried by the following vote:

Aye: 5 - Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Abstain: 1 - Ronald Olbrysh

Public Participation

There was no public participation.

DuPage County Hearings

There were no DuPage County hearings.

Chairperson's Report

The Chairperson deferred to the Assistant Director of Community Development.

Planner's Report

Ms. Ganser referred to the Notice of Landmark Site Designation for 101 W. St. Charles Road. She stated that Village Ordinance requires that when a property has been designated as a Landmark Site, notice must be given to the Plan Commission.

Ms. Ganser also noted that there may be a few summer workshops in addition to the regularly scheduled meetings. She asked the Commissioners to let her or Tamara know if they had any vacations planned or blocks of time when they wouldn't be available to attend meetings.

Commissioner Olbrysh asked about the status of the bakery on St.

Charles Road. Ms. Ganser replied the bakery is still under construction.

Commissioner Mfrocza asked about the status of Sam's Club and if it was still moving along. Ms. Ganser said yes. Commissioner Mfrocza also asked about the status of the billboards and if anything has been determined. Ms. Ganser said no.

Commissioner Olbrysh asked about the former Kmart facility and if it is owned by Sears. Ms. Ganser explained it is leased by Sears.

Unfinished Business

There was no unfinished business.

New Business

There was no new business.

Subdivision Reports

There were no subdivision reports.

Site Plan Approvals

There were no site plan approvals.

Workshops

There were no workshops.

Adjournment

A motion was made by Commissioner Mrofca, seconded by Commissioner Cooper, to adjourn the meeting at 8:22 p.m. The motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofca, and Stephen Flint

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*Jennifer Ganser, Secretary
Lombard Plan Commission*