

September 3, 2009

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

**Subject: PC 09-24; 701 & 747 East 22<sup>nd</sup> Street**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following action on the subject property:

1. Repeal Ordinance 1915A, and as amended, which established a conditional use for a planned development, in their entirety.
2. Approve a major plat of resubdivision for the subject property, with a variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street.

**For the property at 701 E. 22<sup>nd</sup> Street:**

1. Approve a new conditional use for a planned development exclusively for the 701 E. 22<sup>nd</sup> Street property, with the following variations and deviations from the Zoning Ordinance:
  - a. A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the east interior side yard setback from ten feet (10') to zero feet (0') to provide for an existing overhead corridor and foundation walls;
  - b. A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building.
  - c. A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to fifty-five feet (55') for an existing four-story office building.

- a. A deviation from Section 155.412 (I) to reduce the minimum required open space from thirty-five percent (35%) to approximately twenty seven percent (27%) of the lot area.
- b. A planned development variation from Section 155.508 (C)(7) to allow for the property to not provide an additional twenty-five percent (25%) open space beyond that which is required in the underlying O Office Zoning District.
- c. A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
- d. A variation from Section 155.210 (A) to allow for an increase in the maximum height for two (2) accessory structure (existing parking garages), as originally set forth in Ordinance 2189 and Ordinance 4837.
- e. A variation from Section 155.210 (A) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the east interior side yard setback from ten feet (10') to zero feet (0') for an existing parking garage.
- f. A deviation from Section 155.602 (A)(3)(e) to allow for a reduction in the parking lot front yard setback requirement from thirty feet (30') to twenty-seven feet (27') for an existing parking lot.
- g. A variation from Section 155.706 (B) to not require interior parking lot landscaping for all existing parking lots.
- h. A variation from Sections 155.706 (C) and 155.709 (B) to reduce the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
- i. A variation from Section 155.206 (B) (2) (b) to allow an existing monopole microwave tower to be one-hundred twenty foot (120') instead of the maximum allowed height of forty-five feet (45'), as originally set forth in Ordinance 2590.
- j. A variation from Section 155.206 (A) (4) (b) to allow for two (2) existing ground mounted dishes and one (1) existing ground mounted antenna, for a total of three (3) instead of the maximum permitted one (1) ground mounted antenna tower or dish.

**For the property at 747 E. 22<sup>nd</sup> Street:**

1. Approve a new conditional use for a planned development exclusively for the 747 E. 22<sup>nd</sup> Street property, with the following variations and deviations from the Zoning Ordinance:

- k. A deviation from Section 155.412 (F) and a planned development variation from Section 155.508 (C)(6)(a) and to reduce the west interior side yard setback from ten feet (10') to zero feet (0') to provide for an overhead corridor and foundation walls;
  - l. A variation from Section 155.602, Table 6.3 to allow for a reduction in the requisite parking requirements from 4 spaces to 2.5 spaces per 1,000 square feet of gross floor area, as originally set forth in Ordinance 2590.
  - m. A variation from Section 155.210 (A) to allow for an increase in the maximum height for an accessory structure from seventeen feet (17') to thirty-six feet (36') for parking garage(s) to be constructed on the subject property, as previously granted through Ordinance 2590.
  - n. A variation from Sections 155.706 (C) and 155.709 (B) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0') to provide for shared vehicular cross-access.
  - o. A variation from Section 155.210 (A) and a planned development variation from Section 155.508 (C)(6)(a), to reduce the west interior side yard setback from ten feet (10') to zero feet (0') for proposed new parking garage, as previously granted through Ordinance 2590.
  - p. A deviation from Section 155.412 (H) to provide for an increase in the floor area ratio above the maximum allowed 0.35 for an existing four-story office building and a future parking garage.
  - q. A deviation from Section 155.412 (G) to increase the maximum building height from forty-five feet (45') to sixty-nine feet (69') for an existing four-story office building.
2. Grant any other relief necessary to memorialize previously granted development rights to allow for all existing improvements on the subject property.
  3. Grant site plan approval authority to the Lombard Plan Commission, pursuant to Section 155.511 of the Lombard Zoning Ordinance.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 17, 2009.

Michael Roth, 22300 Cabot Dr, Suite 455, Lisle, IL presented the petition. He stated that he represents the owners of the property at 747 E. 22<sup>nd</sup> Street, however he would be speaking on behalf of both property owners. He also introduced Dan Cobb, attorney representing the owners for 701 E. 22<sup>nd</sup> Street.

Mr. Roth outlined the request and indicated this is not to build new construction other than what has been here for 25 years. The 2 properties are at 701 and 747 E. 22<sup>nd</sup>. He stated that both properties are improved with a four story office building. He then directed everyone's attention to an aerial which highlights the current improvements.

Mr. Roth then explained the various ordinances that were approved over the last 25 years that granted the existing buildings. He started by saying that the original development was approved by an annexation agreement in 1975 under Ordinance 1915A. Over the years, the plan and ordinances were amended to allow for what currently exists today. In 1983 the parcel was divided via an assessment division and the single Planned Development currently governs both properties. He said that the 2 owners of the properties treat each parcel as separate lots. He stated that the Village and owners believe a separation should occur.

Mr. Roth explained that both owners are seeking to repeal all the original ordinances and grant 2 new planned developments for each parcel. He stated that the deviations were all originally granted and that the request is to just codify what was originally approved. He said that the deviations and variations are to merely allow the present improvements.

Mr. Roth explained that the only change would be for a new parking garage for the property at 747 E 22<sup>nd</sup> Street. He stated that this was originally granted as part of the previous approvals. He indicated that currently, the parking is not shared and the owners of 747 E 22<sup>nd</sup> Street are underparked He agreed that any new structure proceed as site plan approval and that it would be aseptically attractive.

Vice Chairperson Flint opened the meeting for public comment.

Gary Green, Vice President of Operations of Northern Baptist Seminary, spoke and stated their property is located directly south of the site. He said that he appreciates the opportunity to talk about the petition. He stated that Northern Baptist Seminary have been in Lombard since 1963 and have had a number of campus improvements and expansions and understands the process. He indicated that they have some questions, however most have been answered. He also mentioned the letter they provided to the Commissioners. He said that they have a few questions that have not been answered:

1. The first question relates to the new parking lot deck that may be built on the 747 E. 22<sup>nd</sup> Street property.
2. The second question relates to the 0' perimeter landscaping and the closeness to their seminary. He asked that the Commissioners take a look at the issue and provide the 5' setback.

Mr. Roth responded by stating that they are asking to locate the parking structure in the same location where the surface parking lot presently exists and would be immediately adjacent to the other parking structure. He also stated that there is a good deal of vegetation that exists between the parking lot and the seminary's property. He felt that matching the building lines and décor was more important than maintaining the 5' setback. He said this won't propose an undue

hardship and they are asking for what the plan that was approved by the Village. A 0' setback is a better plan given there is sufficient screening.

Christopher Stilling, Assistant Director of Community Development, stated that the setback relief was for the western lot line and not the southern lot line, adjacent to the Northern Baptist Seminary property. Mr. Stilling said that the minimum 25' setback to the south would be provided as this meets Village Code.

Mr. Roth then responded to the standards for conditional use for a planned development and standards for variations. He stated that these properties existed well and fit in with the Comprehensive Plan and zoning rules and same uses will continue. He said that they feel they meet the standards and are asking for a positive recommendation.

Commissioner Olbrysh asked what percentage of the 747 E. 22<sup>nd</sup> Street building represents 128,000 square feet. Mr. Stilling stated approximately 55%.

Vice Chairperson Flint then requested the staff report.

Christopher Stilling, Assistant Director, presented the staff report. Mr. Stilling asked that the Commissioners take separate action for each property. He then stated that staff drafted the IDRC report to submit to the public record in its entirety. The Subject Property, commonly known as the "Mid-Con Planned Development", is zoned OPD Office Business District Planned Development and was approved by Ordinance 1915A in 1975, as amended from time to time. The site is currently improved with 2 four (4) story office buildings and related surface parking and parking structures. Following the original approvals, the property was divided via an assessment division and two (2) different owners now control each property and their related buildings (701 E. 22nd Street & 747 E. 22nd Street). The original planned development was uniformly approved for both parcels. The current owners wish to repeal the original planned development ordinance and related zoning relief and create their own planned developments for each building/parcel. This request will be intended to allow each lot by itself to be in compliance with Village Code. No new structures or changes are being proposed, other than what was previously granted by the Village.

In order to facilitate this request, each property will be required to receive the necessary zoning approvals to memorialize previously granted development rights and to allow for all existing improvements on the subject property. Please note that the building at 747 E. 22nd Street may construct a three-story parking deck over the existing surface parking lot at the rear of the property, at a later date. As this improvement and zoning relief was previously granted under the original planned development, the proposed new planned development would include those same rights.

Mr. Stilling explained that on December 11, 1975 the Lombard Board of Trustees approved Ordinance No. 1915, which provided for the annexation of the site, a rezoning to the Office Business District (now O Office District) and planned development approval. Modifications to the initial planned development were approved over the years.

Mr. Stilling stated that the petitioners, owners of both properties, are seeking to repeal the original planned development ordinance and related zoning relief noted above; and create their own separate planned developments for each newly created lot. No new structures or changes are being proposed other than what was previously approved. The proposal is only intended to allow each property, with their respective improvements, the necessary Village Code approvals to allow each use to continue in its current condition. As such, this petition was reviewed in the context of the new development regulations. The petitioner is requesting numerous zoning actions to facilitate the development as proposed. Staff believes that the zoning actions set forth in this petition satisfactorily addresses outstanding zoning and property ownership issues for these properties.

Mr. Stilling explained that establishing a conditional use for a planned development for each property is an appropriate way to address the unique site constraints and address separate ownership issues that currently exist. As proposed, each property would receive their own planned development and be governed by new ordinances. This is necessary to memorialize previously granted development rights and to allow for all existing improvements on the subject property

With reference to the 701 E. 22<sup>nd</sup> Street Property, Mr. Stilling outlined a few of the deviations and variations associated for the site. He stated that the proposed new lot is 278,784 square feet in area. Pursuant to the Zoning Ordinance, the maximum Floor Area ratio (FAR) is 0.35 or 97,574 square feet of principal building and accessory structures. The existing building is 214,000 square feet and the combined building area for both parking garages is 75,893 resulting in a total FAR of 1.04. Therefore a deviation from the maximum allowed FAR is required. Since the improvements already exist on site, staff supports this request.

Mr. Stilling explained the parking variation for 701 E. 22<sup>nd</sup> Street by stating that Ordinance 2590 allowed for the property to provide for one off-street parking space per 400 square feet of office space (or 2.5 spaces per 1,000 square feet). In 2000, the Village Board approved PC 00-27 (Ordinance 4837) for an amendment to the planned development to allow for a second parking garage on the property. This was because the property owner at that time recognized that the existing parking supply for the site did not meet the actual demand for the existing office building. Prior to the amendment, there were 601 parking spaces on the site for a 214,000 square foot office building, which calculates to a parking ratio of 2.8 spaces per 1,000 square feet. With the addition of the new parking garage, the total number of on-site parking spaces is 903 spaces. This results in a ratio of 4.2 spaces per 1,000 square feet, meeting current code. Although the property currently meets the minimum parking requirements of the Zoning Ordinance, the property owner wishes to still maintain their rights to the 2.5 spaces per 1,000 square feet of building area, as previously established by Ordinance 2590. It is important to note that there is no shared parking for both buildings. As this relief was previously granted, staff has no objections to this relief.

Mr. Stilling then explained the requested deviations and variations associated with the 747 E. 22<sup>nd</sup> Street property. He said that the proposed new lot is 592,620 square feet in area. Pursuant to the Zoning Ordinance, the maximum FAR is 0.35 or 207,417 square feet of principal building and accessory structures. The existing building is 210,000 square feet. The property owner also

has rights to construct a three-story parking garage where the current surface parking is located. In order to maintain those rights, the FAR relief includes the future parking structure. As a result, the combined building area for both the existing building and future parking garage is 498,750 resulting in a FAR of 0.84. Therefore a deviation from the maximum allowed FAR is required. Since the improvements already exist on site and the rights to construct the new garage were previously granted, staff has no objections to this request.

Mr. Stilling addressed the parking variation for the 747 E. 22<sup>nd</sup> Street property by stating that Ordinance 2590 allowed for the entire property to provide for one off-street parking space per 400 square feet of office space (or 2.5 spaces per 1,000 square feet). At the time the property was developed, it was under the same ownership and parking was shared. When the property was divided via an assessment division and sold to different owners, shared parking between both properties was no longer provided. As a result, the property at 747 E. 22<sup>nd</sup> Street has a total of 320 parking spaces resulting in a ratio of 1.52 spaces per 1,000 square feet of building area. Ordinance 2590 requires that a minimum of 2.5 spaces per 1,000 square feet of building area be provided. Therefore the existing property does not provide adequate parking to meet the previous relief granted. The original planned development approvals (Ordinance 1915, as amended by Ordinance 2189 & 2590) granted the rights to construct a parking deck on this property. The property owner is requesting to maintain the rights to have parking at the ratio of 2.5 spaces per 1,000 square feet of building area. Staff supports this request, provided that until a parking deck is constructed, the most the building can be occupied by a tenant is 128,000 square feet of floor area. This is to ensure that the minimum 2.5 spaces per 1,000 square feet is met.

With regards to the Sign Ordinance, Mr. Stilling said no additional signage is proposed as part of this request. The existing sign for 701 E. 22<sup>nd</sup> Street meets the Sign Code and the property at 747 E. 22<sup>nd</sup> Street currently has no signage. Previous signage relief had been granted in the past via Site Plan Approval. Those sign have since been removed. Staff recommends that any new signage meet the current provisions of the Sign Ordinance. Signage not meeting the Sign Ordinance shall be subject to Site Plan Approval.

Mr. Stilling talked about the development compatibility with the Subdivision and Development Ordinance by stating that the existing development includes two tracts of land that were created by an assessment division in 1989. The proposed major plat of subdivision is intended to create 2 lots of record. The property owners for both properties are seeking a variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be approximately at right angles or radial to the adjacent street. This variation is necessary to accommodate the shared access between both lots. The proposed lot will exceed the minimum lot width and area requirements of the underlying zoning district. Staff recommends that the plat be approved.

Mr. Stilling said that staff finds that both requests meet the standards for conditional use, standards for conditional use for a planned development with deviations and standards for variations, and that staff recommends approval of both requests, subject to the conditions in the staff report.

Vice Chairperson Flint then opened the meeting for comments among the Commissioners.

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Commissioner Sweetser wanted to confirm what the setback would be for a new parking deck. Mr. Stilling stated that code requires a minimum setback of 25 feet.

Commissioner Olbrysh stated that he agrees with staff report and the deviations seemed to be monumental and then you realize that we are allowing the existing site to continue in its current condition. He asked if there are parking permits for the 701 E. 22<sup>nd</sup> Street property. Mr. Stilling stated that Village Code does not require permits.

Commissioner Cooper asked if they change the plan, can we require them to meet the landscaping requirements. Mr. Stilling stated that any major change would require Plan Commission review and that can be reviewed at that time.

Commissioner Sweetser motioned to approve PC 09-24 for the property at 701 E. 22<sup>nd</sup> Street. The motion was seconded by Commissioner Olbrysh.

After due consideration of the petition and the testimony presented, the requested relief complies with the standards required by the Lombard Zoning and Subdivision and Development Ordinances; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and that repealing Ordinance 1915A, as amended, in its entirety and establishing a new planned development with deviations and variations for the property at 701 E. 22<sup>nd</sup> Street is in the public interest; and therefore, by a roll call vote of 6 to 0, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 09-24.

Commissioner Sweetser motioned to approve PC 09-24 for the property at 747 E. 22<sup>nd</sup> Street, removing condition #3 per staff's request. The motion was seconded by Commissioner Olbrysh.

After due consideration of the petition and the testimony presented, the requested relief complies with the standards required by the Lombard Zoning and Subdivision and Development Ordinances; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental Review Report as the findings of the Plan Commission and that repealing Ordinance 1915A, as amended, in its entirety and establishing a new planned development with deviations and variations for the property at 747 E. 22<sup>nd</sup> Street is in the public interest; and therefore, by a roll call vote of 6 to 0, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 09-24.

Respectfully,

## **VILLAGE OF LOMBARD**

Stephen Flint, Vice Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission