

January 4, 2007

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

Subject: PC 06-36: Roosevelt Road Development Moratorium

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing the establishment of a nine (9) month moratorium on new development and/or major redevelopment activity along the Roosevelt Road Corridor within the Village.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 18, 2006. William Heniff, Senior Planner, presented the petition. He introduced the petition and submitted the Inter-departmental Review Report to the file in its entirety.

He then discussed the proposed moratorium. The intent of the moratorium is to review all land development regulations currently in place affecting development activity along the Roosevelt Road Corridor within the Village. Through this process, development regulations would be amended to reflect the goals of the Village's Comprehensive Plan and other plans and policies of the Village. During the moratorium period, staff would review the following issues:

- A. Whether a new zoning district classification should be created for the Roosevelt Road Corridor or whether an overlay district should be established;
- B. The permitted and conditional uses that are/should be allowed within the Roosevelt Road Corridor; and
- C. The bulk regulations, signage and landscaping criteria that are/should be applicable within the Roosevelt Road Corridor.

He noted that the proposed moratorium would apply to all properties located within the Roosevelt Road Corridor that are either zoned for or utilized as commercial uses. The moratorium would temporarily put a hold on the following activities within the Corridor:

1. Any construction of a new principal building;
2. Any construction of an addition, to an existing principal or accessory building, of more than 500 square feet in size;
3. Any new freestanding signs; however, temporary signs and panel face changes would be exempt from the moratorium; and
4. Any change in the type of commercial use for an existing commercial space of 5,000 or more square feet of gross floor area.

Projects approved by the Village prior to the establishment of the moratorium would be exempt from the moratorium provisions, provided that construction begins on the project within one (1) year of the date of approval.

He then discussed the genesis of the moratorium concept. He noted that in the past staff has worked on a number of development issues along the Butterfield Road corridor to enhance its viability. Notable examples included the Fountain Square and Highlands of Lombard planned developments as well as the Yorktown Mall/Shops on Butterfield improvements. With these approvals in place, the Village Board in its strategic planning sessions has asked staff to turn its attention to the Roosevelt Road corridor. Specifically, the Board directed staff to begin a comprehensive review of the corridor to determine what actions should be undertaken to address development concerns and economic impacts of redevelopment within the corridor.

He noted that Roosevelt Road is a primary commercial corridor and a Strategic Regional Arterial roadway within the Village. It is essential that the zoning and development regulations established for properties within the corridor reflect the goals set forth within the Comprehensive Plan and reflect the desires of the community. Also of great importance is the goal to ensure that the economic vitality of the corridor is maintained and enhanced.

He noted that a number of properties within the corridor are currently in transition. These properties currently have or may have significant vacancies in the near future. Other sites are slated for development or redevelopment activity. At the same time, property owners and developers are asking staff to provide comment on prospective development plans or provide direction regarding their proposals. While staff could direct inquirers back to the relevant Village Codes, staff believes it is more important to undertake a greater overall analysis of the corridor to determine if the Village Codes would actually produce the desired output.

He then referenced several submitted exhibits depicting the existing conditions along the corridor. These included the existing land use, the Comprehensive Plan, the existing zoning districts and an aerial of the corridor. He noted that the corridor is currently designated for

community commercial uses within the Comprehensive Plan. The existing zoning along the corridor is a patchwork of B3 and B4 properties, many of which are also controlled by planned development approvals.

He then stated that the intent of the moratorium is to review all land development regulations currently in place that would affect development activity within the corridor. Through this process, development and zoning regulations would be amended that reflect the goals of the Comprehensive Plan and other adopted plans and policies of the Village. The intent of the analysis is also intended to look at the corridor comprehensively rather than reviewing the properties on an individual basis.

He noted past reviews undertaken by the Village including the establishment of the B5A zoning district. He noted that the corridor review can be considered a first step as part of an update to the Village's Comprehensive Plan. He also reference past efforts along the East St. Charles Road corridor in the late 1990s.

He noted that many of the Roosevelt Road properties abut residential properties and what the appropriate treatment for the transitional yards would be appropriate. Future analysis will include design aspects, signage, landscaping, and curb cut.

He identified the issues and items that may be reviewed during the moratorium period, as referenced within the staff report. The final analysis may not necessarily include recommendations to amend all of the areas to be reviewed. There are a number of tools that will be reviewed including establishing a new zoning district, creating a corridor overlay district, development design guidelines, and/or establishing more form-based zoning regulations.

Questions were previously raised to staff about the need for a moratorium. He stated that staff would not want to see the Village being placed in the position of reviewing projects slated to start in 2007 with one set of regulations and others that will start in 2008 with another set of regulations. As such the proposed moratorium would serve as a temporary "time-out" while all aspects of the corridor are reviewed.

The moratorium is intended to extend for a nine-month period. Within this timeframe, the first six-month period would consist of a comprehensive review of the study elements and, if necessary, an additional three-month period is also suggested in order to allow any affected codes that would be amended, to be properly considered through a separate public hearing and/or committee review processes.

He noted that in addition in anticipation of the moratorium, staff also sent out notices to all property owners and known business tenants. Staff also held an informational meeting on December 6, 2006 to review the moratorium concept with the affected property owners and/or business tenants. General concerns about the moratorium and its applicability to specific properties were discussed. Staff noted that if a project is deemed necessary and desirable by the Village Board, an exemption from the moratorium could be approved for a specific project.

He referenced the appendices within the staff report that depicted the moratorium area, the topics to be reviewed and a draft Ordinance for discussion and review.

He closed his presentation by noting some of the comments previously raised to staff including exemption provisions and change of use provisions.

Chairperson Ryan then opened the meeting for public comment.

John Moroni, owner of the Westgate Lincoln Mercury property, 500 E. Roosevelt Road, inquired further about the exemption provision. He also asked if the moratorium would allow for a new automotive establishment to be located on his property. Mr. Heniff noted that the intent of the ordinance is to provide to opportunity to allow for a like use to occupy the premises, but not a change of use.

Mr. Moroni stated that it may not be a smart move to have a property vacant for a nine-month period and asked if there is a possibility for an exemption. Mr. Heniff stated that the staff report and recommendation notes that if the Board finds that a project is of a substantial design and is consistent with the objectives of the corridor review, the Board could grant special exception.

Mark Blum, 400 Skokie Boulevard, Northbrook, represents Roosevelt Associates, owner of a shopping center within the corridor. He noted his existing tenants include Sports Authority, Fruitful Yield, Marshall's and X-Sport Fitness. He noted that the original Sportmart was located within the center. He raised concerns regarding the change in use provisions, noting that they do not to be negatively impacted by the proposed moratorium as it pertains to their ability to re-lease vacant tenant spaces. Mr. Heniff noted that the intent of the ordinance is to provide for similar retail uses to be able to occupy tenant spaces. He noted the example that if a sporting goods store would leave the center that a similar retail use, such as a clothing store, would be permissible. However, if it were to change to a differing land use such as an office use, it would not be a permitted exception to the moratorium.

Peter Friedman, attorney for Roosevelt Associates, sought a clarification regarding the change of use provisions. He noted that the draft ordinance is vague relative to this issue. He also stated that the draft ordinance does not specifically state the exemption provisions.

George Wagner, Village Counsel, noted that projects previously approved, would fall under the exemption provision.

John Hirsh III, 53 N. Main Street, Glen Ellyn, discussed his concerns regarding the exceptions to the moratorium ordinance. He asked about the process would be involved to get a hearing for an exemption from the moratorium, specifically as it relates to the Westgate property. Mr. Heniff stated that the site is already regulated by a planned development. Any changes to a planned development would be required to go to the Plan Commission and Village Board for consideration. This is typically a 90-day process. However, he noted that before considering an exception to the moratorium, staff would want to know what was being proposed for a site.

Mr. Hirsh noted that a prospective developer inquired about his property and met with staff, but staff did not want to review his concept plans for the site. Mr. Heniff noted that staff discussed the proposed moratorium with the prospective developer. However, in light of the proposed moratorium, it would be presumptuous for staff to provide comments and recommendations on the plans, as such recommendations may or may not reflect the ultimate goals of the corridor study. That is why staff wanted to start this review process.

Mr. Hirsh asked if it is possible to get exemption from the Board. Mr. Heniff stated that the first step in this process is to get Board approval of the moratorium concept. The second step would be to create an ad-hoc group, followed by the commencement of a review of the relevant issues and establishing recommendations. Staff does want process to be participatory with the property owners and tenants along Roosevelt Road.

Mr. Hirsh noted that there is limited interest in the domestic car market for retail stores and the import dealer radii limits ability of his site to be used for an import dealership. The nine-month period would create a hardship.

Chairperson Ryan then opened the meeting for comment among the Plan Commission members.

Commissioner Sweetser noted there is merit in looking at the corridor comprehensively. She inquired about other efforts that may have been done in the past and asked if the quick timeframe will be workable. Mr. Heniff noted that the nine-month review period is an aggressive timeline to be fair to property owners. He also noted that this process could be a model for future corridor reviews.

She then asked if the exemption provisions were spelled out properly within the draft ordinance. Mr. Heniff said that staff will review that issue with Counsel.

Mr. Wagner noted that the Plan Commission could provide specific concerns within the recommendation of approval.

Commissioner Burke inquired about clarifying what previously approved projects would be subject to the exemption provision. Mr. Heniff noted that projects that were previously approved by the Board prior to the establishment of the moratorium would be exempt. As an example, he noted an approved project at the corner of Highland Avenue and Roosevelt Road. Since the Board approved the zoning actions, the petitioner could start construction on the project, provided that the construction activity starts within one year from the date of the final approval, which is April, 2008. Other properties which did not require Board approval could start provided that a permit was issued prior to the start of the moratorium.

Commissioner Burke stated that it is not clear as to what projects would or would not be subject to the exception provision in the moratorium and he asked that the Ordinance clarify this issue.

Commissioner Burke then referenced an unincorporated property west of the existing Village limits. And asked how those properties should be handled. Mr. Heniff noted that the annexation agreement would provide even greater authority than a moratorium.

Commissioner Burke then asked about the boundary agreement between Lombard and Glen Ellyn -- would the moratorium affect the agreement? Mr. Heniff said the moratorium would not affect the boundary agreement.

Commissioner Sweetser asked about what affect on the moratorium might have on annexing properties in general. Mr. Heniff noted that an annexation agreement would provide greater control then even the proposed moratorium. The future ad-hoc group charged to review the development issues would not review unincorporated properties as they are not part of the moratorium.

Commission Nelson inquired about a proposed overlay district. Mr. Heniff, noted that overlay districts create additional regulations about those provided for within an underling zoning district. He noted that the Village previously established such a district along the North Avenue corridor in the early 1990s.

Commissioner Olbrysh stated would not want to see a lot of exceptions to the proposed moratorium. He referenced the statement regarding the exceptions within the standards for text amendments and wanted clarity on this issue.

Chairperson Ryan sought a clarification regarding who received notice of the proposed moratorium. Mr. Heniff noted that the Village notices of the public hearing to all property owners. We sent notices of the informational meeting held on December 6, 2006 to all property owners and all known businesses within the corridor.

Commissioner Flint asked if the moratorium could extend beyond the proposed nine-month period. Mr. Heniff stated that it is not staff's intent to go beyond a nine-month period. He noted that is it was to extend beyond the nine-month period, a new petition would need to be filed. Mr. Wagner noted support within court for 6-9 month period.

Commissioner Sweeter stated that the exemptions for past approvals issue needs to be clarified. Commissioner Burke consistency within the ordinance for clarity to protect people with permits already approved.

Mr. Wagner stated that the Plan Commission can note within their recommendation the three elements that the Commissioners would like to see reviewed within the report, including clarity on past approvals, exemption provisions and change of use provisions.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 06-36, subject to the following amendments to be made to the final draft Ordinance:

1. That the change of use provisions be more thoroughly addressed;
2. That the Ordinance be clarified as it pertains to the properties or projects that would be except from the Ordinance; and
3. That the Ordinance addresses the provisions for establishing exceptions to the moratorium.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

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c. Petitioner
Lombard Plan Commission