

August 19, 2004

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

**Subject: PC 04-24; 1101 & 1105 E. High Ridge Road**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition was heard at the July 19, 2004 Plan Commission meeting.

The petitioner requests that the following actions be taken on the subject property:

1. Annexation to the Village of Lombard;
2. Approval of a five-lot major plat of subdivision with the following variations:
  - a) For Lot 4 of the proposed subdivision: A variation from Title 15, Chapter 155, Section 405 (E) of the Village of Lombard Zoning Ordinance to reduce the minimum lot width from 75 feet to 35 feet in the R1 Single-Family Residence District;
  - b) For Lot 5 of the proposed subdivision: A variation from Title 15, Chapter 154, Section 506 (D) of the Village of Lombard Subdivision and Development Ordinance to allow for a lot without public street frontage.

Waheed Saeed, 221 Forest Trail, Oak Brook, stated that he wishes to annex 1101 and 1105 E. High Ridge Road into the Village. His subdivision proposal is based upon the Village's recommendations, and he believes that it is appropriate. The property will be divided into five lots. Lots 1, 2, and 3 will exceed the zoning requirements at 75 feet wide and 300 feet deep. They will each be greater than ½-acre. Lot 4 will require a variation for a 35-foot width and it will not be buildable. Lot 5 is mostly within a floodplain and it may be given to the County in the future.

Vice-Chairperson Flint then opened the meeting for public comment.

Nancy Walker, 1108 E. High Ridge Road, stated that she lives directly across the street from the property. At the May 17 Plan Commission meeting, she and a

group of other residents suggested that the lot be split into two 87-foot wide lots and one 86-foot lot. The proposed Lot 4 will create a gap in the flow of homes and could become a prairie. It will not be maintained and it could become an eyesore. She does not believe that the property owner to the east would be willing to sell his lot to the petitioner. She is concerned that Lot 4 will be developed as an access road for Lot 5, which will destroy the block frontage and negatively impact traffic, creating a public safety hazard.

The petitioner stated that even if he is unable to purchase the property to the east, someone eventually will. Builders want bigger lots, and in this high-demand area it is hard to find available land. Lot 4 won't remain undeveloped forever.

Commissioner Sweetser inquired as to the upkeep of Lot 4, stating that the neighbors would like to see something in excess of what is required by Code. The petitioner responded that the Village's Code Enforcement staff makes sure that all land is maintained. They do not allow tall grass, and the Village's ordinances will be enforced. He will be happy to maintain the lot as long as he owns it.

Bob Walker, 1108 E. High Ridge Road, stated that the property has been a mess for some time. He stated that the petitioner's proposal is fine, but he would like assurances that the 35-foot wide lot will be landscaped and will not be turned into a road. He does not want kids back there. He is in favor of a proposal that would only create three residential lots because a homeowner caring for the land will keep it better maintained.

The petitioner stated that Lombard's regulations are stricter than DuPage County's and the lots will be maintained properly. A developer will eventually purchase Lot 4 and use it to the best of his ability.

Vice-Chairperson Flint then requested the staff report. William Heniff, Senior Planner, stated that this petition has been modified from a previously denied petition. Lots 1, 2, and 3 will meet the R1 lot width requirement of 75 feet and they will be buildable. Lot 4 and 5 require a public hearing to approve variations for width and street access.

Mr. Heniff stated that if the subject property is not annexed into the Village, the proposed Lot 5 could be built upon as a matter of right under DuPage County's regulations. However, the Village does not allow this type of lot, as it does not provide for continuity or emergency access to properties. Staff would prefer to have Lot 4 and Lot 5 under the Village's jurisdiction to prevent the possibility of development on these lots. Also, Code Enforcement would be better able to enforce property maintenance requirements.

Mr. Heniff stated that the 35-foot strip would be unbuildable, as would Lot 5. This gives the assurance of no additional structures. If the property at 1111 E. High Ridge annexes into the Village, they could look at incorporating Lot 4 into a different project. Lot 5 is a floodplain area

that may be dedicated to the forest preserve. Staff believes that only three single-family residences should be built on this property, and recommends approval subject to the conditions noted in the staff report. These conditions have been reviewed and approved by Village counsel.

Ms. Walker asked if a road could be put on Lot 4 or anything other than grass. Mr. Heniff stated that if the forest preserve or park district wanted to locate a recreational facility or something of that nature, it would need to come back before the Plan Commission for approval because that is not part of this request. Right now, Lot 4 and Lot 5 are not buildable, and the 35-foot lot width is not wide enough to accommodate the 66 feet necessary for a public right of way.

Commissioner Olbrysh referred to a number of lots in the School/Ahrens area that are wider than 75 feet. He asked why the 35-foot strip is not being incorporated into the other three lots, since larger lots would be more valuable and would not require a width variation. Mr. Heniff stated that he believes the petitioner wanted to create three lots that meet Code. The petitioner stated that Lot 5 cannot be built upon because of the floodplain. As far as the 35-foot lot is concerned, someone will buy it. The neighboring property owner might purchase it to build two houses and make a lot of money. If the neighbor does not buy the lot, some small local builder will and it will end up being beneficial to the community as a whole.

Commissioner Sweetser asked if Lot 4 could be used as an access to a possible pedestrian path on Lot 5, should the forest preserve take over Lot 5. Mr. Heniff stated that staff has not looked at any development on Lot 4 and Lot 5, but the forest preserve has eminent domain powers to create an access road, if necessary.

Commissioner Burke asked if it would be appropriate to add a condition that Lot 4 must be landscaped at the time Lot 3 is landscaped, and it must be maintained consistently with Lot 3.

Commissioner Sweetser suggested that Lot 4 be landscaped with Lot 3 and kept in a manner that meets or exceeds Code.

Mohammed A. Saleem, 230 N. Cardinal Avenue, Addison, stated that he purchased Lot 3 and he does not want any development on Lot 4 to invade his privacy. He would like assurances that it will not be built upon. Mr. Heniff stated that the Plat of Resubdivision will show the lots as non-buildable, and Lot 4 will be landscaped when Lot 3 develops. As they are not buildable, they will remain as open space.

The petitioner responded that staff has explained several times that Lot 4 is not buildable. It will be a separate lot on paper, but because it will be maintained the same as Lot 3, no one will notice that it is legally a separate lot.

There were not further questions from the Plan Commission. Commissioner Burke moved to approve the petition, subject to the amended conditions. The motion was seconded by Commissioner Sweetser.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed request 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 PC 04-24, subject to the following conditions, as amended:

1. The proposed Lot 4 and Lot 5 shall not be considered buildable lots of record;
2. The proposed Lot 5 shall be relabeled as "Outlot A;"
3. The proposed Lot 4 shall be relabeled as "Outlot B;"
4. The petitioner shall submit a complete and corrected Plat of Resubdivision prior to consideration by the Board of Trustees; and
5. Lot 4 shall be maintained in accordance with Village Code. Additionally, when Lot 3 is developed, Lot 4 shall be landscaped with materials subject to the approval of the Director of Community Development.

Respectfully,

**VILLAGE OF LOMBARD**

Steve Flint  
Vice-Chairperson  
Lombard Plan Commission

DR:JB

attachments

c. Petitioner  
Lombard Plan Commission